

## UMLUNGISI Q4 EDITORIAL COMMENT

We are pleased to present our final *Umlungisi* for the 2016/2017 financial year! This edition is packed with good news, on outreach programmes and initiatives Legal Aid South Africa has been able to participate in alongside you, our valued stakeholder. Aside from these events, this past quarter has also seen us welcoming delegations from Pakistan and Botswana to study our sustainable legal aid model and learn from best practice. We are also immensely proud to be the first African legal aid organisation to use HOTdocs to streamline the production of paperwork needed in civil legal matters – you can read more on this here: <http://www.derebus.org.za/hotdocs-helps-boost-access-justice/>

Legal Aid SA has also just launched a Please Call Me service for clients! When calling our toll-free Advice Line, clients would be charged if calling from a cell phone. With the Please Call Me service, if you require legal advice, you can send a Please Call Me to 079 835 7179 and one of our professional Legal Advisors will call you back. We are excited to see the impact this will have on our clients and the expanded rollout of access to justice this ensures.

March saw South Africa focusing on human rights, with the celebration of Human Rights Day on 21 March. Our country's Constitution encourages and protects individual rights, ensuring that citizens are entitled to basic human dignity and more in our democracy. Despite this, it is disgraceful and humiliating that we live in a free country and yet still fight each other, not accepting people from other African countries. Recent xenophobic attacks show that we do not see the value of the people who populate this country.

Let us work to stop xenophobia and preach to our communities about the importance of loving each other as we are all African, regardless of the country we originate from. We need to speak out about the history of this country and how xenophobia does not bring it, and us, justice. Legal Aid SA prides itself on defending the rights of the marginalised and vulnerable groups in society as mandated by the Constitution. As a human rights-centred organisation, we welcome Human Rights Month and declare that we are proud to be human rights defenders and champions of justice. Pass the message on - say no to discrimination and xenophobia.

Finally, we also rely on you, our valued Legal Aid SA stakeholder, to continue to build and strengthen our brand. You are kindly reminded to refer to our organisation as Legal Aid South Africa and in an abbreviated form as Legal Aid SA, not LASA. We appreciate your commitment to enhancing our brand through quality service delivery to our beneficiaries. The correct use of the name Legal Aid South Africa, abbreviated as Legal Aid SA, affirms our mission to deliver quality legal aid services to the indigent in South Africa, which is in resonance with our constitutional mandate.

We look forward to continuing to build our relationship with you, valued stakeholder, in our new financial year, and to ensuring access to justice for all.



Malebogo Hope Mahape-Marimo (Ms)  
Communication Executive

### MISSION

To be the leader in the provision of accessible, sustainable, ethical, quality and independent legal services to the poor and vulnerable.

### 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.

### VALUES

Passion for Justice and Protection of Human Rights  
Ubuntu  
Integrity  
Accountability  
Service Excellence  
People Centred

## LEGAL AID SA KZN JOINS FORCES WITH THE SAHRC



Stakeholder in conversation

Legal Aid SA's KwaZulu-Natal Regional Office responded positively to a stakeholder invitation from the South African Human Rights Commission (SAHRC) where ways in which stakeholders could possibly share information and resources were explored.

Investing in marketing and planning outreach events, legal clinics, advice desks and other social awareness campaigns is proving very costly to government departments and public entities mandated to provide basic services to the public. Collaborations are needed to, amongst others, bridge this gap.

Present at this all-important stakeholder meeting were, to name a few, the Department of Co-operative Governance and Traditional Affairs; the Public Service Commission; Refugee Social Services; Lawyers for Human Rights; ProBono.Org and the Department of Economic Development, Tourism and Environmental Affairs.

KZN Provincial Manager of the SAHRC, Tanuja Munnoo, highlighted the importance of letting stakeholder relationships develop organically and the "need to learn to do more with less", referring to the budget constraints that many of the stakeholders present are currently facing. Legal Aid SA KZN Regional Communication Practitioner, Bongani Mahlangu, could not agree more, adding that all stakeholders represented share a common interest in protecting the rights of the disadvantaged and vulnerable. "A structured engagement session forum like this will benefit our clients greatly," he said.

It was agreed during the meeting that a database of stakeholder information will be compiled, ready to share with relevant organisations when necessary.

## JUDGE PRESIDENT MLAMBO TRADES CHAMBERS TO EMPOWER PUPILS



The Judge President addressing the learners



Some of the learners with the Legal Aid SA team!

On 10 March 2017 Legal Aid SA Board Chairperson Judge President Dunstan Mlambo spent the day with high school learners from Lephepane Village outside Tzaneen, Limpopo province. "We need to empower you so that you are able to carry the baton and continue the race," said Judge President Mlambo in his keynote address.

