

# CURRICULUM VITAE OF ADV FUNEKA THEMA

## CONTACT DETAILS

### Street Address

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## PERSONAL DETAILS

Surname : Thema  
First Name : Funeka Elsie  
ID no. : 431201000000000000  
Date of birth : 12/02/1988  
Drivers license : Code 8  
Criminal records : None  
Gender : Black Female  
Professional Membership: Legal Practice Council

## HIGHEST STANDARD PASSED

Standard : Matric  
Institution : Phiri Kolobe High School (Polokwane)  
Year Passed : 1988

## QUALIFICATIONS

Degree : B. Proc  
Institution : University of the North (Limpopo)  
Year obtained : 1994

Degree : LLB  
Institution : University of Pretoria  
Year obtained : 1996

#### **ADMISSION AS AN ATTORNEY**

Admitted as an Attorney of the High Court of South Africa: **06 June 2005 - 05 May 2016**

#### **ADMISSION AS AN ADVOCATE**

Admitted as an Advocate of the High Court of South Africa: **20 May 2016**

Admitted as full - time member of the Johannesburg Society for Advocates: **05 December 2016**

Currently a practising member of the **Tshwane Society of Advocates** since **April 2021 to date.**

#### **GENERAL WORK EXPERIENCE AND SKILLS**

##### **MANAGEMENT**

- Supervision members of staff at provincial and national office;
- Management day to day activities of the office;  
Handle human resources activities of the office;
- Responsible for grievance procedures and disciplinary hearing;
- Served as a link between head office and the provincial office;
- Prepared and presented quarterly and annual reports to head office on the activities of the office;
- Manage the budget of the office including the drafting of annual budgets.

##### **RESEARCH**

- Conducted research on various areas that requires legislative amendments and policy formulation;
- Made recommendations on compliance with civil jurisdictions;
- Made legislative amendments on areas requiring amendments in line with the Constitution;
- Prepared research papers on any regulatory framework to ensure proper compliance with the regulatory prescripts;

- Drafted legal opinions for strategic direction or policy formulation.

### **GOVERNANCE**

- Co – ordination of Committee quarterly meetings;
- Co – ordination of all activities of the Committee;
- Drafting of Committee meetings minutes;
- Ensure circulation of minutes to Committee members;
- Preparation and presentation of financial and progress reports in line with the PFMA and National Treasury prescripts;
- Provision of guidance and advise to Committee members on issues requiring strategic direction or policy formulation;
- Preparation and presentation of bi – annual and annual reports to Committee members;
- Preparation and presentation of strategic plans to Committee members for approval.

### **LITIGATION**

- Drafting of court pleadings;
- Provision of legal advice on various topics;
- Drafting of legal opinions on various topics;
- Drafting and advising on contracts;
- Appearance in High Court and Magistrates Court;
- Conduct mediations and arbitrations.

### **EMPLOYMENT HISTORY**

Period : **January 2016 to date**

Services Provided : Completed my pupillage with the Johannesburg Society for Advocates under the mentorship of Advocate Palesa Khoza from January to December 2016.  
Currently practising as Counsel and member of the Tshwane Society of Advocates.  
A part – time member of the Polokwane Society of Advocates.

My areas of focus are constitutional law, property law, labour law, immigration law, public administrative law, corporate governance, commercial, medical and general civil litigation.

## **ANCILLARY WORK**

### **Gauteng Department of Human Settlement: Gauteng Rental Tribunal**

Period : **December 2017 to March 2023**  
Services Provided : Mediator  
Client : Gauteng Rental Housing Tribunal

#### **Responsibilities**

Presides and mediate over rental housing disputes and other rental related matters of the Tribunal throughout Gauteng.

### **Gauteng Department of Human Settlement: Gauteng Rental Tribunal**

Period : **July 2023 to date**  
Services Provided : Tribunal Member  
Client : Gauteng Rental Housing Tribunal

#### **Responsibilities**

Presides over rental housing disputes and other rental related matters where mediation has failed.

Draft rulings on the outcome of the matter.

### **Private Security Industry Regulatory Authority (PSIRA)**

Period : **March – September 2017**  
Services Provided : Appointed as a member of Panel of Experts for Transformation of the Private Security Industry  
Client : Private Security Industry Regulatory Authority (PSIRA)

#### **Responsibilities**

Drafted the Discussion Document leading to a Charter on transformation of the Private Security Industry which was submitted to PSIRA in September 2017.

Period : **November 2018 to November 2019**  
Services Provided : Prosecutorial and Chairing of private security hearings

### **Responsibilities**

Act as a Prosecutor on behalf of PSIRA on non - compliance with the PSIRA Act and Regulations by private security service providers;

Preside over hearings/inquiries as Chairperson on non - compliance with the PSIRA Act and Regulations by security service providers and make a ruling thereafter.

Mediate between PSIRA and the private security service provider wishing to settle before a hearing.

