

CURRICULUM VITAE OF NOXOLO MBANGENI

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Date of Birth:

Drivers Licence: Code EB

PROFILE

1. I have 19 years post Admission experience which is categorized as follows:

1.1 Prosecutor: 2001- 2007: 6yrs

1.2. Legal Advisor/Senior Legal Advisor: (Senior State Advocate equivalent),

Acting Director 2007-2012: 6yrs.

1.3 Pupilage 2012

1.4 Pupilage 2013

1.5 Obtained Chambers: December 2014

1.6 December 2014 to date: Practicing Advocate

2. Judicial and Quasi-Judicial Experience:

2.1 Tax Commissioner: 2019-2023

2.2 Arbitrator/Chairperson: Delft Taxi War Enquiry

2.3 Small Claims Commissioner: 2019 to date.

2.4 Acting Magistrate: February 2021 to date.

25 Tax Commissioner

3. Areas of Law Presided on thus far:

3.1 Criminal Cases: Common Law and Statutory Offences: Assault, AGBH, Reckless and Negligent Driving, Theft, Drug Related Cases, Culpable Homicide, Immigration Act (violation), Robbery etc.,

3.2 Civil Litigation: Applications on: Default Judgments, Debt Reviews, Evictions, Action/s on: Unlawful Arrest and Detention, Breach of Contract, Immigration, Section 65,57 and 58's etc. SAPS (Unlawful Assault), Motor Vehicle Collision etc.

3.3 Motion Court, Urgent Applications and Ex parte/s i.e. Spoliation, Summary Judgments, Rule 32 of Mag Court and Sec 5 (1) PIE etc.

3.4 Family law: Protection Orders, Harassment.

3.5 Immigration Cases

10. As a Gender and Human Rights Activist, I contribute my time into community-based organizations (i.e., Churches i.e. Deeper Life Ministries, Umkhosi Wentokazi and Mount Zion Church all based in Kayelitsha) or institutions (like Legal Resources Centre and Sifunukwazi) addressing the issues of Gender Violence Against Women and Children, Family laws in general, Land rights and fight against Unlawful Evictions.

11. I also played a role in the preparation for Commission of Inquiry into allegations of Police Inefficiency and breakdown in relations between SAPS and people of Khayelitsha. The relationship established with Community Members and mostly Pastors have assisted in establishing of church-based programmes against gangsterism in Khayelitsha and focus on other community building projects like Soup Kitchen and Man on the Street Empowerment Projects

12. I am an active member of Advocates for Transformation.

13. I have been nominated in the past to represent the Cape Bar into significant forums that seek to address the challenges faced by young, black, women advocate i.e. Young Leaders Symposium in issues of Transformation in the Legal Profession. Also served on Pupillage, Financial Committee of the Cape Bar Council as well as Adjudication for Appointment of Judges Forum for Cape Bar on behalf of the JSC.

14. I have sat as Chairperson in Taxi Commission Enquiry (Dolt Taxi Commission) dealing with the inquiry on violence in the Taxi Industry. The report was for MEC: Transport Western Cape and can be made available on request.

15. I sat on Arbitration as a legal representative in the Taxi Industry as well dealing with the fights about routes in two prominent Associations in the Bellville Interchange. The Arbitration took place for about eight to nine months and continuing as there are sporadic applications before court by all parties i.e. Urgent application by my clients for failure to implement some provisions of the Arbitration Award by Department of Transport.

