

From the Editor's desk

Inside this edition

01 **From the editor's desk**

02 **ADR at the Companies Tribunal and its potential application to insolvency**

- by PJ Veldhuizen

04 **Quick, affordable, flexible: how to resolve business disputes via the Companies Tribunal**

- by Dumisani Mthalande

06 **Name Disputes Case Highlights**

- by Simukele Khoza

09 **Tribunal's outreach hit Northern Cape, Western Cape and Limpopo provinces**

- by Dumisani Mthalande

12 **New Appointments**

- by Simukele Khoza

13 **Farewell Message: Ms Agnes Tsele-Maseloanyane**

- by Irene Mathatho

The Companies Tribunal (the Tribunal) is delighted to present to you its 2018/19 first quarter Bulletin which is aimed at creating awareness about its services. During the first quarter of the financial year 2018/19, the Tribunal participated in the Department of Trade and Industry's education and awareness program in the Eden and Pixley ka Seme District Municipalities.

In partnership with the National Consumer Tribunal, the Tribunal presented a Guest lecture at the University of Venda which was attended by law students who are in their final year of study, lecturers and senior academics who specialise in company law. In its efforts in reaching out to the academia, a meeting was held with the University of Limpopo's School of Law.

This first quarter Bulletin features the following articles: ADR at the Companies Tribunal and its Application to disputes arising during the Business Rescue Process; Quick, affordable, flexible: how to resolve business disputes via the Companies Tribunal; Name Disputes case highlights; Outreach and public awareness; Farewell message and New Appointments.

We encourage stakeholders to make suggestions and contributions, such inputs must be sent to Messrs. Simukele Khoza and Dumisani Mthalande at the following email addresses: SKhoza@companiestribunal.org.za and DMthalande@companiestribunal.org.za, contact us on 012 394 3071 and send email to Registry@companiestribunal.org.za

I hope the articles featured will take your knowledge of the Tribunal to the next level.

Editor: S Khoza

Manager Research





Alternative Dispute Resolution at the Companies Tribunal and its Potential Application to Insolvency

- By PJ Veldhuizen

Introduction: Mediation and Arbitration

Mediation is where an independent facilitator assists the parties to reach a mutually acceptable solution to their dispute. A mediator will often assist the parties to identify the outstanding issues, evaluate priorities to open up the possibility of compromise and suggest potential solutions.

Arbitration is where dispute is submitted, by agreement between the parties, to one or more arbitrators who will hear representations from both sides and make a binding decision on the dispute. This process is similar to a court hearing, while effectively being a private dispute resolution procedure.

South African Company Law and the Establishment of the Tribunal

The Companies Act 71 of 2008 specifically had as one of its aims the facilitation of growth of the South African economy through the simplification and streamlining of the existing legislation and procedures. The Act also introduced some new innovations, one of which is the Companies Tribunal.

The Companies Tribunal was established to adjudicate in relation to any application made to it in terms of the Act and assist in the voluntary resolution of disputes.

It is required by the Act that the Members of the Companies Tribunal must have suitable qualifications and experience in economics, law, commerce, industry or public affairs and any panel adjudicating a matter must have at least one member who has suitable legal qualifications and experience.

Alternative Dispute Resolution at the Tribunal

If a matter is referred to the Tribunal for alternative dispute resolution, the referring party fills in Form 132.1, which is a simple, one-page document which allows the complainant to specify the section of the Act which has been breached and the conduct which has resulted in the breach. The complainant can also select whether they are applying for mediation, conciliation or arbitration.

If the complainant has requested mediation, the Tribunal will, on receipt of Form 132.1, appoint a member of the Tribunal to mediate the dispute. If the complainant requests arbitration, they will need to follow the normal High Court rules by filing founding, answering and replying affidavits. The parties can then agree whether the matter should be arbitrated solely on the affidavits filed or formally argued before the arbitrator. Depending on the complexity of the matter, the Tribunal will appoint a panel of either one or three presiding officers to arbitrate the matter.

The Tribunal's services, which include the hiring of a venue and the fee of the arbitrator or mediator, are currently free of charge. In the court system, semi-urgent matters have a waiting period of approximately three months and a matter can take three to four years to reach trial. By comparison, matters heard at the Tribunal typically reach a resolution within 25 working days for alternate dispute resolution and 80 working days for adjudication.

These services can be particularly useful in the contexts of Insolvency and Business Rescue, particularly because South

Africa does not have specialised bankruptcy courts.

