

EDITOR'S NOTE

Season's Greetings!

We are pleased to present our third edition of *Umlungisi* for this financial year. This past quarter has been a busy time, but we are happy to offer another round up of positive news. On the back of International Human Rights Day, we were able to restore and uphold the constitutional rights of the old, vulnerable and frail in a matter in Port Elizabeth, which saw a court order regarding the looming closure of the only two state Frail Care Centres instituted. We salute Senior Litigator Advocate Lilla Crouse and Legal Practitioner Debra Wolmarans for ensuring access to justice! In the very same month, it is also necessary to report on one of our recognised practitioners, Tessa Gopal, who successfully represented a 15 year old mother in a matter regarding the adoption of her child. The court ruled in favour of the mother, upholding her constitutional rights.

More events stand out, including our very well-received presentation to the Parliamentary Portfolio Briefing Committee on Justice and Correctional Services. The Committee applauded our sustained strong performance and commitment to assisting indigent persons. Another notable event is our 2017 Top Employer accreditation. We have been named a Top Employer for the 8th consecutive year, and an Industry Leader in the Public Sector for the 2nd consecutive year. We are tremendously proud of this achievement.



Legal Aid SA also hosted the Sierra Leone Legal Aid Board and Palestine Bar Association this quarter. These engagements have been especially enriching and we look forward to hosting more delegations in the fourth quarter. Our Chief Executive Officer Ms Vidhu Vedalankar, Board Chairperson Judge President Dunstan Mlambo and National Operations Executive Advocate Brian Nair attended the 2nd International Conference on Access to Legal Aid in Criminal Justice Systems in Buenos Aires. This conference followed on the 2014 one, which was held in South Africa and produced the Johannesburg Declaration: <http://bit.ly/1jQsiF1> We are looking forward to continuing our work with other countries and organisations on promoting access to legal aid, especially to align with the United Nation's Principles and Guidelines and the Sustainable Development Goals.

This quarter has also seen our offices actively participating in 16 Days of Activism for No Violence against Women and Children outreach and awareness events, as well as promoting disability awareness month and World AIDS Day. We have rolled out radio and television advertisements, which are currently on air, as well as a nationwide billboard campaign – look out for our advertising!

We hope you all attended our regional stakeholder forums and affirmed your support for our work once again. Our performance achievements are made possible by the strong partnerships we have established with you, valued stakeholder, and we look forward to joining forces to continue to serve those who require access to justice.

Malebogo Mahape-Marimo (Ms) – Communication Executive

LEGAL AID SA CERTIFIED TOP EMPLOYER AND INDUSTRY LEADER

Legal Aid South Africa attended the annual Top Employers Certification Dinner, where they were announced as a Top Employer 2017 for the 8th consecutive year, as well as an Industry Leader in the Public Sector for the 2nd consecutive year. The team present to receive the award included Human Resources Executive Amanda Clark, as well as a number of HR and Communication representatives.

Upon receiving the award, Clark said: "We are delighted by this accreditation. The Top Employers benchmark continues to contribute to the growing maturity of our talent management offering. This continuous improvement positions HR as a strategic business partner that supports organisational sustainability and effectiveness at Legal Aid SA."

The Top Employers Institute recognises leading employers around the world – it is an exceptional achievement to be named a Top Employer, and even more exceptional to be accredited for nearly 10 years in a row! We look forward to continuing to push the bar even higher and build our staff and services to ensure that we remain a voice for justice.



Some of the Legal Aid SA team at the event. From left, HR Manager: Special Projects Gudu Mngomezulu; Gauteng Region Human Resources Manager Prince Kutama; Media Content Development Specialist Janeske Botes; Organisational and Employee Development Manager Dayalan Naidoo and Media and Marketing Manager Godfrey Matsobe

OUR VISION

A South Africa in which the rights and responsibilities enshrined in the Constitution are realised to ensure equality, justice and a better life for all.



The delegation with our Board Chairperson Judge President Dunstan Mlambo, Chief Legal Executive Patrick Hundermark and Legal Development Special Project Practitioner Upkaar Mungar

LEGAL AID SA HOSTS SIERRA LEONE DELEGATION

A delegation from Sierra Leone recently visited South Africa for a legal aid study tour. The Sierra Leone Legal Aid Board was established in 2015, and they were keen to meet with Legal Aid South Africa to see how a sustainable legal aid institution is built. The delegation included the Chief Justice of the Republic of Sierra Leone Hon. Abdulai H. Charm; the Chairperson of the Sierra Leone Legal Aid Board Justice Adeliza Showers; Board member of the Sierra Leone Legal Aid Board Paramount Chief Alimamy Dura III; the Dean of the University of Makeni Law School Mr Benedict Jalloh; the Legal Aid Scheme Project Coordinator for the Sierra Leone Bar Association Ms Ashmia Fofanah and two representatives from the Open Society Initiative West Africa, Ms Nancy Sesay and Ms Sonia Osho-Williams.

