



TABLE OF CONTENTS

PART A: GENERAL INFORMATION 2

1. Companies Tribunal General Information	2
2. List of Abbreviations and Acronyms	3
3. Foreword by the Minister	4
4. Submission of the Annual Report to the Executive Authority	6
5. Report of the Chairperson	7
6. Strategic Overview	10
6.1 Vision	10
6.2 Mission	10
6.3 Values	10
7. Legislative Mandate	10
8. Companies Tribunal Organisational Structure	12

PART B: PERFORMANCE INFORMATION 13

1. Auditor-General's Report: Predetermined Objectives	13
2. Situational Analysis	13
2.1 Service Delivery Environment	13
2.2 Organisational Environment	13
2.3 Key Policy Developments and Legislative Changes	14
2.4 Strategic Outcome-Oriented Goals	14
3. Performance Information by Programme	15
3.1 Programme 1: Adjudication	15
3.1.1 Strategic goals and objectives, outputs, performance indicators, planned targets and actual achievements	15
3.1.2 Purpose of the Programme	16
3.1.3 Highlights of cases	18
3.1.4 Appeals and reviews	23
3.2 Programme 2: Administration	24
3.2.1 Strategic objectives, outputs, performance indicators, planned targets and actual achievements	25
3.2.2 Research	29
3.2.3 Communication and marketing	29
3.2.4 Corporate services	32
3.2.5 Office of the Chief Financial Officer (CFO)	32
3.3 Strategy to Overcome Areas of underperformance	33
3.4 Changes to Planned Targets and Performance Indicators	33
3.5 Linking Performance with Budgets	33

PART C: GOVERNANCE 35

1. Overview of the Governance Structure	35
2. Portfolio Committee	35
3. Executive Authority	35
4. Accounting Authority	35
5. Risk Management	35
6. Combined Assurance Plan	36
7. Internal Audit	36

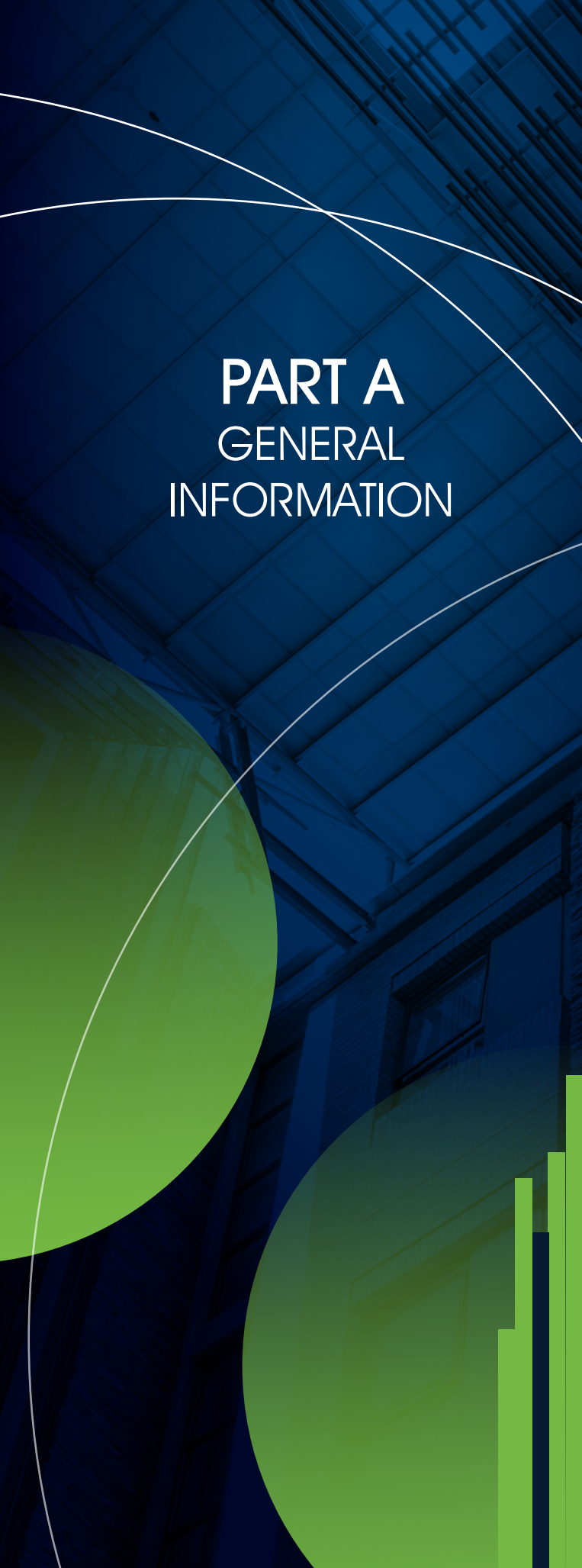
8. Audit and Risk Committee	36
9. Remuneration and Human Resources Committee (REMCO)	37
10. Compliance with Laws and Regulations	37
11. Fraud and Corruption	38
12. Minimising Conflict of Interest	38
13. Code of Conduct	38
14. Health, Safety and Environmental Issues	38
15. Report of the Audit and Risk Committee	39
15.1 Audit and Risk Committee Responsibility	39
15.2 The Effectiveness of Internal Control	39
15.3 Quality Management, Monthly/Quarterly Reports and PFMA Compliance	40
15.4 Evaluation of Annual Financial Statements	40
15.5 Combined Risk Assurance	40
15.6 Internal Audit	40
15.7 Auditor-General of South Africa	40
15.8 Commendations	40
15.9 Conclusion	40

PART D: HUMAN RESOURCES MANAGEMENT 41

1. Introduction	41
2. Human Resources Oversight Statistics	42
2.1 Personnel cost by programme	42
2.2 Personnel cost by salary band	42
2.3 Performance rewards	42
2.4 Training costs	43
2.5 Employment and vacancies	43
2.6 Employment changes	43
2.7 Reasons for leaving	44
2.8 Labour relations: Misconduct and disciplinary action	44
2.9 Equity targets and employment equity status	44

PART E: FINANCIAL INFORMATION 45

1. Statement of Responsibility and Confirmation of Annual Report and Annual Financial Statements	45
2. Report of the Auditor-General	46
3. Annual Financial Statements	50
3.1 Accounting Authority's Responsibilities and Approval	51
3.2 Statement of Financial Position	52
3.3 Statement of Financial Performance	53
3.4 Statement of Changes in Net Assets	54
3.5 Cash Flow Statement	55
3.6 Statement of Comparison of Budget and Actual Amounts	56
3.7 Accounting Policies	57
3.8 Notes to the Annual Financial Statements	63
Annexure: Companies Tribunal Members	76



PART A GENERAL INFORMATION

1. Companies Tribunal General Information

Registered name:

Companies Tribunal

Registered office address:

The dti Campus
Block E 3rd floor
77 Meintjies Street
Sunnyside
Pretoria, 0002

Postal address:

Companies Tribunal
PO Box 27549
Sunnyside
Pretoria
0002

Contact information:

Telephone number: 012 394 3071
E-mail address: Registry@companiestribunal.org.za
Website address: www.companiestribunal.org.za

External auditors:

Auditor-General of South Africa

Bankers:

Standard Bank of South Africa
Corporation for Public Deposits

2. List of Abbreviations and Acronyms

Abbreviation	Description
ADR	Alternative dispute resolution
Adv.	Advocate
AGSA	Auditor-General of South Africa
AGM	Annual General Meeting
ARC	Audit and Risk Committee
ASB	Accounting Standards Board
B-BBEE	Broad-based black economic empowerment
BIG	Business Innovation Group
CFO	Chief Financial Officer
CIPC	Companies and Intellectual Property Commission
CMS	Case management system
dti	Department of Trade and Industry
FIFO	First-in first-out
FTM	Fulltime Tribunal Member
GEPF	Government Employees' Pension Fund
GRAP	Generally Recognised Accounting Practice
IESBA	International Ethics Standards Board for Accountants
IoDSA	Institute of Directors of Southern Africa
IRBA	Independent Regulatory Board for Auditors
ISA	International Standards on Auditing
IT	Information technology
JSE	Johannesburg Stock Exchange
NT	National Treasury
PAA	Public Audit Act
PAYE	Pay-as-you-earn
PFMA	Public Finance Management Act, Act No1 of 1999
PPFPA	Preferential Procurement Policy Framework Act, Act No. 5 of 2000
REMCO	Remuneration and Human Resources Committee
SAICA	South African Institute of Chartered Accountants
SAILPL	South African Institute of Intellectual Property Law
SAJEI	South African Judicial Education Institute
SARS	South African Revenue Service
SCCL	Specialist Committee on Company Law
SCM	Supply chain management
SDL	Skills development levy
SEC	Social and Ethics Committee
SMME	Small and medium and microenterprises
the dti	Department of Trade and Industry
Tribunal	Companies Tribunal
UIF	Unemployment Insurance Fund
Unisa	University of South Africa
VAT	Value added tax
WCA	Workers Compensation Assistance



3. Foreword by the Minister

DR ROB DAVIES, MP
MINISTER OF TRADE AND INDUSTRY

“
The effective and efficient resolution of company disputes by the Tribunal enhances investor confidence in the country's justice system, thus impacting positively on the economy
”

The mandate of the Companies Tribunal in terms of Section 195 of the Companies Act No 71 of 2008 is to adjudicate applications made in terms of the Act and resolve disputes through mediation, conciliation and arbitration. In the exercise of its powers, the Tribunal is enjoined to act in a fair, transparent and independent manner. The Tribunal is one of the key institutions contributing to the creation of a just, fair and ethical regulatory business environment that is conducive to sustainable enterprise development and attracts investments. The effective and efficient resolution of company disputes by the Tribunal enhances investor confidence in the country's justice system, thus impacting positively on the economy.

As an alternative to the courts, it is crucial for the Tribunal's decisions to be delivered speedily and cost effectively, resulting in cost savings and minimum disruptions to businesses. Because of the informal nature of proceedings before the Tribunal as a quasi-judicial body, it is not necessary for parties to be legally represented when appearing. The informal nature of proceedings is intended to make justice easily accessible to all South Africans. Furthermore, Tribunal services are free of charge, thus giving ordinary South Africans access to justice that would otherwise have been denied them by the prohibitive costs of litigation.

The number of new cases received by the Tribunal during the year increased by 14% for adjudication and decreased by 11% for alternative dispute resolution (ADR) compared to the previous year. The decrease in ADR cases is concerning, as it may reflect a litigious culture. The increase in adjudication cases may be attributable to outreach efforts undertaken by the Tribunal during the year under review. I am hopeful that the proposed amendments to the Act will result in a significant increase in the number of new cases lodged with the Tribunal.

Some of the disputes that the Tribunal handled in the year under review involve applications for exemptions from establishing social and ethics committees (SECs), directorship disputes, name disputes, extensions of time for holding annual general meetings (AGM's), holding an AGM and reviewing of CIPC's decisions and compliance notices.

The establishment of SECs, as required in terms of the Act, is intended to promote good corporate governance and safeguard the interests of stakeholders. The number of new applications for SECs increased by 26% compared to the last financial year. The increase may be the result of the expiry of the five-year exemptions granted when the Act came into operation. Application numbers for exemption from establishing SECs remain relatively low in comparison to the pool of potential companies that are required by the Act to establish SECs. This low number may indicate that business is starting to recognise the need for and significance of having a social and ethics committee in their operations. The weight of responsibilities associated with these committees should not be underestimated and include monitoring the companies' activities, ensuring compliance with legislation and other legal requirements relating to social and economic development, employment equity, broad-based black economic empowerment (B-BBEE), corruption and the environment, health and public safety. A failure by companies to establish SECs may have a detrimental impact on the economy, resulting in harm to communities, consumers, the environment and sustainability of enterprises in the long term.

Companies that applied for SEC exemption are operating mostly in the energy, financial, and property sectors. It is encouraging to note that 60% of applications for exemption have been declined by the Tribunal.

“
The
Companies Tribunal
is continuously making
good progress in
delivering on its
mandate
”

As many applications received by the Tribunal relate to company name disputes, the Tribunal hosted a seminar on this issue. The name of a company is significant not only because of its sentimental value, but because of the monetary value or goodwill accumulated through the investment of much capital in branding the business, its products, services or trademark. The Tribunal has extended its outreach to academia to shape the thinking of future legal practitioners to appreciate the Tribunal's significant role in the justice system. The Tribunal also extended its outreach to the legal fraternity and professional bodies such as the South African Institute of Chartered Accountants (SAICA) and the Institute of Directors of Southern Africa (IoDSA).

The Companies Tribunal is continuously making good progress in delivering on its mandate, as evident in the improved turnaround times in the issuing of decisions and 90% achievement of targets. Furthermore, it has consistently maintained a good track record managing its finances, as reflected in the third consecutive clean audit as per the financial statements.

I would like to thank the Chairperson and Accounting Authority, Dr Mohamed Chicktay, and his team for the excellent work done in ensuring that the Tribunal plays a key role in the administration of justice in the country.



Dr Rob Davies, MP
Minister of Trade and Industry

4. Submission of the Annual Report to the Executive Authority

It gives me great pleasure to present to the Minister the sixth Annual Report together with the Financial Statements of the Companies Tribunal for the period ended 31 March 2018. The report highlights the Companies Tribunal's achievements for the year under review, which was marked by a significant improvement in the Tribunal's performance. The Financial Statements reflect the consistently sound financial management of the Companies Tribunal.



Dr Mohamed Alli Chicktay

Chairperson

Companies Tribunal

31 July 2018



5. Report of the Chairperson

Dr Mohamed Ali Chicktay
CHAIRPERSON COMPANIES TRIBUNAL

The Tribunal is one of the suite of agencies established by Government to make South Africa an attractive investment destination. It is mandated in terms of Section 195 of the Companies Act (2008) to adjudicate applications, resolve disputes through ADR (mediation, conciliation and arbitration) and perform any other function assigned to it by, or in terms of, the Act or any law in Schedule 4 of the Act. In delivering on this mandate, the Tribunal is expected to exercise and perform its function in line with the values enshrined in the Constitution of the Republic of South Africa. It must be independent and perform its functions impartially, without fear, favour or prejudice, and in a transparent manner.

“
The Tribunal
focused its efforts on
enhancing operational
efficiency, ... as a result, it
exceeded all the targets set for
adjudication of cases and
resolution of disputes
”

For the year under review, in line with its vision of being a world-class organisation, the Tribunal focused its efforts on enhancing operational efficiency, particularly in turnaround times for delivering decisions. As a result, it exceeded all the targets set for adjudication of cases and resolution of disputes.

The number of new adjudication cases rose by 14% over the previous year. Of these new cases, 4% related to extensions of time for holding annual general meetings (AGMs), 0.4% to holding an AGM, 70% to name disputes, 12% to directorship disputes, 9% to exemption from establishing an SEC, 0.8% to exemptions in terms of Section 6(2), 0.8% to review of Companies and Intellectual Property Commission (CIPC) decisions and 3% to review of compliance notices issued by the CIPC. Similar to the previous financial years, most new cases related to name disputes.

The caseload, i.e. new cases and cases brought forward from previous years, on adjudication for the year under review, was 254, 205 of which were finalised. Most of the 49 cases remaining at financial year-end were not finalised due to the need for compliance with the statutory filing period before a matter can be adjudicated. A total of 96% of the decided cases were decided within 30 days of the date of allocation, compared to 98% in the last financial year, while 100% were

decided within 30 days of the date of hearing, compared to 80% in the previous financial year.

There was a 26% increase in applications for exemption from appointing an SEC compared to 2016/17. Most of these applications were from the energy, financial and property sectors. The main reason advanced by these companies is that, due to the nature and extent of their activities, it is not in the public interest to establish an SEC. There was an 11% decrease in the number of new ADR cases compared to the previous financial year, which indicates a need for engagement with stakeholders, especially the legal fraternity, to secure buy-in to use the Tribunal and not the courts as the dispute resolution forum of first resort.

It takes on average 240 court days for a civil case to conclude compared to fewer than 25 days for ADR under the Tribunal. In fact, it is the parties who control the pace of proceedings and the outcome. Furthermore, ADR is informal, speedy, reduces the cost of doing business and saves management time that would otherwise be consumed by protracted litigation. These attributes make it an ideal way of resolving company disputes in a fast moving and changing business world.

ADR cases focused on directorship and shareholding disputes, payment of dividends and access to financial statements.

Of the total number of applications for adjudication and ADR cases dealt with during the year, 68% were lodged without legal representation. This is an increase of 32% of clients without legal representation over the previous year. Approaching the Tribunal without a legal representative is encouraged, as it reduces the cost of doing business. In addition, the Tribunal holds ADR facilitation sessions in the area where both parties are located.

The Tribunal increased its outreach efforts through outdoor advertising, print and electronic media, and stakeholder engagement. It also hosted the annual seminar in Gauteng on company name disputes. The Tribunal continues to participate in the Specialist Committee on Company Law headed by Prof Michael Katz, making a contribution to the development of company law in general.

As part of enhancing efficiency, the Tribunal developed a code of conduct for mediators to promote service excellence and to give parties involved in a dispute an assurance of the

quality of service rendered by the Tribunal and the method of complaining when such standards are not met. The Tribunal continued to engage the dti on amendments to the Companies Act, 2008, with a view to enhancing the Tribunal's mandate.

Based on lessons learnt since the Tribunal's inception, an organisational review was conducted as part of efficiency improvements to ensure that the Tribunal is adequately and properly resourced to carry out its mandate. The outcome of the review is expected in the first quarter of the coming financial year.

Attention was paid to maintaining effective systems of internal control and sound financial management. These measures, as in the previous financial year, ensured that no irregular, and fruitless or wasteful expenditure was incurred during the year. All issues raised by the Auditor-General during the previous financial year's audit have been addressed.

The Tribunal received a clean audit report from the Auditor General of South Africa for the third consecutive year, which signals continuous commitment to good governance, and clean and accountable administration. The annual financial statements fairly represent the Tribunal's financial position and performance for the year under review. There are no material facts or circumstances that materially affect or could affect the financial position of the Tribunal as a going concern. However, funding has proved insufficient to carry out its mandate, resulting in a deficit of R3 263 123.00 for the year under review. The Tribunal will continue to engage the dti on increasing the baseline funding.

The Tribunal supports the development of small, medium and micro enterprises (SMMEs) and broad-based black economic empowerment (B-BBEE) enterprises, with 73% of its procurement sourced from B-BBEE levels 1, 2 and 3 contributors. Furthermore, the Tribunal paid 99% of suppliers within 30 days, with 95% being paid within 15 days.