Insolvency

With regards to insolvency, mediation and arbitration can be usefully applied to disputes between insolvent entities and third parties or in the application of insolvency related remedies, such as claims against directors and claims to set aside dispositions. In particular, this will allow the matters to be brought to resolution much quicker than going through the overburdened court system and ensure that costs are limited for everyone involved.

Although liquidators are professionals with their own set of skills, mediation and arbitration brings in a mediator with specialised training in negotiating corporate solutions for parties with widely disparate viewpoints. This allows them to facilitate negotiations between different groups such as shareholders, directors, different categories of creditors and financiers and to search for new and creative solutions for the disputes between them.

Another aspect to consider here is the usefulness of mediation in resolving disputes in cross-border insolvencies where judicial co-operation and transnational litigation can be complicated, time-consuming and expensive.

Business Rescue

Business Rescue is another innovation of the Act, which allows for the temporary supervision by a Business Rescue Practitioner of a company that is financially distressed. The Practitioner aims to facilitate the company's rehabilitation through a temporary moratorium on creditors' claims against the company and the development and implementation of a Business Rescue Plan. The Plan effectively restructures the company's affairs to maximise the likelihood of the company being able to trade out of Business Rescue or, if this is not possible, to yield better results for creditors and shareholders if the company is ultimately liquidated.

As with liquidation above, the process of Business Rescue is another area in which the principles of alternative dispute

resolution could be used very effectively. Good communication in Business Rescue is very important, and so a mediator would have a very useful role to play in relation to disputes between creditors and the Business Rescue Practitioner, such as disputes relating to the content of the Business Rescue Plan and the decisions taken by the Practitioner on creditors' claims.

One of the practical problems with the provisions relating to Business Rescue in the Act is that actions or requirements are prescribed in the legislation, but there are often no sanctions or penalties if the requirements are not met. For example, within ten business days of being appointed, the Practitioner must organise meetings with both the creditors and employees of the company. Similarly, the Practitioner is required to publish the Business Rescue Plan within twenty five business days of his or her appointment and any extensions should be approved by the court or a majority of creditors. There is no penalty listed in either of these sections if the Practitioner fails to comply timeously. The lack of sanction or penalty means that there is little legislative incentive for the Practitioner to be proactive about finalising the process. The Tribunal could play an important role in ensuring that these requirements are complied with, which would create an incentive for Practitioners.

The Tribunal, in their capacity as mediators, could provide out-of-the-box solutions to assist those parties in the resolution of their disputes which could prevent unnecessary court action.

In a situation where the ultimate goal is to see the company return to profitable trading, mediators are also useful tools in preserving the working relationships between the parties, which could otherwise be damaged by lengthy adversarial court processes. Mediation and arbitration also has the added advantage, as set out above, of saving or limiting the legal costs and time delays involved in the standard court process. In the context of Business Rescue this is particularly important, as time and money are both in short supply while the Practitioner is trying to develop and then implement the

Business Rescue Plan.

Conclusion

There are many disputes in the context of insolvency law and the Business Rescue process which could benefit from the involvement of a skilled and well-trained mediator who is

capable of finding creative solutions and engaging effectively with the various interested parties. The innovation of the South African Companies Tribunal provides a more efficient process, both in terms of time and money, for the resolution of disputes using alternate dispute resolution in this context.

Quick, affordable, flexible: how to resolve business disputes via the Companies Tribunal

- By Dumisani Mthlane

One of the Tribunal's main functions is to serve as an alternative dispute resolution forum



One of the most difficult situations a business owner or shareholder can face in these tough economic times is a company dispute.

When a company is involved in a court case, its productivity can be disrupted significantly. In addition, there is the anxiety associated with the thought of court litigation and financial and reputational risks.

It also means managers will spend substantial amounts of time dealing with lawyers, the media and other litigation-related issues. The cost of productive time lost in this way is largely hidden, but it takes management's attention away from core business issues.

Businesses need quick, efficient, affordable and predictable

ways to deal with such situations. In 2006, a study in the UK revealed that conflict in British business cost about £33bn (R596bn) a year. The costs associated with commercial disputes also go beyond litigation, as the process can involve time and resources invested over many years.

In South Africa, the Companies Tribunal is an independent entity of the Department of Trade and Industry. It plays a crucial role in reducing compliance regulatory costs by providing a speedy and cost effective dispute-resolution mechanism.

