

CHAIRPERSON'S REPORT TO THE ANNUAL GENERAL MEETING OF THE KWA ZULU NATAL PUBLIC SECTOR LAWYERS ASSOCIATION HELD IN DURBAN ON 26 MARCH 2011

Members of the executive committee present
The all important members of KAPSL
PSLF members present
Invited Guests

I am honored indeed to welcome you to this very important meeting in the life of our association. It is important because it marks the end of the three (3) years and an anniversary since the founding of the association in June and the election into office in November 2008 of the outgoing executive committee of our association. I am appreciative also of the fact that we have gone this far and that we have not, as an elected executive committee diverted from the constitutional mandate of this noble collective of public sector lawyers found in our beautiful province of Kwa Zulu Natal.

Today is the day of reflection on what KAPSL has achieved or not achieved , a celebration of achievements made and possibly an opportunity to chart a way forward that would take the association to greater heights never imagined before. It is therefore a historic day of our Association.

It is important to mention at this stage that the guiding document that has informed KAPSL's operations to date has been nothing else but our constitution that we adopted in June 2008 read together with the code of ethics. In addition to our constitution, our business plan that was approved subsequent to the constitution has informed the activities undertaken during the period under review and projects against which the association has recorded as achievements that I will deal with in the moment.

But before I deal with achievements, it will be necessary that I highlight what the association faced as challenges and limitations in order to lay the basis for future programs and activities of the association.

Members would recall that our business plan speaks to five (5) pillars that the association has undertaken to do during the period now under review. These pillars were :

- Organizing and empowerment of public sector lawyers of KZN
- Improving linkages between CBO's , NGO's, Chapter 9 institutions to ensure that civil society access human rights services offered by such institutions
- Providing assistance to indigent persons within the community
- Improving relationships between the provincial government departments and the office the state attorney
- Lobbying for in briefing patterns for PDI's

It would then be critical that the performance of the association, in particular the outgoing executive committee, is assessed against the above key result areas that were set and against which the expectation of our general membership are informed. In this regard I intend to deal individually with each one of these performance elements even though I have not necessarily followed the sequence they are listed above nor do I suggest that the way they are listed also equate to their individual importance.

During the period under review, the association has managed to forge partnerships with organizations and or institutions that we believed would advance the strategic thrust and the founding objectives of the association. To this end the association has been able form a partnership with the Adult Basic Education Centre from the University of Kwa Zulu Natal and managed to publish in the Natal Witness – Learn with Echo supplement, a series of articles that were penned by the members of the association. In these articles, issues that got to do broadly with social security benefits and the small claims court were published under KAPSL banner in collaboration with the Adult Basic Education Centre from the University of Kwa Zulu Natal. We believe that such information carried with it an empowerment aspect that benefited the community in terms of accessing relevant information that made a difference in their every day life.

It is hoped that such a partnership will be natured and it will mature in time going forward.

On the question of empowerment of our members and public sector lawyers in general has been one of the daunting tasks the association had to undertake, for an example, once it became obvious that to achieve the broad empowerment goal of our members and that it be would be necessary to secure recognition of the association by the executive authority of the provincial government, it was decided that a process of doing presentations to the Cabinet Clusters and to COHOD should be made. To this end, a presentation to the Governance & Administration Cluster was made and followed by another one at COHOD. It is important to point out that in both presentations, we can report that what the association is about and what it stands for was accorded a very warm reception and support especially from the then chairperson of the G& A Cluster, the Head of Department for Community Safety & Liason , Ms Yasmin Bacus at both fora.

These presentations, ladies and gentlemen, were necessary to prepare the authorities as well as the Heads Of Department for the long term goal of securing support for the empowerment of our members around being afforded an opportunity to serve either articles of clerkship or pupillage. It was and it still is the intention of the association to pursue this goal of securing our members an opportunity, for those that had not had such an opportunity, to be released to go and serve articles of clerkship and pupillage using the employer's skills development levy contribution and fund the salaries of our members for the period of clerkship or pupillage. We understood that it would be practically impossible, if not financially onerous, for our members to leave their current jobs to go and serve articles of clerkship and or pupillage.