Legal Aid SA was joined by the SAPS; South African Forestry Companies Limited (SAFCOL); the South African Institute of Chartered Accountants (SAICA); Foskor Limited; Letaba TVET; Engineering SA and Anglo American.

In his keynote address, Judge President Mlambo encouraged scholars not to hurry to become parents and to focus on their studies. He further stated: "I also wish that all SA citizens would learn and understand the Constitution

because we currently have too many people who do not know their rights and are unaware of their rights being violated". In conclusion, the Judge President reassured the learners that they should not be concerned about the Fees Must Fall movement but should concentrate on their studies and acquire good marks and hopefully by the time they pass their Matric there will be a resolution. The Lephepane Chief was delighted that such high profile dignitaries took time off to empower his community. In his vote of thanks, the Chief said that education can open many doors and that an empowered and educated community breeds a productive and crime-free environment.

## DEPARTMENT OF LABOUR INVITES LEGAL AID SA TO A CAREER EXPO IN ROUXVILLE



Itumeleng Phalali of Legal Aid SA (Aliwal North) speaking to community members in Rouxville

The Department of Labour invited Legal Aid SA's Aliwal North Justice Centre to a Career Expo held at a community hall in Rouxville, a small wool and cattle farming town 34 km outside Aliwal North in the Free State.

The aim of the expo was to uplift the unemployed youth of the region and equip them with information on various career options available in different sectors. Other stakeholders present were the Department of Social Development and Rural Development; The Independent Communications Authority of South Africa (ICASA) and National Prosecuting Authority (NPA).

In addition to addressing the community on the different career opportunities available within Legal Aid SA, Paralegal and Brand Champion at Legal Aid SA's Aliwal North Justice Centre, Itumeleng Phalali, took the opportunity to promote the Legal Aid Advice Line (0800 110 110) as a platform for all South Africans to utilise when in need of professional legal advice.

## LEGAL AID SA PROVIDES ACTING COMMISSIONERS IN THE SMALL CLAIMS COURT

Three legal practitioners from Legal Aid SA's Welkom Justice Centre were sworn in by the Chief Magistrate to act as Commissioners in the Small Claims Court in Welkom.

The three Welkom Justice Centre practitioners appointed Acting Commissioners are Civil Supervisory Legal Practitioner Leander van Wyk and Regional Court Legal Practitioners Vene Terblanche and Kabir Thulsiee. The three practitioners will be presiding officers in the Small Claims Court every Tuesday. One of their immediate tasks will be



The three Welkom Justice Centre practitioners pictured with Chief Magistrate Motlekar (extreme left) after being sworn in as Acting Commissioners at the Small Claims Court in Welkom. From left: Kabir Thulsiee, Vene Terblanche and Leander van Wyk

to address a backlog of matters that accumulated on the court roll due to the unavailability of private attorneys in the Goldfields area to serve as Commissioners.

The newly appointed Advisory Board for the Small Claims Court

currently consists of only the Chief Magistrate Motlekar and committee member Stefani de Villiers, who is also Legal Aid SA's Welkom Justice Centre Executive, who was appointed by the office of the Minister of Justice and Correctional Services. Plans are underway to rope in other stakeholders to become committee members.

Ms de Villiers is convinced that the role Legal Aid SA is playing in the Small Claims Court in Welkom and other courts countrywide underlines the commitment of the organisation to ensuring justice for all. She adds: "The practitioners' services at the Small Claims Court are completely voluntary and the effectiveness of these courts depend on the willingness of legal practitioners to serve as Commissioners. The three practitioners will stay Acting Commissioners until the Minister decides otherwise".

## SENIOR LITIGATOR EDUCATES DORA NGINZA HOSPITAL MEDICAL STAFF



Advocate Lilla Crouse addressing medical staff at Dora Nginza Hospital



Staff listening attentively

Medical doctors, interns, nurses and social workers packed the Dora Nginza Hospital seminar room to hear Legal Aid SA's Eastern Cape Region Senior Litigator, Advocate Lilla Crouse, give a talk on the legal provisions for the consent of children in hospital and medical treatment and procedures.

The presentation dealt with the philosophy behind the Children's Act, children's health rights and consent requirements in the Act as well as the remedies available to the hospital on the withholding of consent by a parent or a child.

She explained who should give consent besides the parent in medical procedures such as HIV testing, blood transfusions, surgical operations and other procedures. Adv. Crouse stressed that in all medical decisions concerning the minor, the best interests of

the child should receive primary consideration. For instance, if a parent refuses a life-saving procedure for a child, the medical practitioner can approach the Minister of Social Development, the Children's Court or the High Court to overrule the parent's decision.