One of the main functions of the Tribunal is to serve as an alternative dispute resolution (ADR) forum for disputes arising out of the Companies Act No 71 of 2008.

ADR is a simple process of resolving disputes through mediation, conciliation and arbitration – similar to the way the Commission for Conciliation, Mediation and Arbitration operates. Tribunal members are trained in ADR and have experience and qualifications in commerce, economics, law, industry or public affairs. Some of these members act as high court judges and two are professors of law.

The Companies Act gives the Tribunal unlimited jurisdiction when it comes to ADR, as long as disputes fall within the scope of the Act. For instance, ADR matters handled during the

2017–18 financial year included directorship disputes, shareholding disputes, payments of dividends, and access to financial statements.

It should be noted that South Africa is still behind compared with other jurisdictions when it comes to commercial mediation. This could be due to the fact that South Africa is generally a litigious society, or due to lack of confidence in ADR.

There are four ways in which the Tribunal's ADR makes good business sense:

1. Cost effective and speedy

According to the Tribunal's Chairperson Dr Mohamed Alli Chicktay, "on average it takes about 240 court days for civil cases to reach a conclusion. In a fast-moving business world, this is too long and, inevitably, expensive." Depending on the complexity of the matter, the Tribunal's ADR process is completed within a day or two – and it's free of charge.

2. Flexible

ADR is scheduled at the parties' convenience, unlike litigation in court where parties must wait for a court date. The convenience allows parties to focus on their core business and remain productive. The Tribunal conducts ADR hearings where parties reside and it is not compulsory for any party to be represented by a lawyer. The informal nature of the proceedings is intended to make justice accessible to South Africans.

3. Preserves business relations

Parties have a bigger say in the ADR outcome, unlike in a "winner takes all" litigation process. The role of the Tribunal member is to help parties in dispute find a mutually beneficial solution. He or she cannot impose the terms of the settlement agreement. The conciliatory nature of the proceedings helps parties preserve relationships between suppliers and customers or between directors and shareholders, for example.

4. Confidential

All discussions and disclosures made during ADR are confidential and inadmissible as evidence in any court or other forum, unless they are recorded in a consent order signed by parties and the tribunal member and made an order of the court.

No party may be compelled to make any disclosure of information. Confidentiality is critical for a company, and court litigation is open to the public, which could tarnish the company's brand.

To lodge an application for ADR, applicants must complete form CTR 132.1 and file it with the Tribunal. The form must be accompanied by a statement of claim and supporting documents. The statement of claim should state how the dispute arose; the conduct that is the subject of the dispute; actions, facts and circumstances; and any other particulars of the request.

Applicants must indicate whether they wish to apply for mediation and/or conciliation or arbitration. In case of arbitration – which is a little different from mediation and conciliation, as it is akin to a formal court process – the statement of claim must be in a form of an affidavit.

Participation in the Companies Tribunal's ADR proceedings is voluntary. Any party can at any time withdraw from the proceedings without furnishing a reason for withdrawal.

Companies are encouraged to use the services of the Companies Tribunal as an alternative to seeking relief in court, and to include in commercial contracts the use of ADR services as an alternative to court proceedings.

Including an ADR clause in a commercial contract makes it easier to secure agreement on a dispute resolution mechanism when relationships are still intact. When a dispute arises, relationships may become strained.

**Image: 123RF/stockstudio44*

Name Disputes Case Highlights

- By *Simukele Khoza*

TOTAL SA (Applicant) vs **TOTAL R TRADING (PTY) LTD** (First Respondent) and the **Companies and Intellectual Property Commission (CIPC)** (Second Respondent)

The Applicant brought an application to the Tribunal in terms of section 160 of the Companies Act 71 of 2008 (the Act) read with section 11(2). The Applicant sought an order directing the First Respondent to change its name to one which does not incorporate and is not confusingly or deceptively similar to the Applicant's trade mark TOTAL.

This matter was adjudicated by the Tribunal before and in its findings dated 21 August 2017, the Tribunal directed the Applicant to serve the application on the director of the first respondent Mr Isaac Simanga Khuzwayo and his son Mr Khaya Khuzwayo. The Tribunal was satisfied that the application was adequately served, in accordance with regulation 142(2) of the Companies Regulations, 2011 (the 'Regulations') read with regulation 153.