Major challenges during the year included inappropriate hearing rooms and budgetary constraints, resulting in a budget deficit. The development and implementation of the case management system took longer than anticipated, but, by year-end, development was advanced. It is anticipated that the system will be operational in the next financial year. Despite these challenges, I am confident that the Tribunal has



It takes an
average of 240 court
days for a civil case
to conclude compared
to fewer than 25 days
for ADR under the
Tribunal.



delivered on its mandate. I take this opportunity, on behalf of the Tribunal, to thank the Executive Authority, Minister of Trade and Industry Dr Rob Davies, MP, and the Director-General of the Department of Trade and Industry, Lionel October, and his team for their continued leadership and support. My appreciation goes also to my fellow Tribunal members, Audit and Risk Committee (ARC) members, Remuneration and Human Resources Committee (REMCO) members, Information Technology (IT) Steering Committee members, the internal auditors (Business Innovation Group - BIG), the Auditor-General of South Africa (AGSA) and the staff of the Tribunal for their commitment and outstanding contributions.

I am committed to ensuring that the Tribunal is a world-class organisation that places serving the people of South Africa, ethics, efficiency and excellence at the core of its values.



Dr Mohamed Alli Chicktay

Chairperson

Companies Tribunal

30 July 2018

6. Strategic Overview

6.1 Vision

The Companies Tribunal's vision is to be a world-class adjudicatory and dispute-resolution organisation that contributes to the promotion of fair and ethical business practices.

6.2 Mission

- To adjudicate applications made in terms of the Companies Act (2008); and
- To provide ADR through conciliation, mediation and arbitration.

6.3 Values

- **Accountability:** Delivering on our plans and commitments and taking responsibility for our conduct;
- **Impartiality:** Conducting ourselves in a fair and just manner, without fear, favour or prejudice;
- **Transparency:** To be reasonably open about our policies, procedures and conduct;
- **Equitability:** To be fair and just to all persons, as dictated by reason, policies and norms of the Tribunal;
- **Efficiency:** To produce outputs expeditiously, with optimum use of resources;
- **Accessibility:** To be readily available to the public and stakeholders;
- **Professionalism:** To be courteous, punctual and responsible in adhering to policies, values and the code of conduct of the Tribunal when dealing with the public and other stakeholders;
- **Respect:** to treat all people with dignity and honour in accordance with the values of the Tribunal;
- **Ethical:** To act with integrity and to be guided by the Tribunal's code of conduct and policies.

The Tribunal's mandate, in terms of Section 195 of the Companies Act, is to:

- a) Adjudicate in relation to any application that may be made to it in terms of the Act and make any order provided for in the Act in respect of any such application.
- b) Assist in the resolution of disputes as contemplated in Part C of Chapter 7 of the Act.
- c) Perform any other function assigned to it by or in terms of the Act or any law in Schedule 4.

In delivering on this mandate, the Companies Tribunal is expected to exercise and perform its functions in line with the spirit, purport and objects of the Constitution, international law and the Companies Act, and in a manner that is transparent, impartial and without fear, favour or prejudice.

In addition to the founding legislation, i.e. the Companies Act as well as the Tribunal's guidelines, the Tribunal considers the legislation and policy prescripts, including the Constitution, in addressing the purpose and policy of the Act. The role of the Constitution in the Tribunal's processes is discussed below.

Constitution of the Republic of South Africa

Through its adjudicative mandate, the Tribunal plays a significant role in upholding and preserving the principles enshrined in the Constitution's Bill of Rights. It has a direct impact on the following areas within the Constitution of the country under the Bill of Rights:

- **Section 9: Equality:** By remaining accessible to diverse groups of individuals and businesses, the Tribunal plays a role in ensuring that parties have the right to equal protection and benefits of the law. Additionally, the Tribunal strives, through its value system, to respect human diversity and ensure that no form of discrimination is tolerated
- **Section 10: Human dignity:** Through the adjudication process, the Tribunal ensures that prohibited conduct, as well as the relevant action thereto, does not impair human dignity
- **Section 14: Privacy:** While adhering to its founding legislation, and as part of its adjudicative role, the Tribunal ensures that the privacy of persons is protected
- **Section 33: Just administrative action:** The Tribunal ensures it hears both sides to a dispute and that it issues reasons for its decisions
- **Section 34: Access to courts:** Everyone has the right to have any dispute that can be resolved

7. Legislative Mandate

The Companies Tribunal is established in terms of Section 193 of the Companies Act, Act No. 71 of 2008, as a juristic person. In terms of the Act, the Tribunal has jurisdiction throughout the Republic. It is independent and subject only to the Constitution and the law.

by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum

- Section 195: Public entities must be governed by the democratic values and principles enshrined in the Constitution, which include:

- A high standard of professional ethics to be promoted and maintained

- Efficient, economic and effective use of resources must be promoted
- Services must be promoted impartially, fairly, equitably and without bias
- Accountability
- Transparency
- Broad representation of South African people, with the need to redress the imbalances of the past.



Companies Tribunal Staff Members, Back row, from left: Johannes Gafane, Dumisani Mthlane, Tebogo Mputle, Mandla Zibi, Sammy Ramaphoko, Curtis Mbhalati, Ntombi Hlumbana, Simukele Khoza.

*Front Row, from left: Irene Mathatho, Naledi Aphane, Charmaine Wessels, Agnes Tsele-Maseloanyane (Fulltime Tribunal Member), Mpho Ratya (*Absent: Douglas Mokaba, Keikanetswe Sebokoane)*

8. Companies Tribunal Organisational Structure



Filled funded positions

13

Vacant funded positions

2

Vacant unfunded positions

13

Part-Time and Independent positions

13

PART B PERFORMANCE INFORMATION

1. Auditor-General's Report: Predetermined Objectives

The Auditor-General of South Africa currently performs the necessary audit procedures on the performance information to provide limited assurance in the form of an audit conclusion. The audit conclusion on performance is measured against predetermined objectives and is included in the report to management. Material findings are reported under the 'predetermined objectives' heading in the other legal and regulatory requirements section of the auditor's report.

2. Situational Analysis

2.1 Service Delivery Environment

Service delivery to the citizens of South Africa has become more pronounced to avoid public protest associated with lack of service delivery.

The administration of justice is at the core of a well-functioning society. The Tribunal needs to be accessible to members of the public and needs, especially, to ensure justice for historically disadvantaged individuals (HDIs). Most HDIs are new entrants to the economy and need institutions such as the Tribunal to ensure that they are made aware of their rights and are able to enforce them. It is against this backdrop that the Tribunal undertook outreach activities and marketing through outdoor marketing, print and electronic media.

2.2 Organisational Environment

The Tribunal undertook an organisational review to ensure that it remains effective and efficient in delivering on its mandate, even though it continues to operate under severe budgetary constraints, resulting in budget deficit.

There was one resignation during the year. Three interns were appointed in line with the Skills Development Act No 97 of 1998 - one each in research, IT and supply chain management (SCM). There have been no new appointments due to the organisational review.

Finding suitable space for hearing rooms continues to be a challenge.

2.3 Key Policy Developments and Legislative Changes

The Tribunal continues to engage the dti and the Specialist Committee on Company Law (SCCL) on proposals it submitted to the dti for an amendment of the Companies Act relating to its mandate. Key among the changes was the amendment of the ADR framework to ensure that it is effective as a mechanism for resolving disputes. The other proposal was the extension of the powers of the Tribunal to include, for instance, adjudication of directorship disputes involving more than two directors.

2.4 Strategic Outcome-Oriented Goals

- **Adjudicate and make orders in relation to any application**

The Tribunal has made good progress in achieving this goal, having exceeded its 90% target of decisions issued within 30 working days of the date of hearing by achieving 100%. The Tribunal also exceeded the target for issuing decisions within 30 working days of the date of allocation,

achieving 96% against a 90% target. These turnaround times are significantly shorter than court processes.

- **Resolution of ADR cases**

The Tribunal exceeded its target of ADR cases, achieving 100% against a target of 85% for finalising cases after the date of the final hearing or final submission by parties, whichever is applicable. This is an improvement from the previous financial year's performance, which was 79%.

- **Ensure operational effectiveness and efficiency of the Tribunal**

The Tribunal achieved two of the three targets set under this goal. The case management system implementation target was not met, as procurement of IT infrastructure took longer than expected.

- **Effective stakeholder engagement**

The stakeholder engagement target was exceeded, as the Tribunal hosted a seminar on company name disputes, which was a great success in terms of both discussions held and attendance, which exceeded the anticipated number of delegates by 33%.



Staff celebrating Heritage Day

3. Performance Information by Programme

The Tribunal comprises two programmes: Adjudication and administration.

3.1 Programme 1: Adjudication

Adjudication: To adjudicate and make orders on applications made in terms of the Companies Act, 2008, as well as to resolve ADR cases.

Members of the Tribunal are appointed by the Minister of Trade and Industry to adjudicate applications and resolve disputes on papers filed with the Tribunal. Hearings are held depending on the nature of the case.

3.1.1 Strategic goals and objectives, outputs, performance indicators, planned targets and actual achievements

Programme: Adjudication							
Strategic Goal/ Outcome	Strategic Objective	Output	Performance Indicator/Measure	Actual Achievement 2016/17	Planned Target 2017/18	Actual Achievement 2017/18	Deviation from Planned Target to Actual Achievement for 2017/18
Adjudicate and make orders in relation to any application	Adjudicate applications timeously, fairly and in a transparent manner	Adjudicated applications	Percentage of decisions and orders issued ¹ within 30 working days of the final date of the hearing ²	80% of decisions and orders issued within 30 working days of the final date of the hearing	90%	100%	Target exceeded
Adjudicate and make orders in relation to any application	Adjudicate applications timeously, fairly and in a transparent manner	Adjudicated applications	Percentage of decisions and orders issued within 30 days of the date of allocation ³	98%	90%	96%	Target exceeded
Facilitate ⁴ the resolution of ADR cases	Facilitate the resolution of disputes in a cost-effective, informal and timeous manner	Resolved disputes	Percentage of cases finalised ⁵ in terms of ADR within 25 working days of the date of final hearing or final submission by parties, whichever is applicable	79%	85%	100%	Target exceeded
							Reminders sent to members and commitment to service excellence aided in exceeding the target
							Reminders sent to members and commitment to service excellence aided in exceeding the target
							Voluntary nature of ADR in terms of the Companies Act No. 71 of 2008

¹ Decisions and orders issued are as prescribed by the Companies Act, 2008. Issued means formal communication of the decision and order to the client

² Final date of hearing refers to the last day of a hearing of a matter of a Tribunal sitting

³ Date of allocation refers to the date of sending an e-mail allocating a case to a Tribunal Member

⁴ Facilitation means assisting in the resolution of disputes

⁵ Finalised refers to instances where certificate of failed ADR has been issued, consent order issued or withdrawal of the matter by either party, settlement agreement reached by both parties or mediation report issued by the Tribunal Member(s)

3.1.2 Purpose of the Programme

One of the Tribunal's main objectives is to adjudicate matters timeously and expeditiously. Cases are adjudicated by either a single member or a panel of at least three members based on the papers filed with the Tribunal and, where necessary and depending on the nature of the case, hearings may be held.

By the end of the financial year, the Tribunal comprised 13 part-time members, including the Chairperson and one full-time member appointed by the Minister of Trade and Industry. There are eight female and six male members, 6 of whom are black, 4 indian, 1 coloured and 3 white. These members have expertise in the different areas covered by the Act, such as law, economics, commerce, industry or public affairs. Some of the members also serve as acting judges of the High Court. Among the members are advocates, attorneys and law professors.

The allocation of cases to these Tribunal members is done by the Chairperson with the assistance of the Registry division, which is responsible for the management of cases. Registry also assists in communicating and informing parties on the progress and outcome of their cases and is also responsible for the management of all enquiries made to the Tribunal and is the custodian of all Tribunal cases, documents and records management systems.

The Tribunal strives to be accessible to the public and matters are brought before it at no cost. For the year under review, the Tribunal's caseload consisted of 254 cases and, of these, 205 were finalised. Most of the cases that were not finalised could not be considered, as the statutory filing period had not yet lapsed.



TRIBUNAL MEMBERS: From left: Peter Veldhuizen, Lucia Glass, Mohamed Alli Chicktay (Chairperson), Prof. Piet Delport.

Front row, From left: Adv Ishara Bodasing, Bongekile Zulu

(*Absent: Matshego Ramagaga, Agnes Tsele-Maseloanyane, Prof Kasturi Moodaliyar, Khashane Manamela, Khatija Tootla, Adv Lizelle Haskins, Mmoledi Malokane, Lindelani Sikhitha)

Comparison of cases handled in 2013/14, 2014/15, 2015/16, 2016/17 and 2017/18 financial years

Nature of cases	2017/18	2016/17	2015/16	2014/2015	2013/2014
Access to records	0	0	1	1	2
Change to the financial year end	0	0	0	6	5
Company restoration	0	0	0	0	1
Review of compliance notice	8	9	5	2	0
Directors' dispute	30	27	13	10	8
Extension of time to prepare annual financial statements	0	3	3	5	0
Extension of time to convene the AGM	9	14	14	9	7
Holding of an AGM	1	0	3	2	1
Name disputes	178	180	273	233	190
Outstanding information	0	0	0	1	0
Review of Companies and Intellectual Property Commission (CIPC) decision	2	6	2	2	3
Social and Ethics Committee (s 72)(5))	24	29	57	36	76
S 2(3) exemption	0	1	0	0	1
S 6(2) exemption	2	2	1	4	0
Substituted service	0	1	5	4	1
Variation of an order	0	0	0	1	0
TOTAL	254	272	377	316	295

Compared to the previous financial years, the overall number of cases handled decreased, whilst the number of new cases increased. The decrease is caused by parties taking long to reach a settlement outside of the Tribunal and parties not lodging default order applications expeditiously.

The Tribunal strives to issue decisions within 30 working days of the final date of hearing and 30 working days of the date of allocation of a matter to a member. During the year, 100% of cases were decided within 30 working days of the hearing date and 96% of decisions were issued within 30 working days of allocation.

Figure 1: The chart below shows a comparison of cases decided within the 30 working days of allocation and hearing (2013/14, 2014/15, 2015/16, 2016/17 and 2017/18).

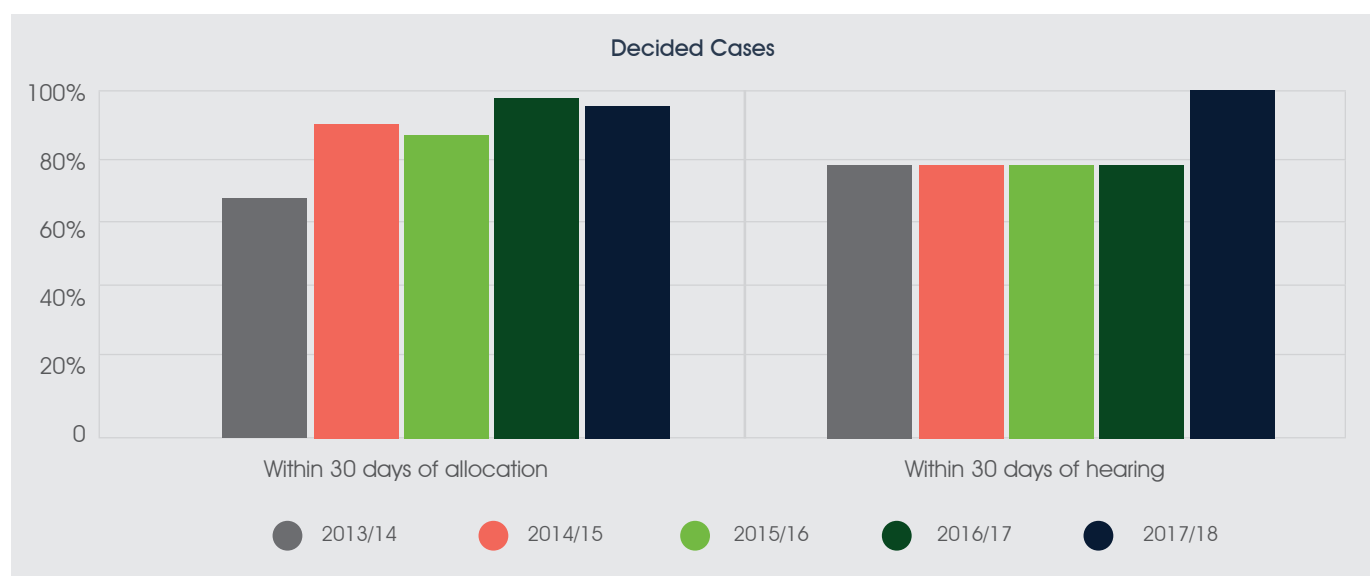
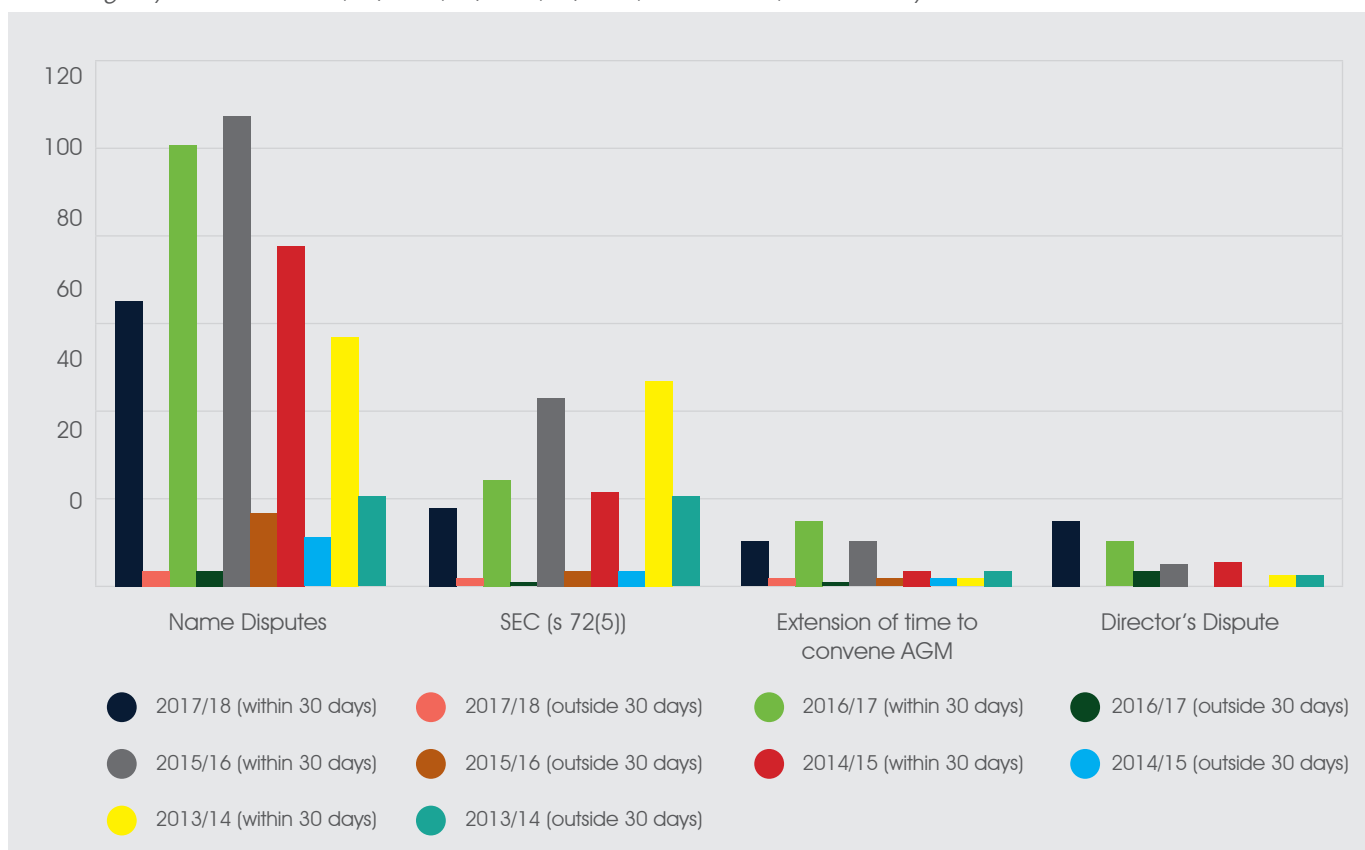


Figure 2: The graph below is a comparison of various cases categorised according to their nature and resolved within and outside the 30 working days across the 2013/14, 2014/15, 2015/16, 2016/17 and 2017/18 financial years.



