

CV OF ADV. KGOSITOI AUBREY SEDUPANE

Nationality: African, Gender: Male, Identity number:

Driver's licence:

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PART A: EXPERIENCE SUMMARY

21 YEARS AND 7 MONTHS

(19 YEARS: PUBLIC SECTOR + 2 YEARS 6 MONTHS SELF-EMPLOYED)

- Executive Management: Acting Chief Executive Officer (01 year) - Public Sector (Chapter 9)
 - Senior Management (10 years): (Director in- Public Service (01yr), and Senior Manager: Legal Services in Chapter 9 institution (09 years);
 - Management: Investigations (05 years) - Public (Chapter 9);
 - Lower Management: Legal Research (03 years) - (Chapter 9); and
 - Company owner and Director: Legal Practitioner / Consultant (09 years) – Private (Full time & Part time)
 - Legal Intern: Public Service
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PART B: VOCATIONAL SKILLS & REGISTRATION

SKILLS:

- Arbitration (and Award Writing)
- Mediation (and Settlement Drafting)
- Chairing and Initiating Disciplinary Inquiry
- Facilitation and Training
- Investigation, Mediation and Dispute Resolution.
- Legal Advice and Research, and Legal Administration
- Legislative Drafting, and Policy Drafting & Review
- Litigation and Drafting for Litigation
- Contract Management (Commercial, Labour, Mining & Construction)

REGISTRATION:

- Legal Practice Council (LPC)
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PART C: STRATEGIC & PROFESSIONAL KNOWLEDGE/COMPETENCY

- Strategic Capability & Leadership skills; Business Acumen; Effectiveness & Efficiency.
- Financial, human and project management, and Procurement & Supply Chain Management.
- Constitutional & Human Rights Law; Administrative law; Access to information law; Interpretation of Statutes.
- Corporate and Company Law; and Mining Law.
- Labour Law and Disciplinary Hearings.

- Contract Drafting & Management skills (Commercial & employment contracts)

PART D: CONTRIBUTIONS

➤ BOOK

- **Title** : Reinforcing Constitutional Values in the 6th Term – We are running out of time!
- **Publisher** : Self-published (Kgositsoi Aubrey Sedupanc); ISBN: 9780620912747
- **Date** : 22 May 2021
- **Foreword by:** Former President Kgalema Motlanthe

➤ NEWSPAPER ARTICLES

- **Number** : 14 Articles (from 2017 to 2024)
- **Focus** : Constitutional values, principles and obligations; Human Rights; Governance; Ethics; Management; Administration; and Service deliver
- **Publisher** : City Press (print and online) and The Star Newspaper (print)

➤ PRESIDENT'S SPEECH

- **Nature** : Drafted President's Speech on the State of Human Rights in the past 30 years
- **President** : President Matamela Cyril Rmaphosa
- **Speech Date** : 18 March 2024
- **Host** : National Department of Justice & Constitutional Development (Conference: 30 Year Review on the State of Human right (18 to 20 March 2024)

➤ LEGAL OPINIONS

- **Nature** : Executive powers vs Constitutional and Human Rights Law
- **Addressed to** : MEC Phophi Ramathuba
- **Date** : 26 August 2022
- **Matter** : MEC Phophi Ramathuba pertaining her engagement with a patient, an alleged illegal immigrant, at a hospital in Limpopo

PART E: LEGAL PRACTICE TRAINING (COMPLETED)

- Year** : 2020 January to November 2020
- Programme:** Pupillage / Practical Vocational Training
(Civil law procedure: action and motion – opposed unopposed and urgent application; drafting & legal writing; labour and administrative law; criminal law procedure; corporate law; customary and constitutional law; and cybercrime)
- Institution** : Gauteng Society of Advocates
- Year** : 2001
- Programme** :- Practical Legal Training

Institution : University of Free State (Bloemfontein)

PART F: EDUCATION

• DEGREES - obtained

Year & Degree: 2001 - Master of Laws in Human Rights (LL.M)
Institution : University of Free State (Bloemfontein Campus)
Courses : Advanced Interpretation, Application and Limitation of the Bill of Rights;
Advanced study on Employment Equity in the Workplace;
Advanced Study of International Human Rights Law; and
Thesis (research): Aliens' right of admission, residency and equitable
treatment in employment in SA.