It is the Tribunal's view that the Applicant's name TOTAL SA is not the same as the First Respondent's company name TOTAL R TRADINGS (PTY) LTD and section 11(2)(a) of the Act is consequently not applicable. In considering the merits of the case, the Tribunal found the following factors:

- The Applicant and the First Respondent uses an ordinary English word TOTAL.
- The public would less likely regard the ordinary English word TOTAL as a proprietary word.
- The Tribunal agreed with the Applicant that the First Respondents' name falsely imply or suggest, or be such as would reasonably mislead a person to believe incorrectly, that the company is part of, or associated with the Applicant.

The Tribunal ordered the First Respondent to choose a name that does not consist of or incorporate the word TOTAL or any other mark, which is not confusingly similar to the Applicant's TOTAL trademark within twenty (20) business days from date of the order. The First Respondent was ordered to file a notice of an amendment of its Memorandum of Incorporation, within 60 days of receipt of the order and was exempted from the requirement to pay the prescribed fee for filing the notice of amendment.

The order had to be served on the Applicant, First Respondent and the CIPC. In the event that the First Respondent does not comply with the order, the CIPC was directed to change the First Respondent's name to its company registration number within twenty (20) business days from date of the First Respondents failure to comply.

Order: Granted

MPHO LEDEARMAN RAMAFALO (Applicant) and **COMPANIES AND INTELLECTUAL PROPERTY COMMISSION (CIPC)** (Respondent)

On or about 07 February 2018, the Applicant lodged with the CIPC Form COR 9.1 (i.e. application to reserve a company name) and proposed the name "RAMAFALO". Also on 07 February 2018, through electronic means, the CIPC responded to the application for



name reservation by the Applicant by issuing Form COR9.5 refusing to reserve the Applicant's proposed name. CIPC advised the Applicant to apply to the Tribunal in terms of section 160 of the Companies Act 71 of 2008 (the Act) and regulation 13 of the Companies Regulations, 2011, for an order confirming or varying the notice in whole or in part or setting aside and directing the CIPC to reserve the proposed name.

The Applicant stated in his supporting affidavit that RAMAFALO INC is a name intended to be incorporated as a personal liability company and to practice thereunder as an Attorney, as prescribed by section 23(1)(c) of the Attorneys Act 53 of 1979 ("Attorneys Act"), as amended.

The Applicant further submitted that:

- there will be no confusion occasioned by the reservation of the name RAMAFALO INC and no prejudice will be suffered by any of the businesses that have already been registered with names having Ramafalo as one of their constituent elements;
- the refusal in terms of the Notice constitutes an infringement of my constitutional rights provided for in the Bill of Rights, as laid out in The Constitution of the Republic of South Africa, 1996, particularly, but not limited to rights to Equality (Section 9), Freedom of trade, occupation and profession (Section 22). This is especially considering that other eponymous names with Ramafalo as a constituent element have been registered, without much or any distinction between all or some of them;
- The chosen name, RAMAFALO INC, is in accordance with the Attorneys Act, which governs matters of my chosen profession; and
- The test applied by the CIPC in arriving at this decision appears highly subjective.

It is against this background that the Applicant applied to the Tribunal requesting that the Notice dated 07 February 2018, be set aside and direct the CIPC to reserve the name RAMAFALO INC".

The Respondent in its Notice Refusing Name Reservation stated that the name could not *"be approved due to the fact that it is confusingly similar to the name/s registered within the meaning of the name register, in particular in terms of Sec 11(2)(b) of the Companies Act"*. Furthermore, the approval of the Applicant's name, as proposed, *"will unequivocally cause confusion in the business world and it will further put members of the public under misapprehension into thinking and believing that Applicant's name is the mother body of all Ramafalo entities already registered within the meaning of the CIPC name register"*.

It is the Tribunal's view that the determination to be made in this matter did not concern whether or not the impugned name is confusingly similar to the names already registered with the CIPC, but whether or not the CIPC can refuse to reserve company names on the basis contended in this application. It is against this background that the Tribunal directed the parties to consider the matter or decision of *R V Handfiled- Jones* as it assists in laying out a basis for a determination to be made in this matter and sufficiently traverses the legal principles applicable to the current matter. Furthermore, in terms of the process set out in section 12 of the Act, the CIPC is only empowered to refuse name registration or reservation when they are the same as those already reserved or registered.

The Respondent was directed:

- (a) To reserve the name RAMAFALO INC for the Applicant within 20 business days from date of receipt of the order from the Registrar of the Tribunal.