3.1.3 Highlights of some of the cases

This section provides details of some of the cases the Tribunal handled during the year under review.

(a) Name dispute

ABSA LIMITED (applicant) versus **DJ ABSA BOCHUM (PTY) LTD** (respondent)

The applicant brought an application in terms of Section 160 of the Companies Act 71 of 2008, requesting an order directing the respondent to change its name as it does not satisfy the requirements of Section 11 of the Act.

The applicant is a company incorporated in accordance with the company laws of South Africa with registration number 1986/004794/06 while the respondent was incorporated in 2016 with the following registration number 2016/066447/07.

The applicant indicated that it became aware on or about November 2016 that the respondent had registered its company name, which contains the word 'ABSA'. The application was lodged about ten months after this.

The applicant filed an objection to the use of the word 'ABSA', together with a supporting affidavit as required by Regulation 142 (1)(b) dated 1 September 2017. The application was properly served by the sheriff on the respondent's principal place of business by affixing a copy of the application to the door of the business. The Tribunal was, therefore, satisfied that the respondent's lack of participation in the proceedings was not due to lack of knowledge of the process and that the application was unopposed. The respondent failed to respond to the application, hence the application for default order lodged in terms of Regulation 153.

The applicant is the registered proprietor of the trademark 'ABSA' and ABSA logo, which was registered as classes 35, 36, 9, 16, 41 and 42 of the Trade Marks Act No 194 of 1993. The applicant stated that it is one of the biggest retail banks in South Africa, operational in a number of African countries and has more than 9-million customers.

The applicant was uncertain of the nature of the respondent's business, but it appears from his Facebook profile that he could be a disc jockey. Furthermore, the applicant stated that it advertises the 'ABSA' trademark on all forms of media. In 2016, it spent R721.4-million on advertising.

The applicant argued that the respondent's name was likely to deceive or create confusion as its business activities are not restricted. The applicant sought an order that the respondent change its name, as the use of the respondent's name in commerce constitutes an infringement on the applicant's trademark. It is the applicant's belief that the registered name of the respondent prejudiced the applicant's 'ABSA' trademark and could be viewed as undesirable 'riding' on the reputation built by the applicant. The Tribunal was satisfied that the applicant had satisfied the requirements of Section 11(2) of the Act and the application was granted in terms of Section 160(3) of the Act. The respondent was directed to:

- Change its name to one that does not incorporate and is not confusingly and/or deceptively similar to the ABSA company name and trademark.
- Amend the memorandum of incorporation within 60 days of receipt of the order.

Order: Granted.

(b) SECs

COCA-COLA SABCO (PTY) LTD (applicant)

The applicant is duly incorporated in accordance with the company laws of South Africa, with registration number 1995/010764/07. It is wholly owned by Coca-Cola Beverages Africa (Pty) Ltd (CCBA) and is the majority shareholder of Coca-Cola Fortune (Pty) Ltd (CCF). The founding affidavit in the CTR 142 form was properly deposed by Ian Robert Vos, a director of the applicant authorised by a Board resolution dated 10 January 2018.

In January 2018, the applicant applied to the Tribunal for exemption from appointing an SEC in terms of Section 72(5)(b), alternatively Section 72(5)(a) of the Act read with Regulation 43 of the Companies Regulations.

The applicant is an investment holding company that derives revenue from its investments and loans to CCF and its subsidiaries. The applicant stated that it has a staff component of about 84.5% of the number of employees employed by CCBA.

Furthermore, the applicant indicated that the public interest score (PIS) for the year ending 31 December 2016 was 1173, and, for the year ending 31 December 2017, was 565. However, the applicant did not give a detailed breakdown of the actual PIS. The applicant submitted that due to the restrictive nature of its business and limited interaction with the public, it is not reasonably necessary in the public interest for it to establish an SEC.

In the alternative, the applicant applied for exemption on the basis that its subsidiary, CCF, has appointed an SEC in compliance with the Act and supporting regulations. The applicant further submitted that the terms of reference of its subsidiary's SEC could be extended to apply to the applicant's business.

The Tribunal found that the applicant attached SEC terms of reference purportedly for CCF, which were neither signed nor dated and are under Coca-Cola Beverages South Africa (Pty) Ltd. Furthermore, no evidence was provided to prove that a process was underway to include the applicant in these terms of reference. The Tribunal could not exempt the applicant in terms of Section 72(5)(b) of the Act, but an application for exemption could be considered in the future if the SEC terms of reference of CCF could be extended to the applicant's business. The applicant was ordered to establish an SEC within 12 months of receiving the decision.

Order: Refused.

FNB MORTGAGE LOANS (RF) LIMITED (applicant)

The applicant applied for exemption from the requirement to appoint an SEC in terms of Section 72(5)(b) of the Act. The applicant is a public company with limited liability duly incorporated in terms of the Act, as amended. The applicant stated that it is a special purpose vehicle and ring-fenced public company with no employees. Furthermore, it mentioned that its nature and business are to issue notes and other debt instruments to acquire rights, titles and interest in any assets.

The applicant submitted that it is not reasonably necessary to appoint an SEC, having regard to the nature and extent of its activities and that its contribution to the social and economic development of the community in which it operates would be negligible due to limited exposure to the community.

The applicant was exempted from the requirement to appoint an SEC for five years.

Order: Granted.

(c) Directorship dispute

TOTWANE ISMAEL SEGOE (applicant) versus TSHEPO HLAHLA (respondent)

The applicant applied to the Tribunal in terms of Regulation 142(1) of the Companies Regulations, 2011 ('the Regulations'). The application and the affidavit deposed by

the applicant were filed with the Tribunal on 13 February 2018, with the applicant requesting that the CIPC deregister the respondent as a director of Marico Bosveld Minerals (Pty) Ltd (MBM) on the basis that:

- The respondent allegedly and fraudulently appointed himself a director after the death of his father; and
- The respondent failed to cooperate with the shareholders of MBM, who do not recognise him as a director.

MBM is a private company registered in terms of the laws of the Republic of South Africa. The applicant submitted copies of the shareholder's certificate and share register as proof that he is a shareholder.

On 17 February 2018, the respondent was served with a copy of the application and the Tribunal was satisfied that the respondent was properly served. In terms of Regulation 143(1), a respondent who wishes to oppose the application must serve a copy of answer on the applicant and file the answer with proof of service with the Tribunal within 20 business days of being served with an application filed with the Tribunal. The respondent failed to serve a copy of his answer to the applicant and also file with the Tribunal on or before 16 March 2018. On 26 March 2018, the applicant applied for a default order (Form CTR 145) in terms of Regulation 153 of the Regulations.

In determining the application, the Tribunal applied Section 71(4), (5) and (6) of the Act, each read with changes required by the context. It is the Tribunal's view that the resolution to remove the respondent as a director of MBM was done by the sole shareholder of MBM in terms of Section 71(1) of the Act. The resolution to remove the respondent was duly passed by the applicant as the sole shareholder on 8 November 2017. Copies of the attendance register and the resolution of shareholders of MBM were submitted as part of the supporting affidavit.

The respondent was given a notice of shareholders meeting in line with Section 71(2) of the Act proposing resolution to be taken at the shareholders meeting. After receiving the notice, the respondent consulted with its attorneys whom he instructed to address a letter to Moss Mothibe Inc disputing the applicant's authority to convene a meeting of shareholders and stating that the respondent will not attend the meeting. A copy of the letter was submitted as part of the supporting affidavit.

On or about 17 November 2017, the applicant filed with CIPC a notice of change of company directors on COR 39. A copy of the COR 39 was submitted to the Tribunal as part of the supporting affidavit. On 21 November 2017,

CIPC issued the decision on COR 39 Notice to Moss Mothibe Inc, indicating that the application was not approved. The applicant was not satisfied with the decision of the CIPC and decided to have it reviewed by the Tribunal.

It is the Tribunal's view that the decision not to approve the notice of change of company directors (COR 39) is in breach of the provisions of Section 71(1) read with Section 187(1) (d) of the Act. The Tribunal also found that the applicant, as the sole shareholder of MBM, was entitled to take an ordinary resolution to have the respondent removed as a director. Furthermore, the Tribunal found that, in terms of Section 187(4)(d), CIPC was obliged to register the applicant as a director of MBM and deregister the respondent in accordance with the resolution taken by the applicant as shareholder of MBM in terms of Section 71(1) of the Act.

The CIPC was ordered to approve COR 39 lodged by the applicant on 17 November 2017 and CIPC was ordered to register the applicant as a director of MBM and to deregister the respondent within 10 days of the date of receipt of the order. The Tribunal's Registrar was ordered to deliver a copy of the order to the CIPC within five days of handing down the order.

Order: Granted.

(d) Review of CIPC notice

DUDUZILE CYNTHIA MYENI (applicant) versus CIPC (respondent)

The applicant filed an application to the Tribunal on 16 March 2017 to review the compliance notice issued by the respondent in terms of Section 172(1) of the Act and to:

- Condone the late filing of the application;
- Cancel the compliance notice in terms of Section 172(2) of the Act;
- Cancel the finding of a contravention of the Act; and
- Have the respondent pay the costs of the application.

The applicant was a director and the chairperson of South African Airways SOC Ltd (SAA). The matter originated in a substantial contract concluded by SAA for the acquisition of a fleet of 20 Airbus aircraft. On 30 May 2013, the applicant addressed correspondence to the former Minister of Public Enterprises, SAA's shareholder representative advising the Minister that:

- The Board has approved the funding on the first ten aircraft and that SAA is on track to fund and receive the first deliveries on time.

- The process on the funding of the second ten aircraft will commence immediately after the conclusion of the funding of the first ten aircraft, and we shall endeavour, to the best of their ability, to secure local funding for the second tranche.

On 20 June 2013, the applicant addressed further correspondence to the Minister stating: 'We would like to update the Minister on the award of the sale-and-leaseback of aircraft to Pembroke Capital. Whilst reference is made to ten aircraft in the previous correspondence, the Board had subsequently resolved to transact on two aircraft, with Pembroke to allow SAA to further explore engaging local financiers, such as the Development Bank of Southern Africa, Public Investment Corporation, Sharia Bank and others.'

The applicant addressed a further correspondence to the Minister on 11 July 2013, indicating that the Board of SAA had reconsidered the matter and had resolved to revert to securing ten aircraft.

The respondent alleged that the communications to the Minister of 20 June 2013 and 11 July 2013 were fundamentally misleading, as there were no subsequent resolutions as indicated in the communications to the Minister and only the Board resolution of 27 May 2013. It

is against this background that the respondent issued a compliance notice on 28 November 2016 requiring the applicant to:

- (1) Within 30 days of the date of this compliance notice to formally advise the current Board of Directors of SAA that the CIPC has concluded that you failed to comply with Sections 73(7) and 73(8) of the Act and acted in a manner materially inconsistent with the duties of a director, thus breaching Section 76(3) of the Act, when as a director and the Chairperson of the Board of SAA you, on 20 June 2013, represented to the shareholder representative of SAA that the Board had resolved to secure only two aircraft by means of the funding arrangements with Pembroke, when in fact the Board had resolved to secure ten aircraft.
- (2) Within 10 business days of formally advising the Board of Directors of SAA as per 1 above, formally advise the Minister of Finance that the CIPC has concluded that you failed to comply with Sections 73(7) and 73(8) of the Act and acted in a manner materially inconsistent with the duties of a director, thus breaching Section 76(3) of the Act, when, as a director and the Chairperson of the Board of SAA, you, on 20 June 2013, represented to the shareholder



Companies Tribunal hearing - Dudu Myeni versus CIPC

representative of SAA that the Board had resolved to secure only two aircraft by means of the funding arrangements with Pembroke, when in fact the Board had resolved to secure ten aircraft.

- (3) Provide written confirmation to the CIPC by no later than 31 January 2017 that you have formally advised the current Board of Directors of SAA and the Minister of Finance of 1 and 2 above.'

The applicant denied any wrongdoing and advised the respondent on 12 January 2017 that she had complied with the compliance notice under protest and requested the respondent to issue a compliance certificate. The respondent issued the compliance certificate on 25 January 2017. The respondent opposed the application for review, but on the day of the hearing, withdrew its opposition to the application for condonation, which was granted along with admission of certain supplementary affidavits.

The Tribunal posed three questions to the parties before the hearing:

- Whether the effect of the relief sought is not moot, in that a compliance certificate has already been issued?
- Whether the issue of the compliance certificate, which was granted before the application was made to the Tribunal, affects the Tribunal's jurisdiction to grant the relief sought?
- Whether the request by the media to attend the hearing is in the public interest and whether such interest outweighs any claim of confidentiality?

Neither party objected to media coverage, thus it was not necessary to deal with this issue. Both parties accepted that, should the Tribunal rule that it lacked the authority to entertain the review application, it would be the end of the matter in this forum.

A compliance notice remains in force until a compliance certificate is issued. The compliance certificate ousted the Tribunal's jurisdiction, as it has no power to review and set aside a compliance certificate and any attempt to do so would have been ultra vires its powers derived from the Act.

Order: The application for the review of the compliance certificate was dismissed, with costs.

(e) ADR

All ADR hearings are confidential hence the real names of parties are not used. The first applicant is DEF and the second XYZ, while the respondent is ABC. The applicants filed an application – form CTR132.1 – to the Tribunal for mediation in terms of Section 166 of the Companies Act No 71 of 2008. As directors of company EFG, the applicants wanted payment of dividends from the profit made by the company since it started trading and wanted the company to issue them with financial statements from 2015 to 2017.

At the hearing, the parties reached a settlement and agreed, among other things, that the respondent would pay R30 000 to each applicant (R60 000 in total), transferring the funds from its business account to the applicant's bank accounts. Thereafter, it would meet the applicants to discuss certain issues.

The parties were advised to make the settlement agreement an order of court if they so wished. They agreed that the settlement agreement would be final and that each party would abide by the determination and not appeal.

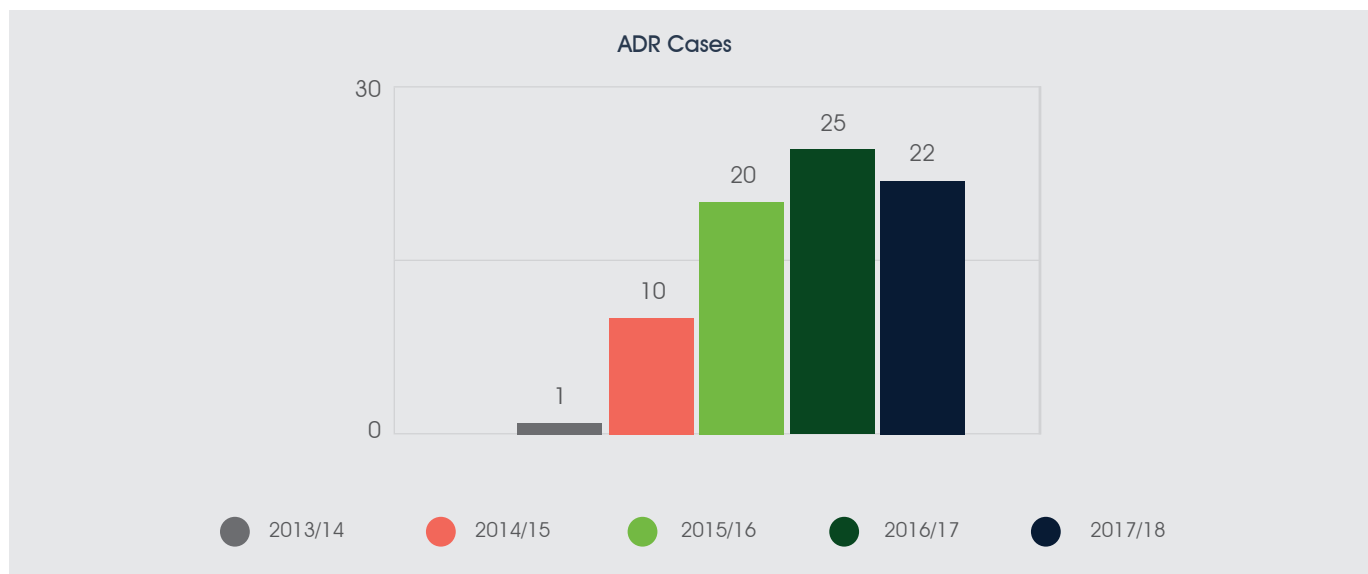
ADR case statistics

For the financial year under review, 22 ADR cases were handled. By year-end, six had been closed, 14 had been finalised and two were pending hearing.