The presentation also covered the reporting obligations of medical practitioners in cases of child abuse, which may sometimes overrule doctor-patient confidentiality. "If a child is being abused, then medical practitioners have a reporting duty and a child's right to confidentiality should be overridden", she said.

Adv. Crouse also stressed that Legal Aid SA is mandated to legally represent all children – whether they are rich or poor. Where a child's life is in danger, Legal Aid SA will step in and act in the best interest of the child, she said.

## LEGAL AID SA ON SABC 3's SPECIAL ASSIGNMENT

Legal Aid SA remains committed to delivering quality legal services to the vulnerable. The organisation was recently invited to appear on SABC 3's current affairs programme Special Assignment. Legal Aid SA was happy to accept the invitation and diversify the communication platforms it appears on.

National Legal Manager: Civil, Hanoneshea Hendricks, spoke on adult child maintenance regarding a matter which focused on a black woman who was allegedly raped by her white boss 36 years ago. She gave birth to a coloured child and was kicked off the farm by her boss.

The child, who is now an adult, learnt who his biological father allegedly is and decided to sue for maintenance, despite no longer being a minor. Ms Hendricks was asked to explain whether an adult child can claim for maintenance, and took viewers

through the process that this matter would follow. She also spoke about the possibilities for claims for maintenance after many years and on how an adult child may claim maintenance as a form of accessing the assets of the sued parent.

We were pleased to offer this legal education to the viewers of *Special Assignment*.



Hanoneshea Hendricks  
National Legal Manager: Civil

## LEGAL AID SA ON ANN7's PEOPLE'S IMBIZO

Access to higher education has become daunting for matriculants who cannot afford university fees, or do not meet minimum entry requirements. Unregistered colleges use a range of methods to mislead the public and lure vulnerable students to bogus colleges that offer unaccredited qualifications.

ANN7 invited Legal Aid SA, the Department of Higher Education and Training and Umalusi to a panel discussion on their show *People's Imbizo*, filmed at Theatre Park in Braamfontein. National Legal Manager: Civil, Hanoneshea Hendricks, represented Legal Aid SA in the discussion.

The show focused on educating prospective students and the community at large on these bogus colleges and how to recognise them so they are not fooled into handing over their money and obtaining a useless qualification. Ms Hendricks spoke about the legal options available to those who have fallen victim to these fraudulent institutions, urging them to call the Legal Aid SA Advice Line (0800 110 110).

Students were further encouraged to take their time to verify both the registration and accreditation of any private college or university before enrolling for tertiary studies. Legal Aid SA is very pleased to have contributed to spreading awareness on this widespread problem.



National Legal Manager: Civil Hanoneshea Hendricks (left) pauses with People's Imbizo host Sindy Mabe (right)

## MEET A LEGAL AID SA HIGH COURT UNIT PRACTITIONER



Meet Zina Anastasiou, Acting High Court Unit Manager at Pietermaritzburg Justice Centre. Ms Anastasiou has been a High Court Unit practitioner at the Justice Centre since August 2005.

When asked how she became interested in the legal profession, she explained: "Growing up, my father instilled in me the fact that everyone was equal and that women could achieve anything they set their minds to. Growing up in the 80s and seeing all the horrendous ways in which the law was used to discriminate on the basis of race solidified my resolve to become a lawyer and make a difference."

"I am very passionate about my work at Legal Aid SA, in fact, I remember my first case where my client had received a life imprisonment sentence. He, with others, had massacred women and children during a funeral in Richmond and when he received his sentence, he had to comfort me because I was devastated for him. I remember him saying to me, "it's ok, it's ok"."

Armed with a BA LLB, 12 years of experience and a passion for justice, Ms Anastasiou is well-equipped to run the High Court Unit. She is ready to put systems in place to ensure that time is used effectively and efficiently. A firm believer in the Rule of Law, she believes that being a Legal Aid SA Citizen provides her with the opportunity to be part of the process of ensuring that the Rule of Law is upheld for vulnerable people in our society.

"I was fortunate to have Advocate Christo van Schalkwyk SC as my pupil master and he taught me that there are no shortcuts in law. He was and still is a workaholic who set the standard for me of always going to court fully prepared and equipped to deal with any challenge," she recalls.

Keep upholding access to justice, Zina!

## LEGAL AID SA VISITS MODIMOLLE PRIMARY SCHOOL AS PART OF ITS EDUCATION CAMPAIGN



Legal Aid SA's Modimolle Justice Centre visited Modimolle Primary School to inform learners about their human rights, with a focus on children's rights. Modimolle Justice Centre's Creswell Sekgobela spoke about learners' rights under the Constitution and the role that Legal Aid SA plays in ensuring that those rights are upheld.