Year & Degree: 1997 to 2000 - Baccalaureus Legum (LLB)
Institution : University of North West (Mahikeng Campus)
Courses : Constitutional law, Administrative law, Law of evidence, Contract & Company
Law, Public & Private international law, Interpretation of statute, Labour Law,

• PROGRAMMES - (1 year) - obtained

Year and Programme: 2007 - Programme in Public Procurement and Supply Management (NQF
Level 6)
Institution : University of South Africa

• CERTIFICATES (06 months) - obtained

Year and course: 2018 - Advanced Short Course in Business Rescue Practice (ASCB)
Institution : University of South Africa & Law Society of SA

Year and Course: 2015 - Certificate Course in Company Law: Fundamental Principles
Institution : University of Johannesburg

Year and Course: 2011 - Certificate Programme in Advanced Labour Law
Institution : University of Pretoria

Year and Course: 2010 - Certificate Course in Legislative Drafting
Institution : University of Pretoria

• SENIOR MANAGEMENT PROGRAMME - obtained

- **Year and course:** May 2022 – Nyukela Public Service SMS Pre-entry Programme
(Issued on 18 May 2022)
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• SHORT COURSES - obtained

- **Year and Course:** November 2022 – Engineering and Construction Contracts (2 days)
- **Year and Course:** October 2022 – Arbitration Training Course (3 days)
- **Year and course:** December 2021 – Facilitator Course (Accreditation & Training - 5 days)
- **Year and course:** October 2011 – Chairing Disciplinary Hearings (SA Labour Guide – 2
Days)
- **Year and course:** July 2009 – Short Course in Contract Management (Univ. Pretoria)

-3 days)

• **MATRICULATION**

Year and matric: 1996 - Senior Certificate (Matriculation: Exemption)
Institution : ST Mary's High School (Mahikeng)

PART G: EXPERIENCE

➤ **Relevant Experience (Self-employed)**

- **Full-Time: April 2021 to September 2023**
- **Part-Time: Intervals between 2011 and 2021**

Entity: Sedupane's Legal Consultancy

Services rendered:

- Conducted investigation on the conduct of directors on reckless trading, and for possible criminal or disciplinary action, and on voidable transactions.
- Advised on Business Rescue Law, Business Rescue Plan and the rights of creditors.
- Filed claim on behalf of client in business rescue proceedings.
- Drafted Shareholders Agreements, Contracts, Sale of Shares Agreements, Decds of Surety, Non-Disclosure Agreement, Business/Broker Agreement, MOAs, offer to purchase immovable property (land), Land Lease Agreement, Joint Ventures, etc.
- Drafted policies for of Sedibeng Water (fraud prevention policy, whistle blowing policy, employee performance management policy, Disposal of immovable property policy, contract management policy, Ethics Management Policy, Policy on unauthorised, irregular, fruitless and wasteful expenditure) and provided legislation interpretation services in relation thereto as a subcontractor.
- Drafted Conditions of service, employment contracts, and codes of conduct.
- Advised on Prospecting and Mining Law; Drafted and filed Appeals at Department of Mineral Resources and Energy; and at the Department of Environmental Affairs.
- Drafted Letters of demand and negotiated settlements out of court.
- Provided legal advice on labour related matters, including advice on termination of services of employees based on operational grounds, retirement age, dismissals, and represented client in labour arbitration.
- Presided/Chaired on a disciplinary hearing of an employee at a managerial level.
- Divorce mediations: drafted settlement agreements and parenting plans with due regard to constitutional imperatives of the rights of a child; and
- Drafted court papers, i.e., Notices, Affidavits, Pleadings and Heads of Argument for various matters; and Disciplinary Hearing documents, i.e. letter of suspension, notices and charges, etc

➤ **Public Sector Experience**

1. Senior Management

Position : Director: Elimination of Racial Discrimination (18 September 2023 to date)
Institution : Department of Justice & Constitutional Development

Achievements

- Redefined the Directorate by setting out its objectives and functions, proposed a viable structure, revised job description of the deputy director out of which I created the coordination & implementation and monitoring & evaluation position.
- Developed the Strategic Plan, Annual Performance plan, and Operational Plan of the Directorate.
- Managed strategic engagements: conceptualised and initiated engagements to deal with racism, racial discrimination, xenophobia and related intolerance. Drafted and produce Project Plan/ Concept papers incidental to the engagements.
- Managed the coordination of the NAP Governance Structure and the Rapid Response Mechanism Task-Team.
- Initiated the establishment of the Monitoring and Evaluation Task Team and drafted its Terms of Reference
- Revising the intergovernmental matrix for reporting to the United Nations Committee on the Elimination of Racial Discrimination
- Participated in the *RSA v State of Israel* matter before the International Court of Justice (ICJ) by engaging the relevant stakeholders such as the Independent International Commission of Inquiry on the Occupied Palestinian territory, including East Jerusalem and Israel, Chairpersons of UN Committees as well as the Human Rights Council. Handled Parliamentary questions related to the matter and drafted response and notices on the PAIA request related to the ICJ matter;
- Perused litigation papers and drafted reply including on efforts taken by the Department on the implementation of the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance; and prepared response on the constitutionality of section 41 of the Immigration Act in the same matter.