The delegation spent most of the week at Legal Aid SA's National Office, meeting members of the Executive Management team and discussing how different functions in the organisation have been set up and are managed. They also spent two days in KwaZulu-Natal with Regional Operations Executive Vela Mdaka, visiting the University of KwaZulu-Natal Law Clinic and the National Alliance for the Development of Community Advice Offices, as well as Legal Aid SA's Regional Office and Justice Centres.



Mr Nkosana Mvundlela (3rd from left) at the Black Lawyers Association meeting

REGIONAL EXECUTIVE AND BOARD MEMBER ELECTED BLA EXECUTIVE COMMITTEE MEMBERS

Legal Aid South Africa's Limpopo/Mpumalanga Regional Operations Executive Ms Mpho Kgabi and Board member Mr Nkosana Mvundlela have both been appointed to the Black Lawyers Association Limpopo Branch Executive Committee. Mr Mvundlela is the new Chairperson and Ms Kgabi is the Head of Legislation and Policy. We wish them all the best in their new roles!



Mpho Kgabi

SUSTAINABLE DEVELOPMENT GOAL 16

Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels



PARTNERSHIP WITH THE UNDP TO IMPROVE ACCESS TO LEGAL AID

Legal Aid South Africa has partnered with the United Nations Development Programme (UNDP) to improve and provide global access to legal aid. The UNDP has developed 17 Sustainable Development Goals which include the Rule of Law. As Legal Aid SA's mandate focuses on ensuring justice for all, specifically to vulnerable groups, Goal 16.3 which reads "Promote the rule of law at the national and international levels, and ensure equal justice for all," clearly aligns itself with the organisation's mandate.

Legal Aid SA's commitment to improving global legal access has built a solid relationship with the UNDP and afforded the organisation an opportunity to assist on a global research study on legal aid provision. The inclusion of the Sustainable Development Goal 16 logo in the new email signature speaks to this ongoing partnership.

The objective of Sustainable Development Goal 16 needs to be achieved by all stakeholders involved as the goals will be reviewed at a high level political forum in 2019. Our level of commitment calls for Legal Aid SA to put a concerted effort into and emphasis on ensuring the delivery of quality legal services to communities and vulnerable groups. We continue to sustain an ongoing partnership with other local and global stakeholders including the UNDP as a means of expanding the fulfilment of our mandate.

PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES LAUDS LEGAL AID SA

Members of Parliament including Committee Chairperson Hon Mathole Motshekgwa unanimously congratulated Legal Aid South Africa on its consistent high performance including 15 years of clean audits and Top Employer accreditation for 8 consecutive years. This they said was pleasing to hear considering that they are often faced with many issues when some entities appear before them.

Led by Board Chairperson Judge President Dunstan Mlambo and Chief Executive Officer Ms Vidhu Vedalankar, the management of Legal Aid SA appeared before the Portfolio Committee on Justice and Correctional Services to present the organisation's 2015-2016 Annual Performance Report which saw over 750 000 persons being assisted with legal aid and advice. Access to justice was made a reality in 441 056 new legal aid matters, of which 88% (388 692) were criminal and 12% (52 364) were civil. Legal advice was given in nearly 309 000 matters, with 432 210 legal aid matters finalised in the 2015-2016 financial year. Legal Aid SA remains committed to accommodating vulnerable groups and assisted over 17

000 children – a 7,4% increase on the previous financial year. The majority of these matters (68%) saw legal aid provided to children in conflict with the law, with the remaining 32% of legal aid provided to children in civil matters.

“Our sustained successful performance underscores the organisation's commitment to our constitutional mandate to assist poor and vulnerable South Africans to access justice. This legal assistance to indigent persons makes access to justice a tangible reality for many more South Africans who would otherwise not be able to afford their own legal representation. Legal Aid SA remains committed to ensuring access to justice for all,” says Vedalankar.