- (b) To serve a copy of the application for name reservation (the Applicant's COR9.1 dated 07 February 2018) and confirmation or notice of the name reservation on any person that may have an interest in the use of the name RAMAFALO, including the proprietors of the names RAMAFALO CONSTRUCTION AND TRADING; NEO RAMAFALO; RAMAFALO FUNERAL SERVICES; RAMAFALO TRADING, and RAMAFALO M ATTORNEYS, within 30 business days from date of receipt of the order from the Registrar of the Tribunal.
- (c) To file proof of compliance with b) and c) of the order within 35 business days from date of receipt of the order from the Registrar of the Tribunal; and
- (d) The Registrar of the Tribunal was requested to send a copy of the order to the Applicant and the CIPC within 5 business days from date of the order.

Order: Granted.

EDGE CAPITAL PROPRIETARY LIMITED (Applicant) and EDGE GROWTH CAPITAL PROPRIETARY LIMITED (Respondent)

The Applicant brought the application in terms of section 160 (3) (b) (ii) and Regulation 153 of the Act for default order that the Respondent be ordered to change its name to one which does not incorporate and is not confusingly and/or deceptively similar to its name "EDGE CAPITAL". The Applicant filed an objection to the name "EDGE GROWTH CAPITAL" in terms of regulation 142 (1) (a) and (1) (b) of the Act.

The Applicant is a private company duly incorporated in terms of the Act, with its registered address at Edge House, 03 Heuwelkruin Close, Bellville, Western Cape while the Respondent is also a private company incorporated in terms of the Act, with its registered address at Investment Place Office Park, 10th Road Hyde Park, Johannesburg, Gauteng.

The Tribunal had to determine whether the name "EDGE GROWTH CAPITAL" is the same as that of the Applicant and whether the name of the Respondent is confusingly similar to that of the Applicant. The second issue is whether the name "EDGE GROWTH CAPITAL" would falsely imply or suggest, or be as would reasonably mislead a person to believe incorrectly, that the Respondent is part of, or associated with the Applicant.

The Tribunal found that the Applicant failed to produce evidence that:

- it has been established with branding of Edge for over 21 years and registered with the Financial Services Board with corresponding licence number: 882.
- it has been operating in the investment industry and as Financial Services Provider for the past 21 years and built a strong client base and sound name within the investment industry sector in South Africa.
- the use of the name "EDGE GROWTH CAPITAL" would reasonably mislead a person and or consumers to believe that the Respondent is part of or associated with the Applicant.

Order: Dismissed

Tribunal's outreach hit Northern Cape, Western Cape and Limpopo provinces

- By Dumisani Mthlane

The Tribunal held a series of engagements with various stakeholders in Northern Cape (NC), Western Cape (WC) and Limpopo provinces. The NC and WC engagements were the education and awareness campaigns organised by the Consumer and Corporate Regulation Division (CCRD) of the dti. While in Limpopo there was a guest lecture at the University of Venda and a meeting with the University of Limpopo's School of Law.

The WC campaign started at the Thusong Centre in Beaufort West on 31 May 2018, and was followed by another one held at KwaNonqaba Indoor Sports Centre in Mossel Bay on 01 June 2018. The Tribunal's participation was informed by its commitment to reach out to the business fraternity in the Eden District Municipality which is one of five in the WC. It comprises of seven local municipalities namely; Bitou, Knysna, George, Mossel Bay, Hessequa, Kannaland and Oudtshoorn. It is necessary for the Tribunal to reach out to other areas apart from Cape Town in the WC province because

most of the applications the Tribunal receive come from Cape Town. The Tribunal has held other engagements in Cape Town like the seminar with the Cape Law Society.

In the NC province, Pixley Ka Seme District Municipality was identified since the Tribunal has held an engagement in Kimberly. It was important to target the second-largest district of the five in the NC province since there is not many applications coming from the NC. The district is comprised of eight local municipalities which are Ubuntu, Umsobomvu, Emthanjani, Kareeberg, Renosterberg, Thembelihle, Siyathemba and Siyancuma. Campaigns were held at Bongani Community hall in Douglas on 19 June 2018, Carnarvon Primary hall in Carnarvon on 20 June 2018 and Augrabies Community hall in Kakamas on 22 June 2018.