Figure 3a below depicts the ADR cases handled in the 2017/18 financial year



Figure 3b shows the comparison of ADR cases handled in 2013/14, 2014/15, 2015/16, 2016/17 and 2017/18 financial years



3.1.4 Appeals and reviews

Parties to a dispute who are not satisfied with the decision of the Tribunal, may within 20 business days of date of receipt of the Tribunal's decision, take up the matter on appeal or

review with the High Court. At the end of the 2017/18 financial year, there were eight cases taken on review, four of which were received in the current financial year. Five reviewed cases were finalised by the High Court. The remaining three are still in litigation.



Appeals and reviews for 2017/18

CT case number	Parties	Nature of application	High Court decision
CT001Jan2016	Maboe Transport CC and Phakwe Mining Service (Pty) Ltd vs Tommy Maboe and Jan Greyvenstein	Directors' dispute	In process Unopposed roll
CT014May2016	Kganya Brands (Pty) and Kganya Investment Holdings (Pty) Ltd vs Lesedi Kganya Enterprise Construction (Pty) Ltd	Name dispute	Finalised
CT018May2016	Kganya Brands (Pty) and Kganya Investment Holdings (Pty) Ltd vs Kganya Ya Naledi Projects JW (Pty) Ltd	Name Dispute	Finalised
CT020May2016	Kganya Brands (Pty) and Kganya Investment Holdings (Pty) Ltd vs Kganya Trading Enterprise (Pty) Ltd	Name dispute	Finalised
CT014Apr2016	The Highly Nutritious Food Company (Pty) Ltd vs Eat Right Catering Services (Pty) Ltd	Name dispute	Finalised
CT013May2016	Kganya Brands (Pty) and Kganya Investment Holdings (Pty) Ltd vs O Ya Kganya Trading Enterprise (Pty) Ltd	Name dispute	Finalised
CT016Aug2017	The Leatherman Tools Group (Pty) Ltd vs Leatherman Accessories (Pty) Ltd	Name dispute	In process Unopposed
CT019Jun2017	Grovest Venture Capital Company vs CIPC	Compliance notice	In process Unopposed

3.2 Programme 2: Administration

Administration: To ensure the operational efficiency and effectiveness of the Tribunal as well as effective stakeholder engagement. To effectively and efficiently support and

manage the Tribunal's operations by ensuring that there is proper financial management, human resources management, information technology, knowledge management, stakeholder management and legal services.



3.2.1 Strategic objectives, outputs, performance indicators, planned targets and actual achievements

Programme: Administration								
Strategic Goal/ Outcome	Strategic Objective	Output	Performance Indicator/Measure	Actual Achievement 2016/17	Planned Target 2017/18	Actual Achievement 2017/18	Deviation from Planned Target to Actual Achievement for 2017/18	Comments on Deviations
Ensure operational effectiveness and efficiency of the Tribunal	To ensure the efficient management of cases	Automated/ electronic case management system	Full implementation of the four modules of the electronic case management system	Excel spreadsheet	Full implementation of the electronic Case Management System (CMS)	Case management system developed and testing to commence in the next financial year	Target not met. Case management system developed and testing to commence in the next financial year	Protracted discussions in the development of the system caused delays. Project timeline to be adjusted in the new financial year and service provider to be closely monitored to ensure completion of the system.
Ensure operational effectiveness and efficiency of the Tribunal	Build a body of knowledge around Company law	Implemented research recommendations	Number of approved research recommendations implemented from previous research reports, namely: Code of Conduct and Ethics for Mediators	One research report produced on the impact and effectiveness of the CT in delivering on its mandate	Implementation of one research report recommendation, namely: Code of Conduct and Ethics for Mediators	Code of Conduct and Ethics for Mediators was produced earlier than the targeted period	Target met	N/A
Ensure operational effectiveness and efficiency of the Tribunal	Recruit, appoint, develop and retain competent staff	Staff retention	Percentage of staff retained	93%	85%	93%	Target exceeded	Best human resource practices adopted and continuous consultation with staff proved effective

Programme: Administration								
Strategic Goal/Outcome	Strategic Objective	Output	Performance Indicator/Measure	Actual Achievement 2016/17	Planned Target 2017/18	Actual Achievement 2017/18	Deviation from Planned Target to Actual Achievement for 2017/18	Comments on Deviations
Ensure effective stakeholder engagement	To educate members of the public and raise awareness regarding the Tribunal	Advocacy services	Seminar hosted ⁶ on Company Name Disputes	Three seminars hosted on: (i) Corporate governance, business ethics and social and ethics committee (SEC) in collaboration with the dti (ii) Company Law at the University of Pretoria in collaboration with the Centre for Insolvency, Labour and Company Law on the role of the Companies Tribunal (iii) the role of the Companies Tribunal in partnership with Cape Law Society.	Host a seminar on Company Name Disputes	One seminar hosted on: Company Name Disputes	Target met	

6 Hosted means to fund, organise and/or present a seminar

Programme: Administration								
Strategic Goal/ Outcome	Strategic Objective	Output	Performance Indicator/Measure	Actual Achievement 2016/17	Planned Target 2017/18	Actual Achievement 2017/18	Deviation from Planned Target to Actual Achievement for 2017/18	Comments on Deviations
Effective stakeholder engagement	Develop and maintain strategic partnerships	Advocacy services	Number of media engagements (media statements and radio interviews)	Two media statements released	Release two media statements	Released two media statements as follows: Business Day titled "Get to Know the Companies Tribunal JSE Magazine titled "Rule of Law – Let the Companies Tribunal assist in resolving company disputes".	Target met	N/A
				Participated in two radio interviews	Participate in two radio interviews (radio adverts)	Live reads were aired on the following stations: Thobela FM, Power FM Heart FM and Radio 702.	Target exceeded	

Programme: Administration								
Strategic Goal/Outcome	Strategic Objective	Output	Performance Indicator/Measure	Actual Achievement 2016/17	Planned Target 2017/18	Actual Achievement 2017/18	Deviation from Planned Target to Actual Achievement for 2017/18	Comments on Deviations
Effective stakeholder engagement	To educate members of the public and raise awareness regarding the Tribunal	Advocacy services	Number of participations ⁷ in outreaches and/or exhibitions	Participated in twelve outreach programmes and/or exhibitions targeting business people, aspiring business people and the youth in the following areas: Kimberley, Bloemfontein Port Elizabeth, Potchefstroom, Mogale City, Emalahleni, Richards Bay, Mahikeng; Klerksdorp Rustenburg Thembisile Hani, Hope Town	Participate in 8 outreach programmes and/or exhibitions targeting the following stakeholders: (1) Johannesburg Stock Exchange (2) Institute of Directors South Africa (3) Independent Regulatory Board for Auditors (4) South African Institute of Chartered Accountants (5) South African Judicial Education Institute (6) Law Society of South Africa (7) Law Society of the Northern Province (8) National Small Business Chamber	Participated in 10 outreach programmes and/or exhibitions targeting the following stakeholders: (1) Johannesburg Stock Exchange (2) Institute of Directors South Africa (3) Independent Regulatory Board for Auditors (4) South African Institute of Chartered Accountants (5) South African Judicial Education Institute (6) Law Society of South Africa (7) Law Society of the Northern Province (8) National Small Business Chamber (9) University of Fort Hare (10) Take over Regulation Panel Breakfast Talk.	Target exceeded	Partnerships with various stakeholders enabled the Tribunal to reach out to more stakeholders.

⁷ Participation means either sponsoring or presenting at an outreach or exhibition event of a stakeholder or to a stakeholder

3.2.2 Research

The Research Division conducts research to build a body of knowledge on company law, so as to ensure the operational effectiveness of the Tribunal. A 'Code of conduct and ethics for mediators' was developed.

The code, which promotes public confidence in mediation is an indication of commitment by the Tribunal to high ethical standards, integrity and transparency.



Research and Marketing & Communication. From left Simukele Khoza, Dumisani Mthlane.

3.2.3 Communication and marketing

Communication plays a crucial role in educating members of the public and raising awareness about the services offered by the Tribunal, as well as in developing and maintaining strategic relationships.

The Tribunal places importance on providing effective and timeous communication to the public and stakeholders. During the year under review, an article was published in Business Day titled 'Get to know the Companies Tribunal' and another in the JSE Magazine titled 'Rule of law- let the Companies Tribunal assist in resolving company disputes.' These articles were aimed at creating awareness of the services offered by the Tribunal to companies listed on the JSE and the business fraternity in general. A media statement was sent to media houses about the seminar on company name disputes.

A media statement was released in the matter between Duduzile Cynthia Myeni and the CIPC, as this matter had attracted much media attention. Both print and electronic

media attended the hearing and reported on the case. Online media publishers published the following articles: Companies Tribunal rejects Myeni's application with costs and Companies Tribunal dismisses Myeni's application with costs and Business Day published an article on 30 June 2017 titled Tribunal shuts out Myeni's plea.

Radio campaigns in the form of an advertisement and live reads were aired on Thobela FM, Power FM, Heart FM and Radio 702.

Online adverts were placed on the JSE and SAICA websites. The Tribunal website remains the primary method of disseminating information to the public. During the year, it was revamped through the introduction of important features such as the new search function of filtering decisions through type of decision, decision outcome and the year the decision was issued. The revamp has resulted in a more user-friendly website that is easy to search for cases and other information.

The number of website subscribers has increased dramatically and monthly reports of website usage are

monitored and issued. The Tribunal can now monitor high-traffic areas, and ascertain the most popular pages in visitor numbers and time spent per visit. An exciting online filing feature will be introduced once the CMS is finalised. This will enable clients to file and monitor the status of their applications online without having to enquire or come to the Tribunal's offices.

In this financial year, the communication strategy was changed to focus on collaboration with strategic stakeholders in professional associations, the legal fraternity and academia.

Other outreach initiatives included the placing of advertisements on two billboards on the N1 highway in Gauteng.

The Tribunal participated in an exhibition hosted by the National Small Business Chamber at My Business Expo in Durban. The Tribunal also participated at SAICA tax update events in Johannesburg and Cape Town, which provided a great opportunity to market and educate entrepreneurs about Tribunal services.

Engagements were held with the Institute of Directors South Africa (IoDSA), the South African Judicial Education Institute (SAJEI), the Independent Regulatory Board for Auditors (IRBA), the Law Society of South Africa, the Law Society of the Northern Provinces, Unisa's College of Law and University of Fort Hare. The Tribunal participated in the Takeover Regulation Panel breakfast talk in Cape Town and the dti's outreach of Taking the dti to the people in Secunda.

The quarterly bulletin remains an important tool in keeping stakeholders informed and raising the profile of the Tribunal as well as promoting a positive corporate image. Quarterly bulletins were published during the 2017/18 financial year and covered the Tribunal's mandate and highlighted some of the cases decided in each quarter. To date, the Tribunal has received positive feedback from the stakeholders. With the bulletin subscription offer on the website, the number of bulletin subscribers is increasing.



Companies Tribunal billboard on the N1 highway

Seminar on company name disputes

The Tribunal hosted a successful seminar on 16 February 2018 to address key issues on the adjudication of company name disputes. About 133 delegates, primarily intellectual property law practitioners, attended and benefited from

the knowledge of speakers such as Judge Lebogang Modiba, Gauteng Local Division of the High Court; Debbie Marriott, President of the South African Institute of Intellectual Property Law (SAIPL); Adv Rory Voller, Commissioner of the Companies and Intellectual Property Commission and Prof Kasturi Moodaliyar, a Tribunal member.



Delegates at the company name disputes seminar



Question-and-answer session at the company name disputes seminar



Delegates at My Business Expo, Durban 2017

3.2.4 Corporate services

The Corporate Services Division promotes and maintains sound corporate governance and ensures proper planning, monitoring and reporting on the performance of the organisation. It is further responsible for the recruitment, appointment and development of competent staff for the Tribunal and manages the Tribunal's IT services.

The current organisational structure comprises 28 positions, of which only 16 were funded for the year under review and 13 positions filled. Vacant and funded positions could not be filled, including that of the Manager: Corporate Services, as the organisational structure is being reviewed. A number of human resources policies were reviewed or developed and approved. These included Performance Management; Education, Training and Development; Attraction and Retention and Succession Planning.

At the end of the year under review, the Tribunal had 13 staff and one IT intern. The internship programme of the Tribunal focuses on providing South African youth with experiential learning and, thus, contributes to the country's skills development efforts.

The Tribunal recognises that training builds the skills and knowledge of each staff member and contributes to a more productive and motivated work force. During the year, 93% of the Tribunal's staff attended training in areas such as performance coaching and mentoring, emotional intelligence and leadership, report writing, disciplinary procedure, copy editing and proofreading and advanced record management.

The Tribunal has a bursary scheme as it is of the view that providing employees with opportunities for further education and personal development is necessary for its long-term sustainability. Two employees were granted bursaries.

3.2.5 Office of the CFO

The CFO's office is responsible for finance and SCM. The Finance Division manages the overall financial management of the Tribunal's funds, including planning, budgeting and reporting. The division ensures that operational and capital expenditure is in line with prescripts of the PFMA and related regulations.

SCM, the procurement of goods and services, covers demand, acquisition, logistics, disposal and risk management. The SCM unit administers the tender process in line with the Preferential Procurement Policy Framework Act (Act No5 of 2000) (PPPFA).

No irregular, fruitless and wasteful expenditure was incurred by the Tribunal during the past two financial years. This is attributable to consistent review of internal controls and adherence to good governance.

Various policies were reviewed during the financial year and workshops held with staff to raise awareness of those policies. The Office of the CFO adhered to the 30 days turnaround times for payment of suppliers, resulting in 99% of suppliers being paid within 30 days of which 95% were paid within 15 days. Monthly management accounts were prepared throughout the financial year and submitted to the dti.



CORPORATE SERVICES TEAM, Sammy Ramaphoko, Agnes Tsele-Maseloanyane, Charmaine Wessels and Johannes Gafane
(*absent; Keikanetswe Sebokoane)

3.3 Strategy to overcome areas of underperformance

Area of Underperformance	Target	Proposed Actions
Ensure operational effectiveness and efficiency of the Companies Tribunal	Implementation of the electronic case management system (CMS)	Project timeline to be adjusted in the new financial year and service provider to be closely monitored to ensure delivery of the project on time.

3.4 Changes to Planned Targets and Performance Indicators

The following change was made to the planned target as below:

Output	Performance measure/indicator	Annual target	Reason for change
Implemented research recommendations	Number of approved research recommendations implemented from previous research reports, namely: (1) Code of Conduct and Ethics for Mediators and (2) Engagement with the Ghana Arbitration Centre (GAC) with a view to strengthen the Tribunal's ADR services.	Implementation of two research report recommendations	Annual target changed from two research reports to one due to financial constraints (international travel for research purposes could not be undertaken).

3.5 Linking performance with budgets

Programme	2017/18			2016/17		
	Budget	Actual Expenditure	(Over)/Under Collection	Budget	Actual Expenditure	(Over)/Under Collection
	R'000	R'000	R'000	R'000	R'000	R'000
Adjudication	4 565	3 966	599	4 627	4 226	401
Administration	20 382	17 771	2 611	18 770	16 399	2 371
TOTAL	24 947	21 737	3 210	23 397	20 625	2 772

The Tribunal's budget for the year under review was R24.9 million and there was a deficit of R3.2 million, which was funded from an approved surplus from prior years. Most funds used during the year were spent on employee costs, Tribunal members' fees and advocacy services.

Revenue collection

Source of Revenue	2017/18			2016/17		
	Budget	Actual Amount Collected	(Over)/Under Collection	Budget	Actual Amount Collected	(Over)/Under Collection
	R'000	R'000	R'000	R'000	R'000	R'000
Government grant	15 822	15 822	-	15 069	15 069	-
Interest received	1 043	1 196	(153)	1 290	1 382	(92)
Other income	8 082	1 456	6 626	7 038	1 267	5 771
TOTAL	24 947	18 474	6 473	23 397	17 718	5 679

Interest received – The Tribunal had a favourable bank balance due to the approved retention of surplus in the previous financial years, thus resulting in increased interest received from the bank.

Other income – Other income is derived from surplus funds. The Tribunal used the approved surplus to augment the budget.



FINANCE TEAM, Naledi Aphane, Mpho Ratya, Irene Mathatho, Ntombi Hlumbana

PART C

GOVERNANCE

1. Overview of the Governance Structure

The Tribunal has three governance committees, namely the Audit and Risk Committee, Remuneration and Human Resource Committee and the Information and Technology Steering Committee.

2. Portfolio Committee

The Portfolio Committee on Trade and Industry exercises oversight over the service delivery performance of the Tribunal and reviews the performance of the Tribunal based on its quarterly and annual reports.

3. Executive Authority

The Minister of Trade and Industry is the Executive Authority of the Tribunal. The shareholder compact was concluded and a meeting held on the Tribunal's performance. Quarterly performance reports were submitted to the Minister and feedback was received.

4. Accounting Authority

In terms of the PFMA (1999), the Chairperson, as the Accounting Authority, is responsible for strategic leadership and oversight on the affairs of the Tribunal, and for exercising due care of Tribunal assets. He is also responsible for the effective, efficient and transparent management and operations of the Tribunal.

5. Risk Management

The Tribunal Risk Management Framework was reviewed. This framework provides comprehensive, systematic and integrated mechanism for the management of risk across the organisation. The effective management of risk is crucial in ensuring that the Tribunal delivers on its mandate and achieves its strategic objectives. The Risk Management Framework is also linked with the anti-corruption, fraud prevention and disaster recovery measures.

6. Combined Assurance Plan

The Audit and Risk Committee (ARC) committee considered the Combined Assurance Plan and was satisfied with the level of assurance provided and by the action taken and the progress made by management to address each risk.

The Tribunal has a Risk Register and a Combined Assurance Plan that indicates management's actions and progress in addressing each risk. The Combined Assurance Plan indicates the level of assurance provided by each line of defence and was tabled and discussed at the quarterly Audit and Risk Committee meetings. The Audit and Risk Committee, in its oversight role, monitors the Risk Register and the Combined Assurance Plan quarterly.

7. Internal Audit

The Business Innovation Group (BIG) is the Tribunal's internal auditor. The following internal audits, which use a risk-based approach, were performed during the year under review: SCM review, IT continuity review, human resource management review, internal financial controls review, quarters one and three performance information review, governance review, asset management review, annual financial statements review and follow-up reviews.

An Internal Audit finding register is kept to track progress and is presented quarterly to the ARC and the dti.

8. Audit and Risk Committee

The ARC was appointed in terms of Section 77 of the PFMA to provide oversight on matters stated in Treasury Regulations 3.1. The committee comprises four independent members. During the year under review, ARC held five meetings and focused mainly on the quarterly performance reports of the Tribunal.