16. I have been appointed as a Small Claims Commissioner for Wynberg District Court.

17. I was nominated and shortlisted for the position: Deputy Public Protector in 2019.

EDUCATIONAL QUALIFICATIONS

1. Bachelor of Law, 2001(Post Grad) University of the Western Cape
2. B. Iuris, 1997 University of the Western Cape

CAREER SUMMARY

07/01/2007 15/01/2013	to	D.E.A.T: Legal advisor D.A.F.F: Snr Legal Advisor D.A.F.F: Acting Director	Cape Town
01/10/2002 07/01/2007	to	N.P.A: Prosecutor	Cape Town
01/01/2011 01/10/2002	to	G.A.P: NICRO: Legal advisor/ Researcher	Cape Town
1998		I.C.W.D. UWC: Researcher	Bellville
1996 - 2002		Gold Circle: Booth Controller	Kenilworth
2013		Pupillage	Cape Town
2014		Practicing Advocate	Cape Town

<p>(1 June 2016-31 May 2017)</p> <p>01 February 2021 to date</p>	<p>Senior State Law Advisor: Premier: Legal Services</p> <p>Acting Magistrate:</p>	<p>Cape Town</p> <p>Cape Town and Bellville</p>

KEY PERFORMANCE AREAS

➤ **Criminal Law**

Public Prosecution duties entail the following:

- Studying of dockets and deciding on the institution of criminal proceedings
- Preparing cases for courts and drawing of charge sheet
- Presenting the State's case in court
- Examination of witnesses, cross examination and addressing the court on inter-alia conviction and sentence and to conduct prosecution on behalf of the state.
- Perform all the duties related to in accordance with the code of conduct and the policy and deliveries of the NPA.

➤ **Civil Law**

Employed as a Maintenance Prosecutor (October 2002 to February 2003)

Maintenance prosecution entails the following:

- Conduct maintenance enquiries as well as other duties mentioned above.
- Use of the provisions of the Maintenance Act 1998 apart from S31 (1). The sections are to be read with the Children's Act, Civil Amendment Laws Act as well as Magistrate Acts which means that Civil Law procedure need to be applied.

➤ **Family Law**

Worked on a research paper on the 'Impact of Section 28 of the Constitution of the versus the socio -economic rights as set out in the Constitution: Accreditation: Dr Amoateng; UWC. (Now I believe is Professor: Yaw Amoateng).

Legal Advisor: Nicro

Duties entailed the following:

- Equipping women on the court procedures as well as steps they can take to obtain Interdicts (Domestic Violence), Divorce, and Maintenance.
- Conduct counseling when necessary.

Department of Agriculture, Forestry and Fisheries: Snr Legal Advisor: Acting Director

- Provide Legal Advice to the Executive Authority and Line Managers on variety of issues i.e., Interpretation of the provisions of the MLRA, Appeal Process and Procedures, Implication of allocation or non-allocation of rights etc.
- Draft Contracts and service level agreements entered between the Department and with the Department.
- Deal with Litigation and Brief Counsel. (Administrative Law, Constitution, and general Commercial Litigation)
- Provide legal Opinions on matters affecting the department.
- Liaise with office of the State Attorney and State Chief State Law Advisors.
- Vet and draft correspondence on behalf of DDG.
- Corresponding with Legal Firms or Attorneys.
- In house training on matters of law i.e., S28: MLRA
- Participate in the Strategic Planning of the Branch, Component and Chief Directorate
- Dealing with Procurement, HR issues and Staff Supervision.
- Participate and facilitate amendments of the MLRA.

REFERENCES

1. Adv. Nigel Jones: Senior State Advocate
National Prosecuting Authority (ex)
2. Adv. Mongezi Nqoro (ex-colleague)
Director: International Relations: DAFF
3. Mr. Julian Thops
Acting Director (time of Employment): Legal Services: Premier: Western Cape
4. Ms. Kanthi Nagiah (ex-Supervisor)
Chief Director: Legal Services: DAFF
5. Judge Thulare: Western Cape High Cour

ACRONYMS

NPA = National Prosecuting Authority

DAFF = Department of Agriculture, Forestry & Fisheries

DEAT = Department of Environmental Affairs and Tourism

GAP= Gender Advocacy Programme

NICRO= National Institute for crime prevention and rehabilitation of offenders

CSVN = Centre for conflict resolution

MLRA = Marine Living Resources Act

ICM =Integrated coastal management

EEZ= Exclusive Economic Zone