The aim of these campaigns was to educate members of the community about the key principles emanating from the legislation focussing on: Liquor, National Gambling, Lotteries



Some of the delegates at the education and awareness campaign in Douglas Northern Cape

Amendment, National Credit, Consumer Protection, Copyright, Performers Protection and Companies Acts.

Mr Sbusiso Sasayi from CCRD who was the programme director kickstarted the sessions by explaining the purpose of these education and awareness campaigns. He made a presentation on how the community can register their companies online and the types of companies they can register. He also explained various Acts that fall within the scope of CCRD and their objectives. The following topics were covered:

- Consumer Protection Act, 68 of 2008
- Social and Ethics Committee
- Copyright and performers protection
- Credit law and policy
- Gambling law and policy
- Lotteries law and policy
- Liquor law and policy

The Tribunal's presentation was about its services and the procedure that should be followed in accessing those services. Information brochures were also distributed to attendees who were members of the community some of whom own various businesses. They showed great appreciation for these sessions.

Other entities who participated were, the National Consumer Commission, the National Credit Regulator, National Gambling Board, the National Lotteries Commission and the South African Responsible Gambling Foundation. Communities were afforded an opportunity to ask questions which ranged from company registration process, consumer rights and business funding.

University of Venda Guest Lecture

The guest lecture was held in conjunction with the National Consumer Tribunal (NCT) and the University of Venda (Univen) in Thohoyandou on 21 May 2018. It was attended by law students who are in their final year of completing their Degrees, lecturers and senior academics who specialise in company law.

It was aimed at raising awareness about both entities' services and highlight important principles arising from the Companies Act No. 71 of 2008, Consumer Protection Act, 68 of 2008 and National Credit Act, 34 of 2005. It provided an opportunity for both entities to share practical experience on how these legislations are implemented, develop strategic relations which will enable students to do either vacation work at the NCT or internship and further assist those who want to undertake further research on consumer credit as well as company law. The lecture also exposed students to different aspects of mercantile law as well as the practical application of the law in these fields. It was important for students to understand the mandate of the Tribunal because as future lawyers and legal practitioners, they will advise their clients to utilise the expeditious Companies Tribunal (CT) services and understand that there is an alternative quasi-judicial body instead of using the courts.

Mr Simukele Khoza CT's Manager Research made a presentation on the type of applications the CT adjudicates and filing process. He was followed by Mr Douglas Mokaba the CT's Legal Advisor who made an in-depth presentation on alternative dispute resolution (ADR) mechanism.

Mr Lehlohonolo Rabotapi who is the Registrar at the NCT focused on amongst others, international principles dealing with Consumer Rights, referral of matters to the NCT and types of disputes falling under the jurisdiction of the NCT and opportunities at the NCT.

The guest lecture presented a good opportunity for both Tribunals and the academia to robustly engage. It was also proposed that this lecture should take place annually. Issues that came out strongly during the discussion was the limited mandate of the CT, that social and ethics committee exemptions should not be granted and enforceability of CT decisions.

It must be noted that the CT's mandate will be reconsidered in terms of the proposed amendments to the Companies Act.

For the 2017/18 financial year 60% of applications for exemptions from establishing SEC were declined. The Tribunal's orders in terms of ADR can be made court orders

allowing parties to enforce them without incurring more costs than it would have been had they opted for litigation.



Some of the students and academics who attended the guest lecture



Students and academics listening to CT's presentation

University of Limpopo Meeting

The Univen guest lecture was followed by a meeting with the University of Limpopo School of Law on 22 May 2018 in Polokwane. The meeting was aimed at introducing the CT and NCT to the School of Law with the aim of establishing long lasting partnership. It was also aimed at raising awareness about the CT's services in terms of the Companies Act (the Act) and services offered by both entities.

Mr Simukele Khoza CT's Manager Research presented the Tribunal's mandate and what CT seeks to achieve through partnering with the university. He gave a brief overview about the CT in terms of establishment, type of applications it adjudicates and alternative dispute resolution mechanism. While on the other hand Mr Lehlohonolo Rabotapi who is the Registrar at the NCT gave a brief presentation on the mandate

of the NCT, how can the university utilize NCT's office in Polokwane and opportunities that are available for students.

Professor Mzukisi Njontini who is the director at the School of Law, appreciated the engagement and stated that this proposed partnership is great news for the University.