Hence, it was our proposal that whilst being afforded such an opportunity, our members should retain their salaries during the period in question. Therefore, we felt it necessary to create the necessary space and secure support for this initiative from the executive leadership of the provincial administration. We felt it was important to present the developmental trajectory that would benefit both our members and the provincial government in the long term. When we talk about empowerment here we mean that some amongst our members have not had an opportunity

to serve articles of clerkship or pupillage and it is necessary to render support towards them being afforded such an opportunity in order to become fully fledged lawyers in their own right. We do suggest that such an opportunity should be limited to serve articles within the office of the state attorney but it must also include private sector legal firms.

The empowerment of our members is not confined to serving of articles or pupillage but it also includes the opening of opportunities for qualified public sector lawyers from being considered for judicial appointments as it is the case with the private sector legal practitioners and academia. It is our firm held view that the continued exclusion of public sector lawyers has no rational basis. Instead the participation of the public service lawyers in these processes would also advance the much talked about transformation of the judiciary in that there would be an increased pool from which to draw suitable candidates and enable our members to develop professionally like any other private sector legal practitioner. This position has been central in our submissions at both cabinet cluster and the newly formed Kwa Zulu Natal Legal Forum (a collective of all lawyers practicing in Kwa Zulu Natal drawn from the BLA, NADEL, SAWLA & AFT).

This is one of the important initiatives that the association should pursue going forward.

Another important pillar of the association's business plan has been around the improvement of relations between the different government departments and the Office of the State Attorney. The State Attorney was sensitized around this particular focus area but unfortunately the association was not successful in getting the inputs from the departments to enable it to intervene meaningfully and it was felt that it would not be proper to raise the issue of relations with the State Attorney that are not corroborated by facts.

It is an undeniable fact that amongst us as public servants and us being lawyers by training, there is something that we could do to advance the government often spoken about to bring the government to the people. It was against this background that we felt that an initiative to reach out to the community through the community legal advice clinics would be an appropriate vehicle. It is therefore in the same context that today we can proudly report about the successful launch on 5 March 2011 of the Uganda Community Legal Clinic in Umlazi, Durban. The work that we envisage to do will immensely benefit the local community and it is hoped that we will be seeing similar initiatives in other deprived sections of our community

We owe our successful launch of the Uganda Law Clinic to the generous contribution that we received from the Department of Community Safety & Liason, the unreserved participation of other stakeholders such as SASSA, Umlazi Local Office falling under the management of the Durban Region that came out in full force on the day and to a certain degree the Departments of Home Affairs and KZN Social Development respectively.

On lobbying for the improvement on briefing patterns in favour of PDI's, not much work has gone into this but the issue has taken centre stage at the level of the KZN Legal Forum where the members of KAPSL serve as members.

Based on the above, I can confidently report to you that we have recorded satisfactory progress and successes in respect of the association's business plan that stands out as testimony enough to the fact that we have lived up to your expectations and to our constitutional mandate. This is, in my view, not enough but a lot more still needs to be done but it will require men and women that are dedicated to this cause and who are inspired by the desire to contribute to the lives of our South African society and who are selfless in what they do, not expecting any personal gain or gratification. I am at pains to say this that I am as yet to see if we have many of this type amongst the public sector lawyers employed within the KZN provincial administration. I raise this issue the way I do because of the challenge we had to grapple with in terms of the level of apparent apathy amongst our ranks as legally qualified public servants. We had thought that by reviewing the annual subscription down to a mere R250-00, it would translate to the increase in members swelling our ranks as KAPSL. To our disappointment, that has not been the case. Increasing the association's membership is the challenge that we need to confront head on as it goes to the core of the association's survival.

Despite these challenges, the association has made great strides in that we enjoy a comfortable level of recognition within the provincial administration, KZN Legal Forum, DPSA Integrity Unit such that an invitation to attend the official launch of the anti -corruption unit was extended to the association, the successful launch of the association in October 2010, the media coverage that our launch enjoyed including an article that came up in the De Rebus December 2010 and the recent invitation by the Legal Forum to include our members as election observers and monitors is all testimony to the hard work and dedication of the outgoing executive committee.

In conclusion, I hope that the good work that the association has undertaken would continue and that colloquia would be organized to stimulate informed public debates around issues of national interest and nation building. It would be necessary also to ensure that the empowerment of public sector lawyers will continue to take center stage in the business plan of the association as it would be the case with the good work around the community legal clinics, keep alive the issue of the right of appearance for public service lawyers and opportunities around appointment to serve in the bench and other capacities.

These are just the apex of our future battles that the association cannot afford to lose. This is a rallying call to battle and failure is just not an option.

I thank you.

MR SIFISO CHILI
CHAIRPERSON