### **NADEL**

Period : **September 2020 – to date**  
Services Provided : Facilitator of Paper One for Candidate Attorneys seating for Attorneys Admission Exams (High Court and Magistrate’s Court Practice, Criminal Procedure and MVA)  
Client : National Association of Democratic Lawyers (NADEL)

### **Responsibilities**

Provide online and face to face revision classes on Paper 1 for Attorney’s Admission Exams.

## **PREVIOUS EMPLOYMENT HISTORY**

### **Employer, Period and Position**

Period : **2007 March to December 2015**  
Employer : Department of Justice and Constitutional Development  
Position held : Project Manager – Small Claims Court Project

### **Responsibilities**

### **Governance**

- Co – ordinated quarterly National Steering Committee meetings (chaired by the

Deputy Minister);

- Co – ordinated all activities of the National Steering Committee as the secretariat to the Steering Committee;
- Drafted and circulated minutes of Steering Committee members;
- Prepared and presented financial and progress reports on the Projects;
- Provided guidance and advise to Steering Committee members on any issue requiring strategic direction or policy formulation intervention;
- Prepared and presented bi – annual and annual reports to Steering Committee Members for approval before submission to Project Funders.
- Prepared and presented strategic plans for the Project to Committee members for approval.

### **Management**

- Managed the day to day activities of the Small Claims Court Project Office Sub – Directorate which is donor funded by Swiss Agency for Development and Cooperation;
- Supervised members of staff of the project office;
- Manages the human resources activities of the project office;
- Drafted work plans and the budget for the Project Office;
- Managed and controlled the budget of the Project through internal control systems;
- Developed strategic plans for implementation by the Project according to the MTSF requirements;
- Ensured the proper functioning of Small Claims Court throughout the country;
- Drafted agreements between SA/SWISS government on the extension of contracts, provision of further funding and the development of business plans for approval by the donor partner.

### **Education and Training**

- Organised and facilitated workshops with Small Claims Courts stakeholders on transformation of Small Claims Courts;
- Coordinated the legislative amendments for the Small Claims Courts Act;
- Developed and implemented the Small Claims Courts public awareness strategy;

- Coordinated the development and drafting of guidelines/manuals for Commissioners and Clerks of the Small Claims Courts;
- Coordinated training of Small Claims Courts commissioners in all the nine Regions.

### **Research**

- Conducted research on various areas of the Small Claims Courts Act that requires legislative amendments and policy formulation;
- Made recommendations to the committee handling the civil jurisdictions legislative amendments on areas requiring amendments in the Small Claims Courts Act;
- Prepared research papers/legal opinions for strategic direction or policy formulation by the National Steering Committee.

### **Monitoring and Evaluation**

- Monitored and reported to the Department and the National Steering Committee on the project's development and activities including expenditure reports;
- Prepared, submitted and present (monthly, quarterly and annual reports) on the Project's progress and implementation to the National Steering Committee, DOJ & CD and the SDC (funders);
- Prepared and submitted narrative and expenditure reports to the donors according to the terms of the agreement;
- Prepared and submitted reports from all training sessions on the evaluation of the training and highlight lessons learnt from each intervention;
- Monitored the impact of training of clerks through the performance of their courts;

### **Case Management**

- Coordinated the development of the Integrated Case Management System in Small Claims Courts;
- Coordinated the implementation of automated systems (Integrated Case Management Systems) in Small Claims Courts;
- Consolidated and analysed the statistical database according to different variables which included causes of action;

- Identified issues of critical concern from the statistics (causes of action) and developed legal opinions for either legislative or policy development;
- Collation of information, audit reports and concept papers on Small Claims Courts reports.

### **Employer, Period and Position**

Period : 2007 January to 2007 February  
 Employer : South African Commission for Gender Equality  
 Position held : Provincial Manager (Gauteng)

### **Responsibilities**

#### **Management**

- Supervise members of staff of the provincial office;
- Manages the day to day activities of the provincial office;
- Handle the provincial human resources activities;
- Represent the Commission in handling grievance procedures and disciplinary hearing;
- Served as a link between head office and the provincial office;
- Draw the annual provincial budget.

#### **Investigations/Complaints Handling**

- Conduct investigations on any gender equality violations within the province;
- Make findings and recommendations on completion of the investigations;
- Observe gender equality patterns within the province and make interventions;
- Conduct hearings as and when necessary;

#### **Education and Training**

- Design provincial work plans and the budget;
- Determine relevant project for the province every year;
- Designs and conduct workshops, trainings, seminars and information session on gender equality and on the Promotion of Equality and Prevention of Unfair Discrimination legislation;

### **Monitoring**

- Monitor gender equality tendencies in the province;
- Present annual reports to government on gender equality issues within the province;

### **Employer, Period and Position**

Period : 2006 October to 2006 December  
Employer : Makhafola and Vester Inc.  
Position held : Professional Assistant (Attorney)

### **Responsibilities**

- Consulted and advised clients on all legal related matters;
- Prepared client's document for litigation, conciliation or arbitration;
- Correspond with other attorneys on any matter relating to them;
- Consulted with counsel/advocate on matters requiring counsel;
- Represented clients at CCMA for conciliation and arbitration;
- Drafted various commercial contracts.