The ARC comprises the following members:

Name of member	Status of member	Number of meetings attended
S Ngobeni	Non-executive Chairperson	4
S Simelane	Non-executive member	3
N Baloyi	Non-executive member	4
Adv L Nevondwe	Non-executive member	4



REMUNERATION AND HUMAN RESOURCE COMMITTEE MEMBERS, From left: Qondile Zimu (Chairperson) and Lance Dirksen with Agnes Tsele-Maseloanyane (FTM) (*Absent: Moezi Mnisi)

9 Remuneration and Human Resources Committee (REMCO)

REMCO was established to provide oversight of human resources and remuneration matters. The committee comprises three independent human resources specialists. During the year under review, REMCO held four meetings.

Name of member	Status of member	Number of meetings attended
Q Zimu	Non-executive Chairperson	4
L Dirksen	Non-executive member	4
M Mnisi	Non-executive member	3

10. Compliance with Laws and Regulations

The Tribunal has registered for, and met its obligations for the following levies and taxes:

- Skills development levy (SDL)
- Workmen's compensation
- Unemployment Insurance Fund (UIF)
- Pay-as-you-earn (PAYE).

The Tribunal is not a value added tax (VAT) vendor in terms of the Value Added Tax Act No 89 of 1991. It is also exempt from income tax in terms of Section 10 (1)(cA)(i) of the Income Tax Act No 58 of 1962.

11. Fraud and Corruption

The Tribunal has a free anti-corruption hotline managed by an independent service provider, Deloitte. No cases of fraud pertaining to the Tribunal have been reported.

11.1 Principles underpinning the Tribunal's Anti-fraud and Corruption Policy

The Tribunal's Anti-fraud and Corruption Policy is based on the following principles, which the Fraud Prevention and Response Plan addresses:

- Zero tolerance to fraud and corruption
- Accountability of leadership, Tribunal members and staff
- Duty to implement effective anti-fraud controls
- Duty to report, and reporting mechanisms, by staff members and stakeholders
- Duty to protect whistleblowers
- Reporting to police and other relevant authorities
- Mandate to investigate fraud
- Instituting disciplinary proceedings
- Training and awareness
- Fraud risk assessment.

The plan enables the Tribunal to manage fraud or suspicion of fraud to:

- deter or prevent any fraudulent activities and
- detect fraudulent activities.

In cases where fraud is suspected to have taken place, the plan enables the Tribunal to:

- prevent further loss where fraud has occurred
- establish and secure evidence necessary for disciplinary and criminal action
- assign responsibility for investigating the incident

- establish circumstances in which external specialists should be involved
- establish lines of communication with the police
- keep all staff members who need to know informed about the incident and the Tribunal's response
- recover losses
- deal with requests for references regarding employees disciplined, dismissed or prosecuted for fraud and
- review the reasons for the incident, the measures taken to prevent a recurrence and any action needed to strengthen future responses to fraud.

12. Minimising Conflict of Interest

To support managers in the prevention of fraud, the Tribunal has adopted, developed and disseminated the following documents:

- Conflict of interest declaration forms by members of the committees, Tribunal and management; and
- the Disclosure of Hospitality and Gifts Register.

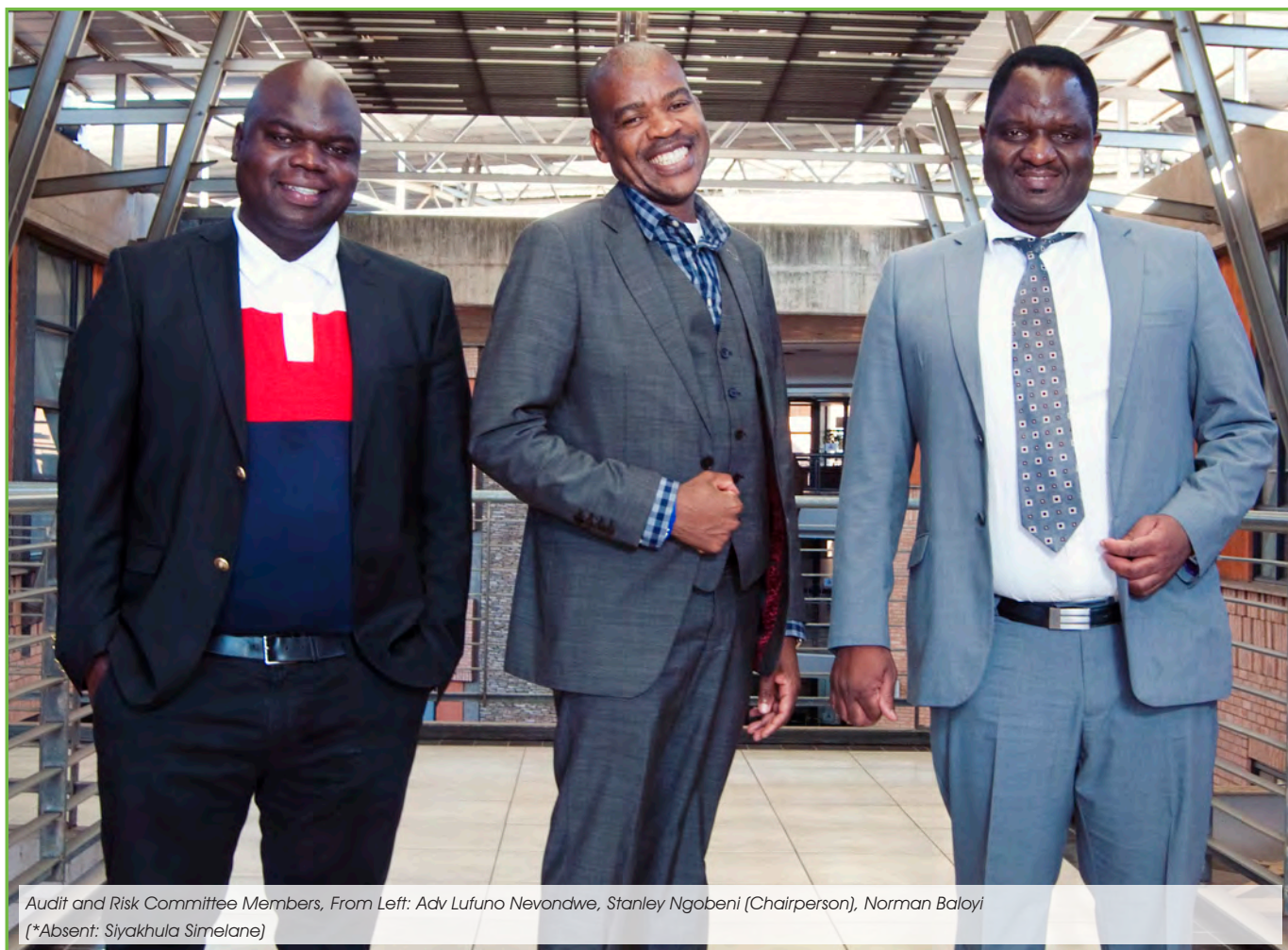
There were no exceptions or conflicts of interest noted.

13. Code of Conduct

A code of conduct states what is expected of staff in their individual conduct and relationships with others and was signed by all employees. An SCM code of conduct is also in place and is signed annually by the relevant employees.

14. Health, Safety and Environmental Issues

The Tribunal is located at the dti campus. Most of the issues pertaining to health and safety are, therefore, the responsibility of the dti. The Tribunal performed an evacuation drill as required by the Occupational Health and Safety Act.



Audit and Risk Committee Members, From Left: Adv Lufuno Nevondwe, Stanley Ngobeni (Chairperson), Norman Baloyi
(*Absent: Siyakhula Simelane)

15. Report of the Audit and Risk Committee

The ARC is pleased to present its report for the financial year ended 31 March 2018. There is an Audit and Risk Committee Charter in place, which deals with the manner in which members of the committee should undertake their duties and responsibilities.

During the year under review, the ARC held five meetings. It consists of the independent members listed below.

Name of member	Status of member	Number of meetings attended
S Ngobeni	Non-executive Chairperson	4
L Nevondwe	Non-executive member	4
S Simelane	Non-executive member	3
N Baloyi	Non-executive member	4

15.1 Audit and Risk Committee responsibility

The ARC reports that it has complied with its responsibilities arising from Section 55(1) of the PFMA and Treasury Regulations 27.1.7 and 27.1.10(b) and (c). The ARC also reports that it has regulated its affairs in compliance with the Audit and Risk Committee Charter and has discharged all responsibilities contained therein.

15.2 The effectiveness of internal control

Although the Tribunal is accountable for the process of risk management and systems of internal control, the ARC is responsible for oversight over these ongoing processes. The ARC regularly reports to the Accounting Authority and to the Executive Authority, through the dti, on its activities.

15.3 Quality management, monthly/ quarterly reports and PFMA compliance

Quarterly reports on performance information and the Tribunal's finances were presented and reported on in ARC meetings. The ARC confirms that the content and quality of the quarterly reports issued by the Accounting Authority during the year comply with the PFMA. The ARC also reports quarterly to the Minister of Trade and Industry on management's actions in addressing all the external and internal audit findings, and any emerging risks.

15.4 Evaluation of annual financial statements

The ARC reviewed and discussed the annual financial statements to be included in the annual report with the Auditor-General and the Accounting Authority. The ARC reviewed and discussed the performance information with management and reviewed changes in accounting policies and practices. The entity's compliance with legal and regulatory provisions was also evaluated.

The ARC notes that, to maintain its going-concern status, the Tribunal is highly dependent on the approved retention of accumulated surplus from National Treasury, and on the approval of the annual grants from the dti.

15.5 Combined risk assurance

The Combined Assurance Plan was presented to the ARC, which is satisfied with the assurance given by each level of defence. The plan was also presented to the dti.

15.6 Internal Audit

The Internal Audit function is outsourced to BIG. Internal audit reports were presented to the ARC during the year under review. The reports provide assurance that the internal controls in place in all of the audited areas are satisfactory. The reports also highlight areas where mitigating controls should be improved. Management's actions in addressing the internal audit findings were monitored during the year.

15.7 Auditor-General of South Africa

The ARC reviewed the final management report and the audit report issued by the Auditor-General.

15.8 Commendations

The ARC commends management and staff for an unqualified audit opinion with no matters of emphasis.

15.9 Conclusion

The ARC wishes to acknowledge the commitment of the Chairperson, assistance of internal auditors, management and staff of the Companies Tribunal. Stability in leadership of the entity has contributed to the achievements reported above.



S Ngobeni

Chairperson of the Audit and Risk Committee

Companies Tribunal

31 July 2018

PART D

HUMAN RESOURCES MANAGEMENT

1. Introduction

At the end of the year under review, the Tribunal had 13 permanent employees and one intern. There was only one resignation, of the Deputy Manager: Registry.

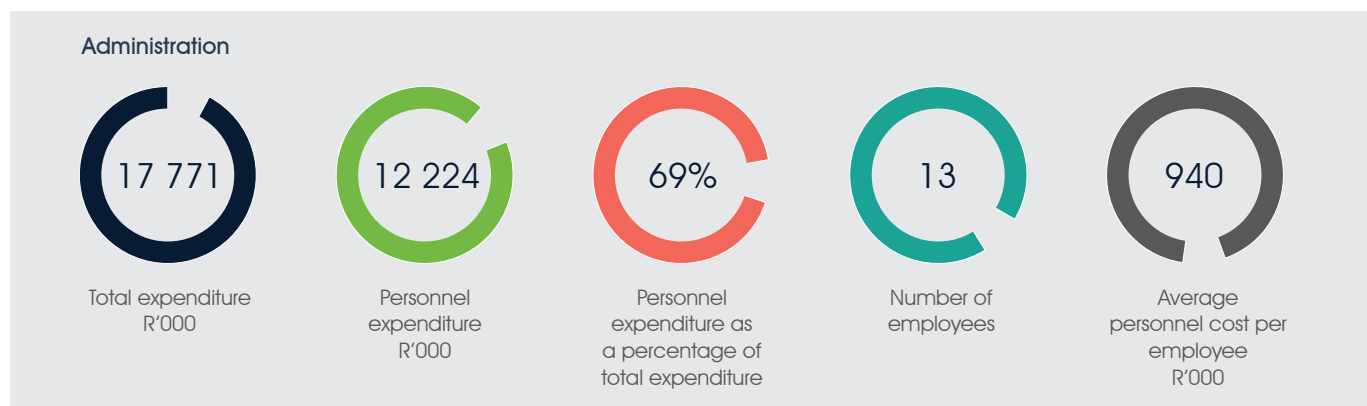
The Remuneration and Human Resource Committee (REMCO) met four times to provide oversight on human resources matters, including remuneration and performance rewards. It comprises independent members and has contributed significantly to the review of the Tribunal's human resources policies. REMCO provided recommendations on the following policies: Performance Management, Education, Training and Development, Internship, and Recruitment and Selection.



Management team. Irene Mathatho, Agnes Tsele-Maseloanyane, Simukele Khoza and Tebogo Mputle

2. Human Resources Oversight Statistics

2.1 Personnel cost by programme



Note: The difference between the personnel expenditure and the amount disclosed in the statement of financial performance is the R109 000 paid to the interns.

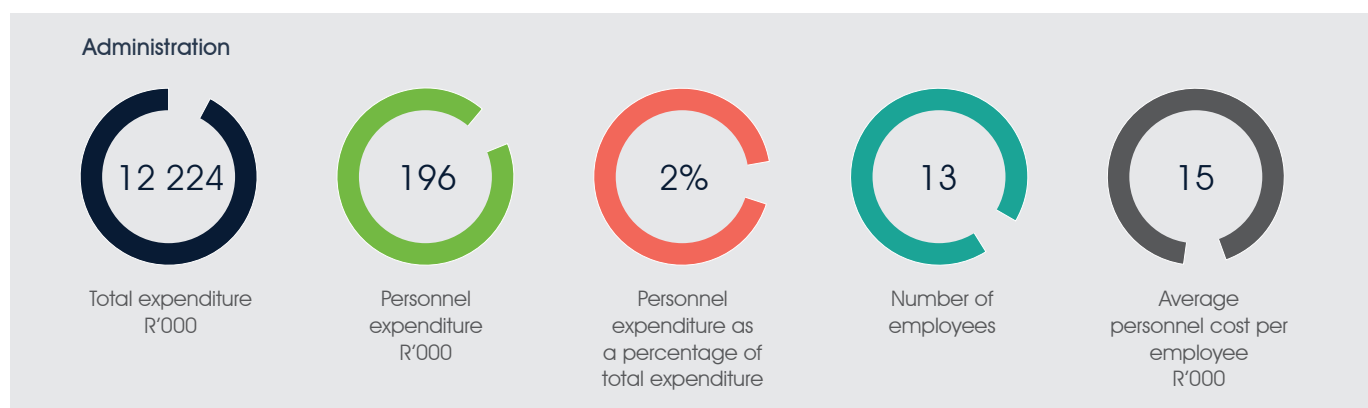
2.2 Personnel cost by salary band

Level	Personnel expenditure R'000	Percentage of personnel cost to total personnel cost	Number of employees	Average personnel cost per employee R'000
Top management	1 878	16%	1	1 878
Senior management	3 628	30%	3	1 209
Professional qualified	5 845	47%	7	835
Skilled	873	7%	2	436
Total	12 224	100%	13	940

2.3 Performance rewards

Programme	Performance rewards	Personnel expenditure R'000	% of performance rewards to total personnel cost
Top management	240	1 878	13%
Senior management	153	3 628	4%
Professional qualified	206	5 845	4%
Skilled	40	873	5%
Total	639	12 224	5%

2.4 Training costs



2.5 Employment and vacancies



Level	Number of employees 2016/17	Approved and funded posts 2017/18	Number of employees 2017/8	Approved and funded vacancies 2017/18	Percentage of funded vacancies
Top management	1	1	1	-	-
Senior management	3	4	3	1	25%
Professional qualified	8	8	7	1	12.5%
Skilled	2	2	2	-	-
Total	14	15	13	2	13.33%

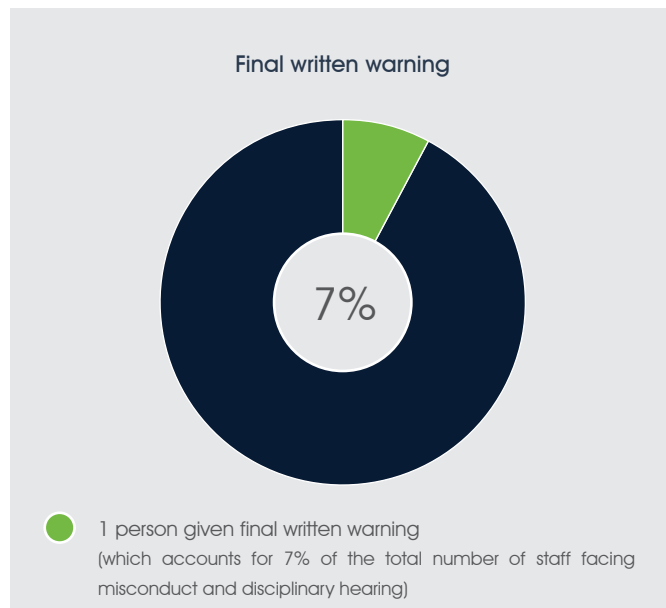
2.6 Employment changes

Level	Employment at the beginning of the period	Appointments	Terminations	Employment at the end of the period
Top management	1	-	-	1
Senior management	3	-	-	3
Professional qualified	8	-	1	7
Skilled	2	-	-	2
Semi-skilled	-	-	-	-
Unskilled	-	-	-	-
Total	14	-	1	13

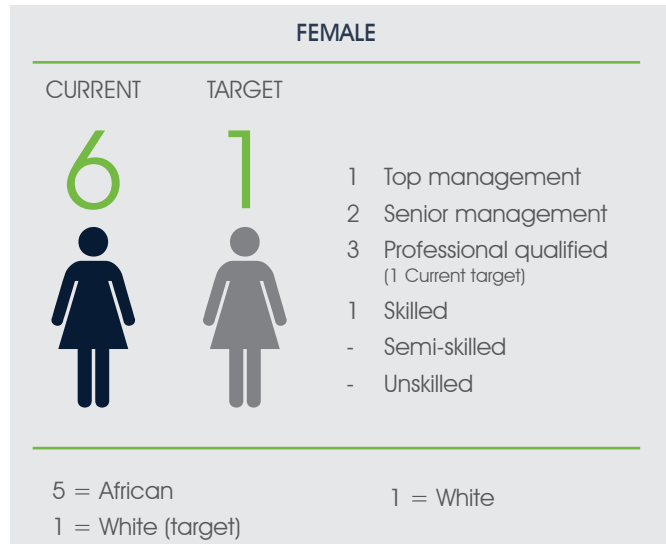
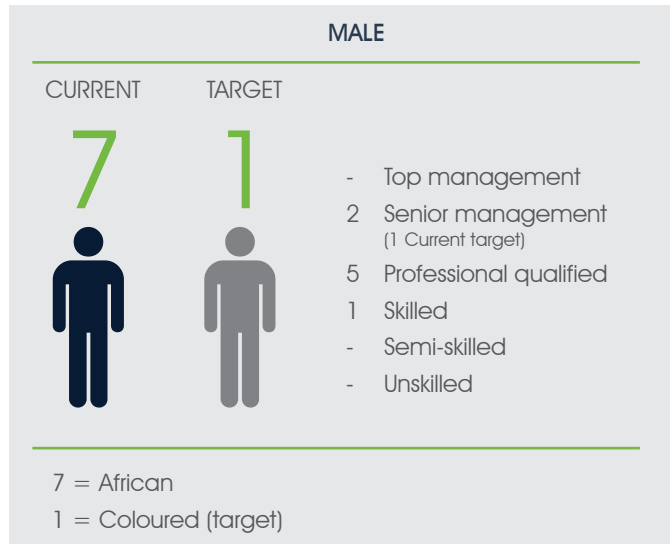
2.7 Reasons for leaving



2.8 Labour relations: Misconduct and disciplinary action



2.9 Equity targets and employment equity status



Staff with disability

Currently the Tribunal does not have any disabled staff.

