

**ECONOMIC DEVELOPMENT DEPARTMENT
NOTICE 623 OF 2016
COMPETITION TRIBUNAL OF SOUTH AFRICA
LANGUAGE POLICY**

1. WHAT IS THE TRIBUNAL'S APPROACH TO LANGUAGE DIVERSITY?

The Competition Tribunal (Tribunal) acknowledges that there are eleven official languages in South Africa and that, together with South African sign language and Braille, they enjoy equal esteem and equal treatment. The Tribunal respects the founding values of human dignity, the achievement of equality, the advancement of human rights and freedom, non-racialism and non-sexism as proclaimed in the Constitution. Within this context the Tribunal recognises that the use of language is not only about communication but also about identity and respect. As such the Tribunal aims to support the values set out in the Constitution and uphold the dignity of all citizens while also taking account of the commercial environment, both local and international, within which the Tribunal operates.

2. WHAT IS THE TRIBUNAL'S PRINCIPAL LANGUAGE OF COMMUNICATION?

The Tribunal's principal language for all written and oral communication with stakeholders, both internal and external, across all functions and services which the Tribunal provides, is English. The selection of English as a principal language of communication is informed by:

- the reality that the Tribunal operates primarily in a commercial environment, adjudicating cases of a commercial nature and interacting mainly with stakeholders who are either participating in commercial transactions or are parties to commercial disputes. Although English is reportedly only the fifth most spoken home language in South Africa, it is reported to be the most commonly spoken language in South African commerce.
- the fact that many terms contained in the Competition Act are highly technical as they are economic or commercial terms derived from English for which there are often no sufficiently equivalent terms in the other official languages. This is not a problem unique to South Africa. English has become the language of usage at international fora run under the auspices of the International Competition Network (ICN), the Organisation for Economic Co-operation and Development (OECD), and the United Nations Conference on Trade and Development arm, UNCTAD.

3. DOES THE TRIBUNAL CATER FOR LANGUAGES OTHER THAN ENGLISH?

The Tribunal's core function is to conduct hearings in respect of mergers and prohibited practices. Although these cases and the official record is in English the Tribunal's practice is to ensure that every person who testifies can do so in the official language of their choice subject to the availability of a suitably qualified interpreter. We do not employ our own interpreters as we are a small organisation and seldom have to call upon these services. When we do we offer these services at our expense.

All our hearings are recorded and we retain both a written and audio version of the transcript. Although we do not provide a Braille version, upon request visually impaired persons can receive the audio version and hearing impaired persons the written transcript.

The Tribunal's reasons for its decisions, which are the most important aspect of its work, are written in English for the reasons explained earlier. However as we indicate below summaries of such decisions can in future be made available in other official languages.

Outside of hearings members of the public may wish to get advice from the Tribunal on its procedures and which cases it is hearing. Whilst most of these communications are in English, any person may ask to communicate in their preferred language and they will be directed to a member of staff proficient in that language.

At present we can serve the public in the following official languages:

- IsiZulu;
- IsiXhosa;
- Setswana;
- Tshivenda;
- Sepedi; and
- Afrikaans

In future we plan to translate our press releases which contain succinct information for the public on the major cases we hear and have heard into other official languages. This is a work in progress.

4. WHAT IF I'M UNHAPPY WITH HOW THE TRIBUNAL HAS HANDLED MY LANGUAGE PREFERENCE OR MY LANGUAGE QUERY?

Any person who is dissatisfied with a decision of the Tribunal regarding its use of official languages may lodge a complaint addressed to the chairperson of the Tribunal. The complaint must be delivered to any of the addresses below and must be in writing.

Physical address:

3rd Floor, Mulayo
the dti Campus
77 Meintjies Street
Sunnyside
Pretoria

Postal address:

Private Bag X24
Sunnyside
0132

Fax or e-mail address:

Fax number: +27 (0) 394 0169
E-mail address: ctsa@comptrib.co.za

The chairperson of the Tribunal may designate a suitable official of the Tribunal, under the supervision of the Tribunal, to consider the complaint and shall inform the complainant in writing of the decision.

5. WHO SHOULD I SPEAK TO IN THE TRIBUNAL IF I HAVE A LANGUAGE RELATED QUERY?

We have established a language unit within the Tribunal. The unit is staffed by a language officer and is responsible for carrying out all matters concerning language usage in the Tribunal.

The registrar of the Tribunal performs the function of language officer within the language unit. You may contact the registrar on the following details:

The registrar

Tel: 012 394 3355

Email: LeratoM@comptrib.co.za or

Email: ctsa@comptrib.co.za