Position : Senior Manager: Legal Services (01/10/2012 to 31/03/2021)
Institution : Commission for the Promotion and Protection of the Rights of Cultural, Religious and linguistic Communities (CRL Rights Commission)

Achievements

- Developed the strategic plan and annual performance plan of the unit and monitored performance of the unit.
- Formulated legal services & conflict resolution framework – Complaints Manual, established law library; drafted legislative review process and legal opinion/advice process.
- Provided sound legal opinions; reviewed and drafted contracts, MOUs, SLAs and policies.
- Provided sound constitutional and corporate law legal advice to the Commission and members of the public.
- Drafted proposals on legislative amendments of various laws including inputs on Disaster Management Regulations on Convid-19. Reviewed policies and By-Laws of municipalities that impact on the mandate of the Commission.
- Conducted legal research and produced legal reports, including Public Holidays vs Religious/Cultural Holydays: In pursuit of equality among religious and cultural groups); & ‘The Laws and Practices in the Workplace and Institutions of Learning vs Cultural and Religious Rights of Communities (Dress Code and Challenges of Traditional Healers)’
- Chaired the Bid Evaluation and Specification Committees.
- Managed litigation where the Commission was as amicus curiae and other cases wherein the Commission was a Respondent, and drafted court papers e.g., notices, affidavits; etc.
- Drafted a Work from Home Policy which incorporates adherence to Disaster Management Regulations on Convid-19.

2. Executive Management

Position : Acting Chief Executive Officer
Years of experience : One year (29/04/2013 – 30 April 2014)
Institution : Commission for the Promotion and Protection of the Rights of Cultural, Religious and linguistic Communities (CRL Rights Commission)

Achievements:

- Developed the strategic plan and annual performance plan and monitored performance of the Commission. Managed budget of more than R30 million per annum for the entire Commission.
- Developed and executed Organisational Transformation Plan to match and place personnel per their qualifications.
- Merged two units to avoid duplication of work and use available resources effectively and efficiently. Reviewed the records management policy and File Plan & Developed the conditions of service.
- Revised the supply chain management procurement policy and systems by centralizing the function and introduced a checklist for compliance to curb potential abuse and create a better accountable environment.
- Advertised, conducted interviews and made appointment for a new Audit Committee.

3. Middle Management

Position : Manager: Investigations (08/01/2007 to 30/09/2012)
Institution : Commission for the Promotion and Protection of the Rights of Cultural, Religious and linguistic Communities (CRL Rights Commission)

Achievements

- Developed the business plan, and approved work-plans.
- Monitored performance of the unit.
- Drafted Complaints Handling Manual.
- Provided sound legal opinions, reviewed, and drafted contracts, MOUs, SLAs and policies.
- Provided sound constitutional and corporate law legal advice to the Commission and members of the public. Conducted legal research and produced legal reports.
- Drafted proposals on legislative amendments; and reviewed policies and By-Laws of municipalities that impact on the mandate of the Commission.

4. Legal Research

Position : Legal Researcher (01/10/2003 – 03 January 2007)
Institution : South African Human Rights Commission
Division : Promotion of Access to Information Act Unit

Achievements:

- Conducted legal research on PAIA, including in a comparative perspective to reform, improve, review or amend PAIA.
- Organised and reported on the 2nd International Conference of Information Commissioners.
- Analysed section 32 reports from public bodies; Drafted and compiled section 10 Guide of the PAIA; Guided bodies on section 14 and 51 PAIA Manual.
- Trained organs of state and private bodies on PAIA; and prepared legislative amendments.

5. Legal Intern

Period : April 2003 – September 2003
Institution: National Department of Communications

PART H: REFERENCES

Referee : Dr Wesley Mabuza (Former Chairperson - CRT Rights Commission)

E-mail : wesley@crtrights.com

Referee : Adv Tseliso Thipanyane (Former HoD & CEO: SAHRC)

E-m.

Referee : Mr Mziwodumo Rubushe (Former colleague - South African Human Rights Commission)

E-mail : mziwodumo@sa-hrc.org