PART E FINANCIAL INFORMATION

1. Statement of Responsibility and Confirmation of Annual Report and Annual Financial Statements

The Chairperson, in his capacity as the Accounting Authority, is responsible for the preparation, integrity and fair presentation of the financial statements of the Tribunal. The financial statements presented on pages 52 to 74 have been prepared in accordance with South African Statements of Generally Recognised Accounting Practice (GRAP), including any interpretations, guidelines and directives issued by the Accounting Standards Board (ASB), in accordance with Section 55 of the PFMA to the extent indicated in the accounting policies. The financial statements include amounts based on judgements and estimates. The Chairperson, in consultation with staff members, prepared the other information included in the Annual Report and is responsible for both its accuracy and its consistency with the financial statements.

The going-concern basis has been adopted in preparing the financial statements. The Chairperson has no reason to believe that sufficient funding will not be obtained to continue with the official functions of the Tribunal. These financial statements support the viability of the Tribunal.

The financial statements will be audited by an independent auditor, the Auditor-General of South Africa. The auditor will be given unrestricted access to all financial records and related data, including minutes of relevant meetings. The Chairperson believes that all representations to be made to the auditor during the audit are valid and appropriate.

In my opinion, the Annual Report fairly reflects the operations, performance information, human resources information and financial affairs of the Companies Tribunal for the financial year ended 31 March 2018.

The Audit Report of the Auditor-General of South Africa is presented on page 46 to 49.



Dr Mohamed Ali Chicktay
Chairperson: Companies Tribunal
31 July 2018

2. Report of the Auditor-General to Parliament on Companies Tribunal

Report on the audit of the financial statements

Opinion

1. I have audited the financial statements of the Companies Tribunal set out on pages 52 to 74, which comprise the statement of financial position as at 31 March 2018, and the statement of financial performance, statement of changes in net assets, cash flow statement and statement of comparison of budget and actual amounts for the year then ended, as well as the notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Companies Tribunal as at 31 March 2018, and its financial performance and cash flows for the year then ended in accordance with Standards of Generally Recognised Accounting Practice (GRAP) and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No.1 of 1999) (PFMA).

Basis for opinion

3. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the auditor-general's responsibilities for the audit of the financial statements section of my report.
4. I am independent of the public entity in accordance with the International Ethics Standards Board for Accountants' Code of ethics for professional accountants (IESBA code) and the ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA code.
5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibilities of the accounting authority for the financial statements

6. The accounting authority is responsible for the preparation and fair presentation of the financial statements in accordance with Standards of GRAP and the requirements of the PFMA and for such internal control as the accounting authority determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
7. In preparing the financial statements, the accounting authority is responsible for assessing the Companies Tribunal's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the accounting authority either intends to liquidate the public entity or to cease operations, or has no realistic alternative but to do so.

Auditor-general's responsibilities for the audit of the financial statements

8. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

9. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

Report on the audit of the annual performance report

Introduction and scope

10. In accordance with the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA) and the general notice issued in terms thereof, I have a responsibility to report material findings on the reported performance information against predetermined objectives for selected programmes presented in the annual performance report. I performed procedures to identify findings but not to gather evidence to express assurance.
11. My procedures address the reported performance information, which must be based on the approved performance planning documents of the public entity. I have not evaluated the completeness and appropriateness of the performance indicators included in the planning documents. My procedures also did not extend to any disclosures or assertions relating to planned performance strategies and information in respect of future periods that may be included as part of the reported performance information. Accordingly, my findings do not extend to these matters.
12. I evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected programmes presented in the annual performance report of the public entity for the year ended 31 March 2018:

Programmes	Pages in the annual performance report
Programme 1 – Adjudication	15

13. I performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance planning documents. I performed further procedures to determine whether the indicators and related targets were measurable and relevant, and assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.
14. I did not raise any material findings on the usefulness and reliability of the reported performance information for the following programme:
- Adjudication

Other matter

15. I draw your attention to the matter below.

Achievement of planned Targets

16. Refer to the annual performance report on pages 15 to 28 for information on the achievement of planned targets for the year and explanations for the overachievement of a number of targets.

Report on the audit of compliance with legislation

Introduction and scope

17. In accordance with the PAA and the general notice issued in terms thereof, I have a responsibility to report material findings on the compliance of the public entity with specific matters in key legislation. I performed procedures to identify findings but not to gather evidence to express assurance.
18. I did not raise material findings on compliance with specific matters in key legislation set out in the general notice issued in terms of the PAA.

Other information

19. The accounting authority is responsible for the other information. The other information comprises the information included in the annual report, which includes the audit committee's report. The other information does not include the financial statements, the auditor's report and those selected programmes presented in the annual performance report that have been specifically reported in this auditor's report.
20. My opinion on the financial statements and findings on the reported performance information and compliance with legislation do not cover the other information and I do not express an audit opinion or any form of assurance conclusion thereon.
21. In connection with my audit, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected programmes presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on the work I have performed, I conclude that there is a material misstatement in this other information, I am required to report that fact. I have nothing to report in this regard.

Internal control deficiencies

22. I considered internal control relevant to my audit of the financial statements, reported performance information and compliance with applicable legislation; however, my objective was not to express any form of assurance on it. I did not identify any significant deficiencies in internal control.

Auditor - General

Pretoria
31 July 2018



AUDITOR - GENERAL
SOUTH AFRICA

Auditing to build public confidence

Annexure – Auditor-general’s responsibility for the audit

1. As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements, and the procedures performed on reported performance information for selected programmes and on the public entity’s compliance with respect to the selected subject matters.

Financial statements

2. In addition to my responsibility for the audit of the financial statements as described in this auditor’s report, I also:
 - Identify and assess the risks of material misstatement of the financial statements whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control
 - obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the public entity’s internal control
 - evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the accounting authority
 - conclude on the appropriateness of the accounting authority’s use of the going concern basis of accounting in the preparation of the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Companies Tribunal’s ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor’s report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify the opinion on the financial statements. My conclusions are based on the information available to me at the date of this auditor’s report. However, future events or conditions may cause a public entity to cease continuing as a going concern
 - evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation

Communication with those charged with governance

3. I communicate with the accounting authority regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.
4. I also confirm to the accounting authority that I have complied with relevant ethical requirements regarding independence, and communicate all relationships and other matters that may reasonably be thought to have a bearing on my independence and, where applicable, related safeguards.

3. Annual Financial Statements

The reports and statements set out below comprise the annual financial statements.

1.	Accounting Authority's Responsibilities and Approval	51
2.	Statement of Financial Position	52
3.	Statement of Financial Performance	53
4.	Statement of Changes in Net Assets	54
5.	Cash Flow Statement	55
6.	Statement of Comparison of Budget and Actual Amounts	56
7.	Accounting Policies	57
8.	Notes to the Annual Financial Statements	63

3.1 Accounting Authority's Responsibilities and Approval

The Accounting Authority is required by the PFMA to maintain adequate accounting records and is responsible for the content and integrity of the annual financial statements and related financial information included in this report. It is the responsibility of the Accounting Authority to ensure that the annual financial statements fairly present the state of affairs of the entity at the end of the financial year and the results of its operations and cash flows for the period then ended. The external auditors are engaged to express an independent opinion on the annual financial statements and are given unrestricted access to all financial records and related data.

The annual financial statements have been prepared in accordance with Standards of Generally Recognised Accounting Practice (GRAP), including any interpretations, guidelines and directives issued by the ASB.

The annual financial statements are based on appropriate accounting policies that are consistently applied and supported by reasonable and prudent judgements and estimates.

The Accounting Authority acknowledges that he is ultimately responsible for the system of internal financial control established by the entity and places considerable importance on maintaining a strong control environment. To enable the Accounting Authority to meet these responsibilities, the Accounting Authority sets standards for internal control aimed at reducing cost-effectively the risk of error or deficit. The standards include the proper delegation of responsibilities within a clearly defined framework, effective accounting procedures and adequate segregation of duties to ensure an acceptable level of risk. These controls are monitored throughout the Companies Tribunal and all employees are required to maintain the highest ethics standards by ensuring the Tribunal's business is conducted in a manner that is above reproach under all reasonable circumstances. The focus of risk management in the Tribunal is on identifying, assessing, managing and monitoring all known forms of risk across the organisation. While operating risk cannot be fully eliminated, the Tribunal endeavours to minimise it by ensuring

that appropriate infrastructure, controls, systems and ethical behaviour are applied and managed within predetermined procedures and constraints.

Based on the information and explanations given by management, the Accounting Authority believes that the system of internal control provides reasonable assurance that the financial records may be relied on for the preparation of the annual financial statements. However, any system of internal financial control can provide only reasonable, and not absolute, assurance against material misstatement or deficit.

The Accounting Authority has reviewed the Tribunal's cash flow forecast for the year ended 31 March 2019 and, in light of this review and the current financial position, I am not satisfied that the Companies Tribunal has, or has access to adequate resources to continue operating for the foreseeable future.

The Tribunal is wholly dependent on the dti for the continued funding of its operations. The annual financial statements are prepared on the basis that the Tribunal is a going concern and that the dti has neither the intention nor the need to liquidate or materially curtail its scale.

Although the Accounting Authority is responsible for the financial affairs of the Tribunal, he is supported by the Tribunal's employees, internal auditors, REMCO and the Audit and Risk Committee.

The external auditors are responsible for independently reviewing and reporting on the Tribunal's annual financial statements. The annual financial statements have been examined by the Tribunal's external auditors and their report is presented on page 46 to 49.

The annual financial statements set out on pages 52 to 74, which have been prepared on the going-concern basis, were approved by the Accounting Authority and were signed on its behalf by Dr Alli Chicktay.



Dr Mohamed Alli Chicktay
Chairperson: Companies Tribunal
31 July 2018

3.2 STATEMENT OF FINANCIAL POSITION

as at 31 March 2018

	Notes	2018 R	Restated 2017 R
ASSETS			
Current assets		11 887 093	15 244 537
Cash and cash equivalents	3	11 508 907	15 081 778
Receivables from exchange transactions	4	349 896	147 572
Inventories	5	28 290	15 187
Non-current assets		1 762 210	866 439
Property, plant and equipment	6	841 235	709 228
Intangible assets	7	920 975	157 211
Total assets		13 649 303	16 110 976
LIABILITIES			
Current liabilities		1 845 664	1 044 215
Payables from exchange transactions	8	619 127	70 401
Short-term employee benefits	9	1 032 556	618 788
Members' accrual	10	193 981	355 026
Total liabilities		1 845 664	1 044 215
NET ASSETS			
Net assets		11 803 639	15 066 761
Accumulated surplus		11 803 639	15 066 761
Total net assets and liabilities		13 649 303	16 110 976

3.3 STATEMENT OF FINANCIAL PERFORMANCE

for the year ended 31 March 2018

	Notes	2018 R	Restated 2017 R
Revenue			
Revenue from exchange transactions		1 259 468	1 382 837
Interest received	11	1 196 268	1 382 148
Other income – exchange transactions	12	63 200	689
Revenue from non-exchange transactions		17 214 848	16 335 226
Transfers from the dti	13	15 822 000	15 069 000
Other income – non-exchange transactions	14	1 392 848	1 266 226
Total revenue		18 474 316	17 718 063
Expenditure			
Employee related costs	15	12 332 974	11 725 050
Other operating expenses	16	3 073 480	2 760 709
Administrative expenses	17	2 357 128	2 017 992
External audit fees	18	553 102	382 941
Depreciation and amortisation	19	302 372	223 047
Tribunal members' fees	21	3 116 707	3 513 037
Total expenditure		21 735 763	20 622 776
Loss on disposal of assets		1 676	1 969
Deficit for the year		(3 263 123)	(2 906 682)

3.4 STATEMENT OF CHANGES IN NET ASSETS

for the year ended 31 March 2018

	Note	Accumulated surplus R
Balance at 01 April 2016		17 973 443
Deficit for the period		(2 888 682)
Balance at 31 March 2017		15 084 761
Correction of prior period error	27	18 000
Restated balance at 01 April 2017		15 066 762
Deficit for the period		(3 263 123)
Balance at 31 March 2018		11 803 639

3.5 CASH FLOW STATEMENT

as at 31 March 2018

	Notes	2018 R	2017 R
CASH FLOW FROM OPERATING ACTIVITIES			
Receipts		17 110 320	16 544 002
Government grant		15 822 000	15 069 000
Other income		98 078	92 854
Interest received		1 190 242	1 382 148
Payments		(19 483 371)	(19 465 876)
Employee related costs		(11 919 206)	(11 700 431)
Members' fees		(3 277 752)	(3 497 042)
Suppliers		(4 286 413)	(4 268 403)
Net cash generated from operating activities	20	(2 373 051)	(2 921 874)
CASH FLOW FROM INVESTING ACTIVITIES			
Purchase of property, plant and equipment	6	(389 919)	(458 162)
Purchase of intangible assets	7	(809 901)	-
Net cash flows from investing activities		(1 199 820)	(458 162)
Net increase in cash and cash equivalents		(3 572 871)	(3 380 036)
Cash and cash equivalents at the beginning of the year		15 081 778	18 461 814
Cash and cash equivalents at the end of the period	3	11 508 907	15 081 778

3.6 STATEMENT OF COMPARISON OF BUDGET AND ACTUAL AMOUNTS

for the year ended 31 March 2018

	Approved budget	Adjustments	Final budget	Actual amounts on comparable basis	Difference between final budget and actual	Reference
	R	R	R	R	R	
Revenue from non-exchange transactions	23 252 000	651 963	23 903 963	17 214 848	6 689 115	
Transfers from the dti	15 822 000	-	15 822 000	15 822 000	-	
Other income – non-exchange transactions	7 430 000	651 963	8 081 963	1 392 848	6 689 115	28.2
Revenue from exchange transactions	600 000	443 435	1 043 435	1 259 468	(216 033)	
Interest received	600 000	443 435	1 043 435	1 196 268	(152 833)	28.1
Other Income – exchange transactions	-			63 200	(63 200)	28.3
Total revenue	23 852 000	1 095 398	24 947 398	18 474 316	6 473 082	
Expenditure						
Employee related costs	14 310 000	(794 509)	13 515 491	12 332 974	1 182 517	28.4
Other operating expenses	1 742 202	2 122 677	3 864 879	3 073 480	791 399	28.5
Administrative expenses	2 470 198	728 002	3 198 200	2 357 128	841 072	28.6
Tribunal members' fees	4 525 000	(977 000)	3 548 000	3 116 707	431 293	28.7
External audit fees	585 000	-	585 000	553 102	31 898	28.8
Depreciation and amortisation	219 600	16 228	235 828	302 372	(66 544)	28.9
Total expenditure	23 852 000	1 095 398	24 947 398	21 735 763	3 211 635	
Loss on disposal of assets	-	-	-	(1 676)	(1 676)	
(Deficit)/surplus for the year		-	-	(3 263 123)	3 263 123	

3.7 ACCOUNTING POLICIES

1. Accounting Policies for the year ended 31 March 2018

1.1 Presentation of Annual Financial Statements

The annual financial statements have been prepared in accordance with Standards of GRAP, issued by the ASB in accordance with Section 91(1) of the PFMA Act 1 of 1999, including any interpretations and guidance issued by the ASB.

These annual financial statements have been prepared on an accrual basis of accounting and are in accordance with historical cost convention as the basis of measurement, unless specified otherwise.

In the absence of an issued and effective Standard of GRAP, accounting policies for material transactions, events or conditions were developed in accordance with paragraphs 8, 10 and 11 of GRAP 3 as read with Directive 5.

Assets, liabilities, revenues and expenses were not offset, except where offsetting is either required or permitted by a Standard of GRAP.

A summary of the significant accounting policies, which have been consistently applied in the preparation of these annual financial statements, is disclosed below.

1.2 Presentation currency

These financial statements are presented in South African Rands, which is the functional currency of the entity.

1.3 Significant judgements and sources of uncertainty

In preparing the annual financial statements, management is required to make estimates, judgements and assumptions that affect the application of accounting policies, amounts represented in the annual financial statements and related disclosures. Use of available information and the application of judgement are inherent in the formation of estimates. Actual results in the future could differ from these estimates, which may be material to the annual financial statements. Significant judgements are made on the useful lives of property plant and equipment, and intangible assets. The

Tribunal's management determines the estimated useful lives for property, plant and equipment, and intangible assets. The estimates are based on the manner in which an asset's future economic benefits or service potential are expected to be consumed.

1.4 Property, plant and equipment

Property, plant and equipment are carried at cost less accumulated depreciation and any impairment losses. Where an asset is acquired through a non-exchange transaction, its cost is its fair value at date of acquisition.

Property, plant and equipment are depreciated on the straight-line basis over their expected useful lives to their estimated residual value. The useful lives of items of property, plant and equipment have been assessed as follows:

Item	Average useful life
Furniture and fittings	5 years
Motor vehicles	5 years
Office equipment	5 years
Computer equipment	3 to 5 years

The residual value, the useful life and depreciation method of each asset are reviewed at least at the end of each reporting date. If the expectations differ from previous estimates, it is accounted for as a change in accounting estimate.