Many of the learners showed interested in the legal profession, saying they were very keen on assisting the less privileged and disadvantaged.

Other stakeholders involved in the campaign were the South African Police Services, the Departments of Education and Social Development and Hands On. They also spoke on the services and assistance they provide.

## WORKING WITH COMMUNITY DEVELOPMENT WORKERS TO INCREASE ACCESS TO JUSTICE

Stakeholders are essential to the work Legal Aid SA does, helping to spread the word on our services and reach more people who require legal assistance. Legal Aid SA's Tembisa Justice Centre invited Community Development Workers based in Tembisa and surrounding areas to build relationships with the office and to ensure that they are informed of the organisation and its services.

Tembisa Justice Centre Executive Nomawethu Mtebele gave a presentation to the Community Development Workers and emphasised the importance of knowing the correct process to follow should they and the public they serve encounter legal problems. She later opened the floor for discussion – a robust engagement was held, with all present benefitting from the interaction. Such events build our stakeholder relations and support the essential work that Legal Aid SA does.

# NATIONAL OFFICE EMPLOYEES SEIZE THE OPPORTUNITY TO STAY HEALTHY ON WELLNESS DAY

Enthusiastic employees at Legal Aid SA's National Office welcomed the opportunity to undergo a health risk assessment on Employee Wellness Day, organised by the Employee Wellness Committee on 1 February 2017.

Employees often struggle to fit proper health and fitness practices into their busy schedules. Work commitments, travel, domestic duties and the often accompanying stress take up so much time that people inevitably neglect their health.

The aim of Employee Wellness Day was to offer a comprehensive health assessment (including the checking of vitals) and fitness check-up which included chronic disease testing as well as ear and eye examinations. Medical staff from the Health Care Wellness Centre were on call, performing tests on approximately 80% of the National Office staff.



National Office Employees seize the opportunity to stay healthy on wellness day

Before testing, the medical staff explained what could cause a certain disease and how to successfully manage one's health. The nurse doing HIV/AIDS testing advised Legal Aid SA Citizens to take the tests at least once a year in order to detect early symptoms and be able to manage the disease.

The delight was evident in the employees who were present – "It was a well-rounded experience because I was tested for all chronic diseases, HIV/AIDS and also had my eyes checked. Not many organisations

organise Wellness Days for their employees. In this way you are able to gauge the health of your workforce and plan accordingly," said Legal Quality Assurance Manager Similo Silwana.

It was clear that most people were very interested in finding out more about diets as the dietician was constantly speaking to staff wanting information about weight management. At lunch time, Virgin Active presented an aerobics session to Legal Aid SA Citizens as a weight loss alternative.

The Wellness Day was the first of many such events of the year. Clinical Psychologist and chair of the Employee Wellness Committee, Nkosingiphile Zulu, was thankful to all participants as well as the staff from the Health Care Wellness Centre who made the day a fruitful one.

## LEGAL AID SA ADDRESSES EVICTION PROBLEMS IN KATLEHONG, GERMISTON



Germiston Justice Centre legal team, from left - Candidate Attorney Kgomoitso Gram, Luvuyo Silandela and Sisonke Magadla

Tough economic times often see an upsurge in illegal activity, especially eviction. South Africa's history has seen a significant number of people deprived of land and access to housing.

Our Constitution took effect on 4 February 1997 and section 26(3) of the Constitution provides that no one may be evicted from their homes, or have their homes demolished, without an

order of court made after considering all the relevant circumstances

In an effort to support and uphold this constitutional right, Legal Aid SA's Germiston Justice Centre, together with other stakeholders, visited the community of Katlehong to educate them on their rights as property owners and assist those who have been affected by eviction and loss of ownership.

An overview of the eviction dispensation was given, focusing on Legal Aid SA's role to an eviction applicant (ownership/control) and respondent (rights to occupy or oppose an application). The role of other institutions was also explained (Judiciary, Sheriff and Deeds Office) as well as any unscrupulous activities (fraud).

Members of the community raised concerns about Criminal Court consequences of being charged with trespassing. This aspect was also unpacked, taking into account implications as well as a suitable approach to follow.

The community was urged to follow recognised legal channels to resolve their grievances. Appropriate social activism was also encouraged to assist with their plight, where legal recourse has been exhausted. The event concluded with community members having one-on-one legal advice sessions with our legal representatives



Legal Aid SA's King Williams Town Justice Centre organised a fair play event amongst four schools in the area, hosted by Mzontsundu High School. In line with the objectives of Legal Aid SA fair play initiatives, the day was used to promote positive social messages and behavioural change through sports. Here we have learners of Masikhuthale High School celebrating their victory on the day!