The work done by the organisation also extends beyond borders as Legal Aid SA participated in the United Nations Development Programme's global study on legal aid provision. The United Nations' adoption of Sustainable Development Goal 16 on the Rule of Law, in particular Goal 16.3, which reads: “Promote the rule of law at the national and international levels, and ensure equal access to justice for all” aligns with



Legal Aid SA CEO: Ms Vidhu Vedalankar

Legal Aid SA's mandate. We will be working with other stakeholders to implement Goal 16.3 in South Africa.

“Legal Aid SA remains committed to making access to justice a tangible reality for the public, which continues to guide our plans for the next financial year, and beyond. We are proud to be champions of justice for the public and will continue to strive to be a leader in the provision of accessible, sustainable, ethical, quality and independent legal services to those who cannot afford it,” affirms Vedalankar.



KwaZulu-Natal stakeholders, Legal Aid SA Board members, Regional Office Executives and Justice Centre Executives

KWAZULU-NATAL REGION HOSTS SUCCESSFUL STAKEHOLDER FORUM

Legal Aid South Africa's KwaZulu-Natal Region held their annual stakeholder forum to report on the performance of the organisation for the 2015-2016 financial year, with focus given to the sustained provision of quality legal services that Legal Aid SA continues to offer.

In her welcome address, Board member Ms Thulisile Mhlungu emphasised the critical role stakeholders play in driving the organisation forward, noting that “we're here to have a conversation and to learn from each other on how we can do better. You make us better by helping us make informed decisions.”

Attended by more than 50 guests including Deputy Judge President Madondo of the KwaZulu-Natal Division of the High Court and heads from various justice cluster and community organisations, the event was a great success.

Board member Mr Langelihle Mtshali extended messages of gratitude to stakeholders for their continued support: “We acknowledge the role that you play in the strategic as well as operational functioning of the organisation. Your presence and your insight is highly appreciated.”



Zakhe Qwase (left) and Seluleko Ndlovu from Sithengile Secondary School

LEGAL AID SA PREPARES LEARNERS FOR MOOT COURT COMPETITION

Four schools from different districts represented KwaZulu-Natal at the National Schools Moot Court Competition in Johannesburg. This followed a Provincial Moot Court Competition at the Durban Magistrate Court. The winning schools included Harding High School (uGu District), Sithengile Secondary School (Pinetown District), Sobantu Secondary School (uMgungundlovu District) and Mshweshwe High School (Ugu District). Legal Aid South Africa Justice Centres in the jurisdictions of the winning districts spent days coaching and preparing the learners about court processes.

The National Schools Moot Court Competition is an initiative of the Department of Justice and Constitutional Development, in collaboration with the Department of Basic Education, the University of Pretoria and the Foundation for Human Rights. "We appreciate the opportunity to be part of this initiative in coaching and preparing learners for this competition. This is one of many ways that we can share our expertise and help develop communities and shape a better future for our country," said Regional Communication Practitioner Bongani Mahlangu.

The objective of the Competition is to encourage school children to understand the Constitution and its values, to establish a continuous human rights learning programme and to build unity and harmony between the different and diverse sections of the South African society. Most significantly, this Competition affords learners an understanding of how the Constitution and the law work, as they are given a hypothetical case to argue as both the applicant and respondent. Legal Aid SA is proud to support such a worthwhile initiative.

JUSTICE CLUSTER STAKEHOLDERS TURN UP IN NUMBERS FOR ANNUAL MPUMALANGA STAKEHOLDER FORUM

Stakeholders from the Departments of Justice and Constitutional Development, Correctional Services and Social Development; the National Prosecuting Authority; the South African Police Service; the South African Human Rights Commission; the Greater Rape Intervention Project; NICRO and many NGOs with similar mandates braced the rainy Mpumalanga weather to attend Legal Aid South Africa's Limpopo/Mpumalanga Region's stakeholder forum.

Regional Operations Executive Ms Mpho Kgabi welcomed the stakeholders before she gave an overview of Legal Aid SA's performance report in the province. Other speakers on the day included Middelburg Justice Centre Executive Mr Ernest Mogashoa and Regional Legal Manager Mr Kwena Sekoaila.

"It is only through ongoing interactions and dialogue with stakeholders that we can address the many issues that impact on our work and synergise to ensure that we increase access to justice to the poor and vulnerable. In this way we improve our accountability on the delivery of our mandate," said Kgabi.



Adv. Caroline Foord presenting on Legal Aid SA's services

LEGAL AID SA ATTENDS 16 DAYS OF ACTIVISM PUBLIC OUTREACH EVENT

In commemoration of the 16 Days of Activism for No Violence against Women and Children campaign, the Department of Justice and Constitutional Development hosted a public outreach event which took place at Rabasotho Hall, Tembisa, City of Ekurhuleni.