Each part of an item of property, plant and equipment with a cost that is significant in relation to the total cost of the item is depreciated separately. The depreciation charge for each period is recognised in surplus or deficit.

Items of property, plant and equipment are derecognised when the asset is disposed of or when there are no further economic benefits or service potential expected from the use or disposal of the asset. The gain or loss arising from the derecognition of an item of property, plant and equipment is included in the surplus or deficit when the item is derecognised. The gain or loss arising from the derecognition of an item of property, plant and equipment is determined as the difference between the net disposal proceeds, if any, and the carrying amount of the item.

1.5 Intangible assets

Intangible assets are initially recognised at cost. Intangible assets are carried at cost less any accumulated amortisation and any impairment losses. Amortisation is provided to write down the intangible assets, on a straight-line basis, to their residual values as indicated below.

Item	Average useful life
------	---------------------

Computer software	5 years
-------------------	---------

Intangible assets are derecognised:

- on disposal; or
- when no future economic benefits or service potential are expected from its use or disposal.

The gain or loss is the difference between the net disposal proceeds, if any, and the carrying amount. It is recognised in surplus or deficit when the asset is derecognised.

1.6 Provisions and contingencies

Provisions are recognised when:

- the Companies Tribunal has a present obligation as a result of a past event;
- it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; and
- a reliable estimate can be made of the obligation.

The amount of a provision is the best estimate of the required expenditure expected to settle the present obligation at the reporting date.

Contingent liability is disclosed when a possible obligation arises from past events and the existence of which will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Tribunal. Contingent assets and contingent liabilities are not recognised. Contingencies are disclosed in the notes to the financial statements.

1.7 Commitments

Items are classified as commitments when an entity has committed itself to future transactions that will normally result in the outflow of cash. Commitments are not recognised as liabilities or assets in the Statement of Financial Position but are included in the disclosure notes.

1.8 Inventories

Inventories are initially measured at cost, in which case their costs are their fair value at the date of acquisition. Subsequently, inventories are measured at the lower of cost and net realisable value.

The cost of inventories is assigned using the first-in, first-out (FIFO) formula. The same cost formula is used for all inventories having a similar nature and use to the entity. Inventory comprises stationery that shall be consumed within a short-term period in the normal business of the entity and not held for sale.

1.9 Financial instruments

1.9.1 Initial recognition

The Companies Tribunal recognises a financial asset or a financial liability in its Statement of Financial Position when the entity becomes a party to the contractual provisions of the instrument. The Companies Tribunal recognises financial assets using trade date accounting.

1.9.2 Initial measurement of financial assets and financial liabilities

The Tribunal measures a financial asset and financial liability initially at its fair value plus transaction costs that are directly attributable to the acquisition or issue of the financial asset or financial liability.

1.9.3 Subsequent measurement of financial assets and financial liabilities

The Tribunal measures all financial assets and financial liabilities after initial recognition using the category of financial instruments at amortised cost. All financial assets measured at amortised cost or cost are subject to an impairment review annually.

1.9.4 Gains and losses

For financial assets and financial liabilities measured at amortised cost or cost, a gain or loss is recognised in surplus or deficit when the financial asset or financial liability is derecognised or impaired, or through the amortisation process.

1.9.5 Impairment and un-collectability of financial assets

At the end of each reporting period, the Tribunal assesses whether there is any objective evidence that a financial asset or group of financial assets is impaired. If there is objective evidence that an impairment loss on financial assets measured at amortised cost has been incurred, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows (excluding future credit losses that have not been incurred) discounted at the financial asset's original effective interest rate. The carrying amount of the asset is reduced through the use of an allowance account. The amount of the loss is recognised in surplus or deficit.

If, in a subsequent period, the amount of the impairment loss decreases and the decrease can be related objectively to an event occurring after the impairment was recognised, the previously recognised impairment loss is reversed by adjusting an allowance account. The reversal does not result in a carrying amount of the financial asset that exceeds what the amortised cost would have been had the impairment not been recognised at the date the impairment is reversed. The amount of the reversal is recognised in surplus or deficit.

1.9.6 Cash and cash equivalents

Cash and cash equivalents in the Statement of Financial Position comprise cash in bank accounts and on hand and cash equivalents with an original maturity of three months or fewer. For the purpose of the Cash Flow Statement, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts. Cash and cash equivalents are measured at amortised cost.

1.9.7 Receivables from exchange transactions

Trade receivables are measured at initial recognition at fair value and are subsequently measured at amortised cost using the effective interest method. Appropriate allowances for estimated irrecoverable amounts are recognised in surplus or deficit when there is objective evidence that the asset is impaired.

1.9.8 Financial liabilities

The Tribunal removes a financial liability (or a part of a financial liability) from its Statement of Financial Position when it is extinguished, i.e. when the obligation specified in the contract is discharged, cancelled, expired or waived.

1.9.9 Payables from exchange transactions

Trade payables are initially measured at fair value, and subsequently measured at amortised cost, using the effective interest method. Gains or losses are recognised in surplus or deficit when the liabilities are derecognised, as well as through the amortisation process.

1.9.10 Presentation

Interest relating to a financial instrument or a component that is a financial liability is recognised as revenue or expense in surplus or deficit. Losses and gains relating to a financial instrument or a component that is a financial liability are recognised as revenue or expense in surplus or deficit.

1.10 Revenue from exchange transactions

1.10.1 Measurement

Revenue is measured at the fair value of the consideration received or receivable (accrual basis).

1.10.2 Recognition

An inflow of resources from an exchange transaction recognised as an asset is recognised as revenue, except to the extent that a liability is also an exchange recognised in respect of the same inflow.

As the Companies Tribunal satisfies a present obligation recognised as a liability in respect of an inflow of resources from an exchange transaction recognised as an asset, it reduces the carrying amount of the liability recognised and recognises an amount of revenue equal to that reduction.

1.10.3 Investment income

Investment income is recognised on a time-proportion basis using the effective interest method.

1.11 Revenue from non-exchange transactions

1.11.1 Recognition

An inflow of resources from a non-exchange transaction recognised as an asset is recognised as revenue, except to the extent that a liability is also recognised in respect of the same inflow.

As the Companies Tribunal satisfies a present obligation recognised as a liability in respect of an inflow of resources

from a non-exchange transaction recognised as an asset, it reduces the carrying amount of the liability recognised and recognises an amount of revenue equal to that reduction.

1.11.2 Measurement

Revenue from a non-exchange transaction is measured at the amount of the increase in net assets recognised by the Companies Tribunal. When, as a result of a non-exchange transaction, the Companies Tribunal recognises an asset, it also recognises revenue equivalent to the amount of the asset measured at its fair value at the date of acquisition, unless it is also required to recognise a liability.

Where a liability is required to be recognised, it will be measured as the best estimate of the amount required to settle the obligation at the reporting date and the amount of the increase in net assets, if any, recognised as revenue. When a liability is subsequently reduced, because the taxable event occurs or a condition is satisfied, the amount of the reduction in the liability is recognised as revenue.

1.11.3 Transfers

The Tribunal recognises an asset in respect of transfers when the transferred resources meet the definition of an asset and satisfy the criteria for recognition as an asset. Transferred assets are measured at their fair value at the date of acquisition.

1.11.4 Gifts and donations, including goods in-kind

Gifts and donations, including goods in kind, are recognised as assets and revenue when it is probable that the future economic benefits or service potential will flow to the entity and the fair value of the assets can be measured reliably.

1.11.5 Services in-kind

Services in-kind are recognised as revenue and expenditure when the services in-kind are significant to the operations of Tribunal and/or service delivery objectives.

1.12 Leases

A lease is classified as a finance lease if it transfers substantially all the risks and rewards incidental to ownership. A lease is classified as an operating lease if it does not transfer substantially all the risks and rewards incidental to ownership.

1.12.1 Operating leases - lessee

Operating lease payments are recognised as an expense on a straight-line basis over the lease term.

The aggregate benefit of incentives is recognised as a reduction of rental expense over the lease term on a straight-line basis. Any contingent rents are recognised separately as an expense in the period in which they are incurred.

1.13 Employee benefits

1.13.1 Short-term employee benefits

Short-term employee benefits are recognised at undiscounted amounts in the period in which the service was rendered and the benefit was paid or became payable.

1.13.2 Post-employment benefits: Defined contribution plans

Eleven employees of the Tribunal are members of a defined contribution pension plan. Under a defined contribution pension plan, the Tribunal pays fixed contributions into a separate fund and will have no legal or constructive obligation to pay further contributions if the fund does not hold sufficient assets to pay all employee benefits relating to employee service in the current and prior periods.

The contributions to the defined contribution pension plan are charged to surplus or deficit in the period to which they relate. Two employees of the Tribunal are members of the Government Employees' Pension Fund (GEPF). The fund is funded by payments from employees and the Tribunal.

The Tribunal accounts for contributions to the GEPF as a defined contribution plan as there is no consistent and reliable basis for allocating the obligation, plan assets and cost to the individual employers participating in the plan and the plan exposes the participating employers to actuarial risks associated with the current and former employees of other employers participating in the plan.

Contributions to the GEPF are charged to surplus or deficit in the period to which they relate. The Tribunal is not liable for any deficits due to the difference between the present value of the benefit obligations and the fair value of the assets managed by the GEPF. Any potential liabilities are disclosed in the financial statements of the National Revenue Fund and not in the annual financial statements of the Tribunal.

Contributions to the pension plan in respect of service in a particular year are included in the employees total cost of

employment and are changed to the statement of financial performance in the year to which they relate, as part of the cost of employment.

1.14 Irregular expenditure

Irregular expenditure, as defined in Section 1 of the PFMA (1999), is expenditure other than unauthorised expenditure incurred in contravention of, or that is not in accordance with, a requirement of any applicable legislation, including:

- this Act; or
- the State Tender Board Act, 1968 (Act No 86 of 1968), or any regulations made in terms of the Act; or
- any provincial legislation providing for procurement procedures in that provincial government.

National Treasury Practice Note No 4 of 2008/2009, which was issued in terms of sections 76(1) to 76(4) of the PFMA (1999), requires the following (effective from 1 April 2008):

- Irregular expenditure that was incurred and identified during the current financial year and that was condoned before the financial year end and/or before finalisation of the financial statements, must also be recorded appropriately in the irregular expenditure register. In such an instance, no further action is required, with the exception of updating the note to the financial statements.
- Irregular expenditure that was incurred and identified during the current financial year and for which condonement is being awaited at financial year end, must be recorded in the irregular expenditure register. No further action is required, with the exception of updating the note to the financial statements.
- Where irregular expenditure was incurred in the previous financial year and is condoned only in the following financial year, the register and the disclosure note to the financial statements must be updated with the amount condoned.

1.15 Related parties

The Companies Tribunal operates in an economic sector currently dominated by entities directly or indirectly owned by the South African Government. As a consequence of the constitutional independence of the three spheres of government in South Africa, only entities within the national sphere of government are considered to be related parties. Management are persons responsible for planning, directing and controlling the activities of the Tribunal, including those charged with the governance of the Tribunal in accordance

with legislation and in instances where they are required to perform such functions.

Close members of the family of a person are considered to be family members who may be expected to influence, or be influenced by, that management in their dealings with the Tribunal.

1.16 Budget information

The Tribunal is typically subject to budgetary limits in the form of appropriations or budget authorisations (or an equivalent), which is given effect through authorising legislation, appropriation or similar. The approved budget is prepared on an accrual basis and presented by functional classification linked to performance outcome objectives.

The approved budget covers the fiscal period from 1 April 2017 to 31 March 2018. The annual financial statements and the budget are drawn up on the same basis of accounting, therefore a comparison with the budgeted amounts for the reporting period have been included in the Statement of Comparison of Budget and Actual Amounts.

1.17 Events after the reporting date

Events after the reporting date are, both favourable and unfavourable, that occur between the reporting date and the date when the financial statements are authorised for issue. Two types of events can be identified:

- Those that provide evidence of conditions that existed at the reporting date (adjusting events after the reporting date); and
- Those that are indicative of conditions that arose after the reporting date (non-adjusting events after the reporting date).

The Companies Tribunal will adjust the amount recognised in the financial statements to reflect adjusting events after the reporting date once the event has occurred. The Tribunal will disclose the nature of the event and an estimate of its financial effect or a statement that such estimate cannot be made in respect of all material non-adjusting events, where non-disclosure could influence the economic decisions of users taken on the basis of the financial statements.

1.18 Comparative figures

Where necessary, comparative figures have been reclassified to conform to changes in presentation in the current year.

1.19 Going concern

These financial statements have been prepared based on the expectation that the entity will continue to operate as a going concern for at least the next 12 months. This basis presumes that funds will be available to finance future operations and that the realisation of assets and settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business.

2. New standards and interpretations

2.1 Standards and interpretations issued, but not yet effective

The Tribunal has not applied the following standards and interpretations, which have been published and are mandatory for the entity's accounting periods on or after 1 April 2018 or later periods:

Standard	Applicability and expected impact	Effective date
GRAP 18 (as amended 2016): Segment reporting	Currently not applicable. The Tribunal is not engaged in any segment reporting	1 April 2019
GRAP 20 Related parties	Applicable. The adoption of this amendment is not expected to have material impact on the results of the entity, but may result in additional disclosure	1 April 2018
GRAP 106 (as amended 2016): Transfers of functions between entities not under common control	Not applicable. It is unlikely that functions may be transferred to or from the Tribunal	1 April 2019
GRAP 17 (as amended 2016): Property, plant and Equipment	Applicable. It is unlikely that there will be a material impact	1 April 2018
GRAP 21 (as amended 2016): Impairment of non-cash-generating assets	Applicable. It is unlikely that there will be a material impact	1 April 2018
GRAP 26 (as amended 2016): Impairment of cash-generating assets	Applicable. It is unlikely that there will be a material impact	1 April 2018

3.8 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2018

3 Cash and cash equivalents

	2018 R	Restated 2017 R
Cash on hand	2 811	2 880
Bank balances	3 578 069	1 771 910
Short-term deposits*	7 928 027	13 306 988
	11 508 907	15 081 778

*The short-term deposit is the Corporation for Public Deposit account held with South African Reserve Bank.

** The Tribunal has a garage card held with Standard Bank.

4 Receivables from exchange transactions

Trade debtors	60 656	60 656
Prepayments	281 847	51 438
Deposits	600	600
Interest receivable	6 026	-
Employee related debt	767	34 878
	349 896	147 572

5 Inventories

Stationery and consumables	28 290	15 187
----------------------------	--------	--------

6 Property, plant and equipment

	2018			2017		
	Cost	Accumulated Depreciation	Carrying Value	Cost	Accumulated Depreciation	Carrying Value
Furniture and fittings	31 748	(10 830)	20 918	31 748	(4 581)	27 167
Motor vehicles	265 466	(94 904)	170 562	265 466	(60 393)	205 073
Office equipment	111 551	(41 800)	69 751	63 444	(27 084)	36 360
Computer equipment	939 719	(359 715)	580 004	649 791	(209 163)	440 628
	1 348 484	(507 249)	841 235	1 010 449	(301 221)	709 228

	2018	Restated 2017
	R	R

Reconciliation of property, plant and equipment – 2018

	Opening Balance	Additions	Derecognition	Depreciation	Total
Furniture and fittings	27 167	-	-	(6 249)	20 918
Motor vehicles	205 073	-	-	(34 511)	170 562
Office equipment	36 360	48 107	-	(14 716)	69 751
Computer equipment	440 628	341 812	(1 676)	(200 760)	580 004
	709 228	389 919	(1 676)	(256 236)	841 235

Reconciliation of property, plant and equipment – 2017

	Opening Balance	Additions	Derecognition	Depreciation	Total
Furniture and fittings	2 676	28 127	-	(3 636)	27 167
Motor vehicles	239 583	-	-	(34 510)	205 073
Office equipment	42 353	1 000	-	(6 993)	36 360
Computer equipment	145 333	429 035	(1 970)	(131 770)	440 628
	429 945	458 162	(1 970)	(176 909)	709 228

7 Intangible assets

	2018			2017		
	Cost	Accumulated Amortisation	Carrying Value	Cost	Accumulated Amortisation	Carrying Value
Software	1 040 587	(119 612)	920 975	230 686	(73 475)	157 211
	1 040 587	(119 612)	920 975	230 686	(73 475)	157 211

Reconciliation of Intangible assets – 2018

	Opening Balance	Additions	Amortisation	Total
Software	157 211	809 901	(46 137)	920 975
	157 211	809 901	(46 137)	920 975

Reconciliation of Intangible assets – 2017

	Opening Balance	Additions	Amortisation	Total
Software	203 348	-	(46 137)	157 211
	203 348	-	(46 137)	157 211

8 Payables from exchange transactions

Trade payables	428 232	33 850
Other accrued expenses	190 896	36 551
	619 127	70 401

	2018 R	Restated 2017 R
9 Short-term employee benefits		
Accrual for 13th cheque	157 222	163 507
Accrued leave pay	494 450	367 757
Employees accrual – pension fund and medical aid	-	16 333
Employees accruals	380 884	71 191
	1 032 556	618 788
10 Members' accrual		
Tribunal members' fees	193 981	355 026
11 Interest received		
Short-term deposit – Corporate for Deposit Account	1 121 039	1 293 803
Current account – Standard Bank	74 236	87 004
Interest charged on other receivables	993	1 341
	1 196 268	1 382 148
12 Other income from exchange transactions		
Other sundry income	63 200	689
13 Government grants and subsidies		
Transfer from the dti	15 822 000	15 069 000
14 Other income – non-exchange transactions		
Revenue in-kind	1 392 848	1 266 226
15 Employee related costs		
Basic earnings	10 076 494	9 916 399
Performance bonus	639 510	320 625
Medical aid contributions	183 619	176 939
Unemployment Insurance Fund (UIF)	24 450	26 770
Workers Compensation Assistance (WCA)	14 848	15 030
Skills Development Levy (SDL)	104 030	103 100
Leave accrual expense	169 870	2 877
Other allowances	50 600	49 200
Defined contribution pension plan expense	674 551	685 041
13th cheques	287 171	271 829
Interns stipend	107 831	157 240
	12 332 974	11 725 050