Resolutions and proposals made:

- It was proposed that there should be a memorandum of understanding (MOU) signed by all three institutions
- There should be a workshop/seminar that should be held at the beginning of August or end of July

- Students should be exposed to how the CT conducts its hearings through sending few students to one of the hearings

The CT will continue to foster partnerships with other academic institutions across the country because they play a critical role in shaping opinion and moulding society in general. If we want the country to utilize alternative ways of resolving disputes, universities can play a key role in influencing the change. Furthermore their research can be beneficial towards improving the effectiveness of our mandate.

New Appointments

- By Simukele Khoza

The Tribunal is committed to the development and improvement of skills of the South African youth by providing internship to enhance graduates' workplace skills and provide Interns with practical work experience. This commitment is in line with the Skills Development Act of 2008 as amended.

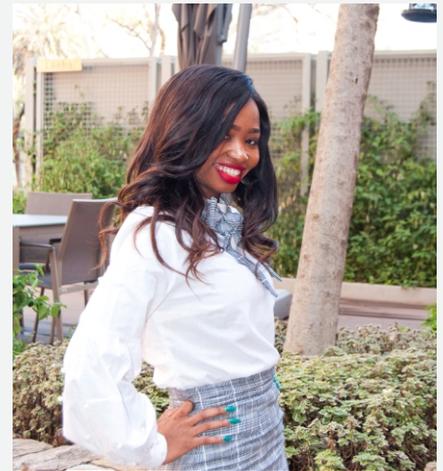
The Tribunal welcomes Ms Naledi Aphane (Intern: Supply Chain Management) and Mr Johannes Gafane (Intern: Information Technology) in their respective roles. Since they joined the Tribunal, they have distinguished themselves as reliable, motivated and willing to always learn.

Ms Naledi Aphane completed Baccalaureus Technologiae in Logistics (B-Tech) at the Tshwane University of Technology in 2017. Ms Aphane highlighted her excitement of being part of the Tribunal. She says "it presents a

good opportunity to bridge the gap between theory and practice". She has observed that the Tribunal provides a conducive environment to bring out the best in her.

Mr Johannes Gafane holds Bachelor of Science in Computer Sciences from the University of Limpopo, completed in 2014. He believes that "technological advancement is vital to improving the work environment by providing much needed solutions". Mr Gafane believes that it is not about him getting the opportunity to serve the Tribunal but about making a meaningful and sustainable contribution that exists long after his contract expires.

The Tribunal is pleased to have appointed Interns who share the vision of the Tribunal of being a world class adjudicatory and dispute resolution organisation, that contributes to the



Ms Naledi Aphane



Mr Johannes Gafane

promotion of fair and ethical business practices. It is the Tribunal's goal to empower Interns with the necessary skills and knowledge with the hope and understanding that they

are the country's future leaders. The Tribunal congratulates and wish them well during their stay at the Tribunal.

Farewell Message: Ms Agnes Tsele-Maseloanyane

- By Irene Mathatho



as a way of raising awareness about the services of the Tribunal. It was through your guidance that the Tribunal was able to reach out to the Law Societies, Academia and Business formations.

We bid a tearful goodbye however; these are tears of joy, knowing that the legacy will continue. It is fulfilling to note that even where we held different viewpoints, we would always find common ground, that is highly appreciated and you will be missed just for that.

As we depart we know that the scripture in Romans 8: 28 says that "and we know that for those who love God all things work together for good, for those who are called according to His purpose". Everything will continue to work for your good, even outside Tribunal. We are grateful for the time we shared with you and we wish you all the best outside Tribunal. May God continue to bless you. From all of us at CT!!

The end of July 2018 marks an unforgettable year for us as the Tribunal. We are bidding farewell to a boss, leader, mother, sister, friend, you name them, whom we affectionately call her "Ausi Agnes"

We were blessed to have had the opportunity to work with a boss like you. A prayerful woman, a woman that we all knew that is Christ first and the rest follows. It is through a leader like you, that every staff member can say they have learnt good ethical principles in a workplace.

We benefited so much from your leadership, as a result, the Tribunal is one of the best performing entities under the dti. The Tribunal is proud that through your excellent leadership and commitment to good governance, clean audit was awarded by the Auditor-General for 2015/16 and 2017/18.

Since inception, first billboards were installed on the N1 Highway

Tel : (012) 394 3071 | Fax : (012) 394 4071

Physical address

the dti Campus Block E - 3rd Floor
77 Meintjies Street
Sunnyside
Pretoria
0002

Website

www.companiestribunal.org.za

Email

Registry@companiestribunal.org.za