Legal Aid South Africa was amongst some of the stakeholders that were invited by the Department to partake in this community awareness outreach event. The purpose of the event was to promote and educate the community about the 16 Days of Activism campaign.

Legal Aid SA used the opportunity to address the community and educate them about their constitutional rights and responsibilities in accordance with the SA Constitution. Advocate Caroline Foord from Tembisa Justice Centre delivered an informative presentation about the legal services and advice that we provide to those who cannot afford it, especially to women and children.

Community members were given an open platform to ask questions and our Paralegals were available to assist those who required legal assistance with one-on-one consultations.



Legal Aid SA Candidate Attorney consulting with a client



Mpumalanga Regional Court President Ms Naomi Engelbrecht with ROE Ms Mpho Kgabi

JUSTICE FOR AN UNEMPLOYED CLIENT IN MIDDELBURG

Legal Aid South Africa's Middelburg Justice Centre impacted positively on the life of a civil client who was being sued for having defaulted on paying for a plasma television set valued at R10 000.

The client approached Legal Aid SA where it transpired during the consultation that she is unemployed and has never been employed in her life. With this in mind, it became clear from the onset that the retailer contravened several provisions of the National Credit Act (NCA).

Despite the NCA providing that credit providers must take reasonable steps to ascertain a consumer's affordability, the retailer ignored this and proceeded to extend a credit facility to the client who was unemployed and without the means to service the credit agreement.

Legal Aid SA defended the matter on the basis that the written contract concluded by the retailer and the client constituted a credit agreement as contemplated by section 8(4) of the NCA and should be declared a reckless credit in terms of section 83(1) read with section 80(1)(a) or section 80(1)(b) as no affordability assessment was done as provided for by section 81(2) of the NCA. Furthermore, the retailer did not deliver the requisite notice to the client as contemplated by section 129 read with section 130 of the NCA before the action was instituted.

Legal Aid SA's Middelburg Justice Centre set the matter down for hearing and just a day after having served the attorneys with a notice of set down, they were served with a notice of withdrawal of the action; costs were tendered and the attorneys further advised that the client may keep the television set. On being informed of the outcome of the case, the client cried self-described tears of joy because she had not seen herself succeeding with the case.



Anele Tsipa in court

KING WILLIAMS TOWN JUSTICE CENTRE CA EARNS PRAISE FOR A JOB WELL DONE

The work of Anele Sinethemba Tsipa, a Candidate Attorney based at Legal Aid South Africa's King Williams Town JC, has received recognition and admiration from a senior official in the justice cluster. Senior Public Prosecutor in King Williams Town, Althea Rhodes, is impressed with the young man's litigation capabilities and professionalism. Rhodes notes that since Tsipa started working at King Williams Town's B Court in April 2016, they have seen an improvement in the speedy finalisation of B Court matters.

"His knowledge of the law is extremely impressive and he is always eager to research. For a young man to have that 'old school' way of practising law is admirable," said Rhodes, also adding that Tsipa is punctual and passionate about advising his clients in the pursuit of justice.

Tsipa's immediate supervisor, Nokuzola Marenene, shared the same sentiments: "He fights for his clients, has a positive attitude towards change and is quite flexible in the constantly changing work environment."

Tsipa joined Legal Aid SA in 2014 after graduating with an LLB degree from Walter Sisulu University.

LEGAL AID SA TAKES INFORMATION TO TRUCK DRIVERS DURING TRANSPORT MONTH

Reaching people at grassroots level is a key component of Legal Aid South Africa's outreach programmes. The organisation recently targeted truck drivers as part of a Transport Month awareness campaign. The outreach took place at the weighbridge on the N3 R23 (Heidelberg/Standerton) highway.

The aim of the outreach was to educate truck drivers about Legal Aid SA's services and how they can access these services. The truck drivers were also informed of the Means Test which ascertains who qualifies for our services. They were especially encouraged to make use of the toll free Advice Line.

Legal Aid SA teams from National Office, Gauteng Regional Office and Vereeniging Justice Centre set out to educate truck drivers about their legal rights and responsibilities. The three offices managed to reach about 100 truck drivers, most of which had little knowledge of our organisation.

The event proved to be very beneficial as most of the truck



Legal Aid SA Paralegals Fannie Madiga and Makwetsa Marapyana consulting with truck drivers

drivers mentioned that at times they get arrested due to the overloading of their trucks and as a result they need to appear in court. Legal Aid SA's services will certainly benefit them, especially as their employers often do not respond speedily.