16 Other operating expenses

	2018 R	Restated 2017 R
Computer expenses	188 785	218 478
Consulting and professional fees	513 566	283 009
Courier, postage and stamps	9 618	13 827
Employee wellness programme	31 219	24 620
Insurance	137 066	22 320
Lease payments - photocopier	95719	64 535
Lease payments - premises	1 392 848	1 266 226
Motor vehicle expenses	8 599	9 008
Offsite storage	7133	3 530
Parking fees	3 695	3 600
Recruitment fees	17 526	1 343
Repairs and maintenance	-	8 168
Telephone expenses	36 184	33 284
Training expenses	196 327	268 562
Transcripts and recordings	40 480	42 093
Travel and subsistence	394 715	498 106
	3 073 480	2 760 709

17 Administrative expenses

Audit and Risk Committee fees	92 425	129 385
Advertising and marketing	727 884	692 703
Internal audit fees	303 529	413 039
Bank charges	22 361	22 300
Debts written off	-	131
Professional membership	4 500	-
Legal fees	635 717	133 363
Catering	34 565	80 081
Gifts and flowers	1 381	714
Office consumables	11 455	9 873
Donations and sponsorships	-	29 244
Publications, printing and books	218 189	193 034
Stationery	53 046	107 889
REMCO fees	52 762	29 433
Bursaries - employees	76 665	103 650
Venues and facilities	122 649	73 153
	2 357 128	2 017 992

18 External audit fees

External audit fees

	2018 R	Restated 2017 R
External audit fees	553 102	382 941

19 Depreciation and Amortisation

Computer equipment

Furniture and fittings

Motor vehicles

Office equipment

Software

Computer equipment	200 759	131 770
Furniture and fittings	6 249	3 636
Motor vehicles	34 511	34 511
Office equipment	14 716	6 993
Software	46 137	46 137
	302 372	223 047

20 Cash generated from operations

(Deficit)/surplus for the year

Adjustments for:

Depreciation and amortisation

Loss on sale of assets

Revenue in-kind

Lease premises in-kind

Changes in working capital:

(Increase)/decrease in inventories

(Increase)/decrease in receivables from exchange transactions

Increase/(decrease) in payables from exchange transactions

(Decrease)/Increase in members' accrual

Movement in short-term employee benefits

(Deficit)/surplus for the year	(3 263 123)	(2 906 682)
Adjustments for:		
Depreciation and amortisation	302 372	223 047
Loss on sale of assets	1 676	1 969
Revenue in-kind	(1 392 848)	(1 266 226)
Lease premises in-kind	1 392 848	1 266 226
Changes in working capital:		
(Increase)/decrease in inventories	(13 103)	(4 507)
(Increase)/decrease in receivables from exchange transactions	(202 324)	92 164
Increase/(decrease) in payables from exchange transactions	548 728	(368 479)
(Decrease)/Increase in members' accrual	(161 045)	15 995
Movement in short-term employee benefits	413 768	24 619
	(2 373 051)	(2 921 874)

21 Tribunal part-time members' fees

2018

	Member's fees	Allowances*	Reimbursive expenses	Total
MA Chicktay (Chairperson)	399 000	18 000	8 469	425 469
MJ Ramagaga	145 000	18 000	16	163 016
PA Delpont	170 000	18 000	-	188 000
LA Glass	195 000	18 000	13 792	226 792
S Gounden (term ended 31/03/2017)	15 000	-	-	15 000
L Sikhitha	230 000	18 000	6 201	254 201
KLM Manamela	235 000	18 000	320	253 320
K Moodaliyar	195 000	18 000	2 006	215 006
KY Tootla	230 000	18 000	4 665	252 665
K Bodasing	235 000	18 000	6 367	259 367
PJ Veldhuizen	220 000	18 000	-	238 000
M Malokane	195 000	18 000	-	213 000
L Haskins	140 000	18 000	533	158 533
B Zulu	230 000	18 000	6 338	254 338
	2 834 000	234 000	48 707	3 116 707

2017

	Member's fees	Allowances*	Reimbursive expenses	Total
SM Lebala SC (Chairperson)	230 125	18 000	-	248 125
MJ Ramagaga (Deputy Chairperson)	39 000	18 000	-	57 000
PA Delpont	132 000	18 000	-	150 000
LA Glass	380 000	18 000	4 841	402 841
S Gounden	305 000	18 000	819	323 819
MF Kganyago	295 000	15 000	8 549	318 549
KLM Manamela	355 000	18 000	167	373 167
K Moodaliyar	310 000	18 000	2 725	330 725
KY Tootla	350 000	18 000	4 888	372 888
PJ Veldhuizen	415 000	18 000	478	433 478
M Malokane	255 000	18 000	-	273 000
L Haskins	210 000	18 000	1 446	229 446
	3 276 125	213 000	23 913	3 513 037

*Tribunal members received computer allowances and cellphone allowances.

22 Related parties

Controlling entity	Department of Trade and Industry
Accounting Authority	Dr MA Chicktay – appointed from 1 April 2017
Members of key management	Agnes Tsele-Maseloanyane Irene Mathatho
Entities under common control*	Companies and Intellectual Property Commission (CIPC) Export Credit Insurance Corporation (ECIC) National Consumer Commission (NCC) National Consumer Tribunal (NCT) National Credit Regulator (NCR) National Empowerment Fund (NEF) National Gambling Board (NGB) National Lotteries Commission (NLC) National Lotteries Trust Fund (NLTF) National Regulator for Compulsory Specifications (NRCS) National Metrology Institute of South Africa (NMISA) South African Bureau of Standards (SABS) South African National Accreditation System (SANAS)

*The entities are under common control of the dti, of which the Tribunal is part.

** The Tribunal is currently occupying office space at the dti campus at no cost. If the transaction was at an arm's length, the Tribunal would have paid monthly rental of R116 070.

Related-party transactions and balances

	Reason	Financial Effect 2018	Financial Effect 2017	Balance 2018	Balance 2017
Grant received	Government grant received from the dti	15 822 000	15 069 000	-	
Services in kind	Office space at the dti at no cost	1 392 848	1 266 226	-	
Lease premises in kind	Office space at the dti at no cost	(1 392 848)	(1 266 226)	-	
Telephone expenses	Telephone charges are billed by the dti	(36 184)	(37 871)	4 542	3 695
Repairs and maintenance	Repairs done by the dti	-	(7 968)	-	-
		15 785 816	15 023 161	4 542	3 695

23 Executive management emoluments

2018	Basic Salary	Other Benefits*	Allowances	Reimbursive Expense	Performance Bonus**	Total
Agnes Tsele-Maseloanyane (full-time Tribunal member)	1 337 122	259 344	13 200	4 610	239 907	1 854 183
Irene Mathatho (CFO)	1 241 602	81 013	13 200	1 656	102 071	1 439 542
	2 578 724	340 357	26 400	6 266	341 978	3 293 725

2017	Basic Salary	Other Benefits*	Allowances	Reimbursive Expenses	Performance Bonus	Total
Agnes Tsele-Maseloanyane (full-time Tribunal member)	1 262 602	249 523	13 200	5 306	-	1 530 631
Irene Mathatho (CFO)	1 159 662	75 379	13 200	4 261	58 634	1 311 136
	2 422 264	324 902	26 400	9 567	58 634	2 841 767

*Other benefits include contributions to pension fund, medical aid and car allowances.

**Performance bonus paid to A Tsele-Maseloanyane for performance in the 2015/16, 2016/17 and 2017/18 financial years.

24 Irregular expenditure

	2018 R	Restated 2017 R
Opening balance	-	573 337
Add: Irregular expenditure for the current year	-	-
Add: Irregular expenditure of previous years	-	-
Less: Amounts condoned	-	(573 337)

During the 2014/15 financial year-end audit, the Auditor-General discovered possible irregular expenditure relating to 2012/13 and 2013/14 financial year. An investigation conducted during the 2015/16 financial year-end found that the expenditure identified is irregular. The expenditure relates to payments made to Tribunal members for operational and administrative tasks undertaken by members without adhering to the prescribed procurement process when the Tribunal was established. The irregular expenditure incurred amounts to R573 337 and has been condoned in the 2016/17 financial year.

25 Commitments

Already contracted but not provided for		
Operating expenditure	1 930 064	1 843 291
Capital expenditure	762 349	2 260 737
	2 692 413	4 104 028

Commitments for 2018 include contractual commitments for website hosting and CMS support and maintenance which will be realised over two years.

26 Operating lease – lessee

Payable within one year
Payable within two to five years

	2018 R	Restated 2017 R
	96 559	95 719
	72 419	167 508
	168 978	263 227

The Tribunal leases its photocopiers from Sizwe Africa IT Group for three years. The lease term will end on 31 December 2019. There is no escalation clause.

27 Prior-period errors

Fees not claimed by a Tribunal member were not recognised as expenditure in the period in which they had accrued. The error has been corrected retrospectively and comparative figures were appropriately restated.

The correction of the error(s) results in adjustments as follows:

Statement of Financial Position

Increase members' accrual

Decrease in opening accumulated surplus

-	(18 000)
18 000	-

Statement of Financial Position

Increase in Tribunal members' fees

-	18 000
---	--------

28 Budget vs actual expenditure variances

(Refer to Statement of Comparison of Budget and Actual Amounts)

- 28.1 The forecast for Interest received from banks was slightly exceeded due to capital expenditure not incurred during the financial year.
- 28.2 Budgeted other income from non-exchange transactions relates to accumulated surplus that was to be used to fund current financial year expenditure.
- 28.3 Other income from exchange transactions relates to a bursary awarded to an employee that has been refunded to the Tribunal.
- 28.4 Expenditure is lower due to vacant posts not filled and internship positions not filled/filled late in the year.
- 28.5 Expenditure is slightly lower due to IT-related expenditure for which orders were issued but projects were not yet completed at the end of the financial year. These amounts have been included in the amount reported under commitments.
- 28.6 The under expenditure mainly relates to cost-cutting measures implemented for venues and facilities, bursaries not used by employees and orders issued for marketing activities.
- 28.7 Lower expenditure as a result of lower case load received.
- 28.8 The expenditure is in line with the budget.
- 28.9 Expenditure is slightly higher due to assets acquired in the current year.

29 Change in estimate

Property, plant and equipment

Changes in the estimated useful lives of some computer equipment have resulted in a change in depreciation for the year. The following categories are affected:

	Value derived using the original estimate	Value derived using the amended estimate	Value impact of change in estimate
		R	R
Computer equipment	9 417	3 139	6 278

30 Risk management

Financial risk management

The Companies Tribunal's activities expose it to a variety of financial risks, including market risk, credit risk and liquidity risk. This note presents information about the Tribunal's exposure to each of the risks and its objectives, policies and procedures for measuring and managing risks. Further quantitative and qualitative disclosures are included throughout these annual financial statements.

The Accounting Authority has overall responsibility for the establishment and oversight of the Tribunal's risk management framework. The Tribunal's risk management policies are established to identify and analyse the risks faced by the organisation, to set appropriate risk limits and controls, and to monitor risks and adhere to limits. Risk management policies and systems are reviewed regularly to reflect changes in market conditions and the Tribunal's activities.

Liquidity risk

The Tribunal's risk to liquidity is a result of the funds available to cover future commitments. It manages liquidity risk through an ongoing review of future commitments. Risk is regarded as low, taking into consideration the current funding structures and availability of cash resources.

The table below analyses the Tribunal's financial liabilities into maturity groupings based on the remaining period at the Statement of Financial Position to the contractual maturity date. The amounts disclosed in the table are the contractual undiscounted cash flows. Balances due within 12 months equal their carrying balances as the impact of discounting is not significant.

At 31 March 2018

	Within 1 year	Between 2 and 5 years
	R	R
Trade and other payables	619 127	-

At 31 March 2017

	Within 1 year	Between 2 and 5 years
	R	R
Trade and other payables	70 401	-

Credit risk

Credit risk consists mainly of cash deposits, cash equivalents and trade receivables. The Tribunal deposits cash only with major banks with a high-quality credit standing and limits exposure to any one counterparty. The maximum exposure to credit risk is represented by the carrying value of each financial asset in the Statement of Financial Position.

Financial assets exposed to credit risk at year-end were as follows:

	2018 R	2017 R
Trade and other receivables from exchange transactions not past, due or impaired	349 896	147 572
Cash and cash equivalents not past, due or impaired	11 508 907	15 081 778

Interest risk

Interest rate risk is the risk that the value of a financial instrument will fluctuate owing to changes in market interest rates. The Tribunal is exposed to interest rate changes in returns on its investments with financial institutions. The Tribunal's exposure to interest rate risk is managed by investing, short-term, in a current account and in a Corporation for Public Deposits account.

The interest rate sensitivity analysis is calculated on liabilities that represent the major interest-bearing positions and interest-generating financial assets. Based on the calculation performed, the impact on surplus of a 1% shift would be a maximum increase of R115 089 (2017: R150 818) or a decrease of R115 089 (2017: R150 818), respectively.

31 Financial instruments

Categories of financial instruments

Financial assets

	2018 R	At Amortised Cost 2017 R
Receivables from exchange transactions	349 896	147 572
Cash and cash equivalents	11 508 907	15 081 778
	11 858 803	15 229 350

Financial liabilities

	2018 R	At Amortised Cost 2017 R
Payables from exchange transactions	619 207	70 401

32 Events after reporting date

Management is not aware of any matter or circumstance arising since the end of the financial year.

33 Contingent liabilities

2018

Employee capped leave

A staff member who was transferred from CIPC had a capped leave of 72.5 days and clarity/guidance is still being sought from the dti as to which entity is responsible for the liability. No agreement was concluded between CIPC and the Tribunal as required by Section 197 (7) of the Labour Relations Act, 1995. The matter is still under investigation and is estimated at a cost of R229 089.13, and there is no present obligation.

Tribunal member's prior-years claim

At the end of the financial year, a Tribunal member who had not submitted claims between the 2013/14 to 2015/16 financial years submitted all those claims. The matter is still under investigation and the total amount cannot be quantified.

2017

Employee capped leave

A staff member who was transferred from CIPC had a capped leave of 72.5 days and clarity/guidance is still being sought from the dti as to which entity is responsible for the liability. No agreement was concluded between CIPC and the Tribunal as required by Section 197 (7) of the Labour Relations Act, 1995. The matter is still under investigation and is estimated at a cost of R229 089.13, and there is no present obligation.

Tribunal decisions under review by the High Court

As at the end of the financial year, the following Tribunal decisions were under review by the High Court.

CT001Jan 2016

CT014May2016

CT018May2016

CT020May2016

CT014Apr2016

The outcome of the review is not yet known and should the court not rule in favour of the Tribunal, it is estimated that it will cost the entity R275 000.

34 Taxation

The Companies Tribunal is exempted from income tax in terms of Section 10(1)(cA)(i) of the Income Tax Act.



Irene Mathatho, Chief Financial Officer

Annexure: Companies Tribunal members

The Chairperson of the Tribunal is Dr Alli Chicktay. In terms of the Act, the Chairperson allocates cases to Tribunal members.

The Tribunal has one full-time member:

- **Agnes Tsele-Maseloanyane**
BJuris, University of Zululand; LLB, North West University; LLM (Mercantile Law), University of Pretoria; Advanced Diploma in Labour Law, University of Johannesburg; Advanced Taxation Certificate, Unisa; accredited mediator (Conflict Dynamics).

The Tribunal comprises the following part-time members:

- **Dr Alli Chicktay**
BProc; LLB; LLM and Phd from the University of the Witwatersrand.
- **Matshego Ramagaga**
BProc, LLB, LLM (Commercial Law), Certificate in Forensic Auditing and Fraud Examination, Diploma in Insolvency Law Practice, Certificate in International Trade Law, Certificate and Diploma Trial Advocacy Skills (National Institute of Trial Advocacy).
- **Khatija Tootla**
BA, Unisa; LLB, Certificate in Labour Law, University of KwaZulu-Natal; Certificate in Management (first year MBA), Buckinghamshire Chilterns; Certificate in Intellectual Property Law, WIPO (World Intellectual Property Rights Organisations), LLM (Corporate/Commercial), Unisa; Postgraduate Certificate in Advanced Taxation.
- **Lucia Glass**
LLM, BProc, BA (Law), Unisa; accredited mediator (CEDR, UK and Conflict Dynamics).
- **Prof Piet Delpont**
LLB, LLD, University of Pretoria; Higher Diploma in Tax Law, University of the Witwatersrand; accredited mediator (Conflict Dynamics).
- **Khashane Manamela**
BA, University of Venda; LLB, LLM (Commercial Law), University of Pretoria; LLM (Tax Law), University of the Witwatersrand; Master of Business Leadership, Unisa-SBL; accredited mediator (Conflict Dynamics).
- **Adv Lizelle Haskins**
LLB, LLM (Corporate Law), Advanced Certificate in Tax Practice, University of Pretoria; Advanced Corporate Law, University of the Witwatersrand.
- **Mmoledi Malokane**
BProc, UNIN (now University of Limpopo); Advanced Diploma in Corporate Law, RAU (now University of Johannesburg); Certificate in Mergers and Acquisition Law and Regulations, University of Pretoria; Advanced Diploma in Banking Law, Advanced Diploma in Insolvency Law, University of Johannesburg.
- **Peter Veldhuizen**
BProc, Certificate in Taxation, MBA, Unisa; LLM, University of Cape Town; accredited mediator (CEDR, UK and Conflict Dynamics).

- **Prof Kasturi Moodaliyar**
BProc, LLB, LLM, University of Natal (now University of KwaZulu-Natal); MPhil (Criminological Research), University of Cambridge; Programme in Economics and Public Finance, Unisa; Programme in Legislative Drafting, University of Pretoria;
- **Lindelani Sikhitha**
Bluris (University of Venda), LLB and LLM, University of Pretoria.
- **Adv Ishara Bodasing**
MCL, University of Delhi (India); BA and LLB, University of KwaZulu-Natal; accredited mediator (Conflict Dynamics).
- **Bongekile Zulu**
BProc, University of Durban-Westville; MBA from University of KwaZulu-Natal; Certificate in Environmental Law, University of Pretoria; accredited mediator (CEDR, UK and Conflict Dynamics).



From left: Adv Ishara Bodasing, PJ Veldhuizen, Lucia Glass



From left: Dr Alli Chicktay, Bongekile Zulu, Prof Piet Delpoit

Notes:

Notes:



RP338/2018

ISBN: 978-0-621-46682-9

Registered office address:

The dti Campus
Block E 3rd floor
77 Meintjies Street
Sunnyside
Pretoria, 0002

Postal address:

Companies Tribunal
PO Box 27549
Sunnyside
Pretoria
0002

Contact information:

Telephone number: 012 394 3071
E-mail address: Registry@companiestribunal.org.za
Website address: www.companiestribunal.org.za