### **Employer, Period and Position**

Period : 2006 January to August 2006  
Employer : De Jongh and Pienaar Attorneys  
Position held : Professional Assistant (Attorney)

### **Responsibilities**

- Preparation of bond and transfer documents;
- Liase with clients, banks and Estate Agents on the documents;
- Lodgement of documents with the Deeds Office and follow up registration;
- Conduct monthly progress meetings with the bond and transfer departments;

### **Employer, Period and Position**

Period : 2004 March – 2005 March  
Employer : Mothle Jooma Sabdia Inc.  
Position held : Candidate Attorney

### **Responsibilities**

- Consult with clients on litigation matters;
- Prepare documents for trials;
- Preparation and drafting of documents for bonds, bond cancellation and transfers;
- Lodgement of documents at Deeds Office;
- Drafting of wills;
- Drafting of various commercial contracts.

### **Employer, Period and Position**

Period : 2000 to 2003 December  
Employer : SA Human Rights Commission  
Position held : Provincial Manager  
Cape Town office: May 2000 – December 2000  
Polokwane office: January 2001 – December 2003

### **Responsibilities**

#### **Management**

- Supervise members of staff of the provincial office;
- Manages the day to day activities of the provincial office;
- Handle the provincial human resources activities;
- Represent the Commission in handling grievance procedures and disciplinary hearing;
- Served as a link between head office and the provincial office;
- Prepared and presented quarterly reports to head office on the activities of the provincial office;
- Draw the annual provincial budget.

#### **Investigations/Complaints Handling**

- Conduct investigations on human rights violations within the province;
- Make findings and recommendations on completion of the investigations;
- Observe human rights patterns within the province and make interventions;
- Conduct hearings as and when necessary;

### **Education and Training**

- Design provincial work plans and the budget;
- Determine relevant project for the province every year;
- Designs and conduct workshops, trainings, seminars and information session on human rights related topics inclusive of the Promotion of Access to Information and Promotion of Equality and Prevention of Unfair Discrimination legislation;
- Conduct workshops, seminars and present papers for government officials on a regular basis on PAIA and PEPUDA.

### **Monitoring**

- Monitor socio-economic tendencies in the province;
- Present annual socio – economic reports to government;
- Conduct hearings to monitor socio – economic tendencies in the province;
- Monitor the provincial observation of PAIA and PEPUDA by government and other spheres of government through presentation of reports to our Head Office.

### **Employer, Period and Position**

Period : August 1999 – April 2000  
Employer : Oliver Tambo Chair for Human Rights (University of Fort Hare)  
Position held : Human Rights Training Officer

### **Responsibilities**

- Design and develop human rights programs relevant to the communities in and around Eastern Cape;
- Evaluate the impact of the programs;
- Conduct situational analysis surveys in the province;
- Conduct workshops, training sessions, and seminars on human rights;
- Prepare funding proposals for the projects;
- Assist street law students with some of their programs.

**Employer, Period and Position**

Period : September 1996 – April 1999  
Employer : National Institute for Public Interest Law and Research  
(NIPILAR)  
Position : Research Associate (Policy and Research Unit)  
Project Coordinator – CEDAW

**Responsibilities**

- Conduct research on the socio – economic status of people in the country.
- Conduct annual surveys on the level of awareness of the constitution and human rights in the country.
- Assist in the development of Policy documents requested on any human rights matter.
- Present papers on the human rights status in the country after first democratic elections.
- Coordinating a bi – monthly newsletter on CEDAW (Mahlo a Basadi) in partnership with the Commission on Gender Equality.
- Conducting research in the nine provinces on the status of women using the national CEDAW booklet as a guideline in an effort to come up with provincial CEDAW booklets.
- Assisted in the drafting and writing of shadow national reports to the United Nations on the status of women in the country

**Employer, Period and Position**

Period : May 1999 – August 1999  
Employer : Lawyers for Human Rights (LHR)  
Position : Refugee Legal Counsel

**Responsibilities**

- Responsible for conducting interviews with people/foreigners seeking refugee status in South Africa.
- Assisted asylum seekers with their paperwork;
- Assisted asylum seekers by placing them in places of safety.
- Liased with the Jesuit Refugee Status on the placement of asylum seekers/refugees

- Liaised with different embassies and consulates on the political stability of those countries.
- Assist the asylum seekers/refugees with referrals to the Department of Home Affairs.

**Other experiences/skills**

- Formed part of the NGO community that represented South Africa at UN during SA’s first CEDAW report. Presented a shadow report from the NGO community.
- Received training on UN Treaty Report Writing (United Nations High Commissioner for Human Rights)
- Received training on Diversity inclusive of Racism and Xenophobia.
- Received training Management of Constitutional Oversight Organisations (Chapter 9 Institutions)
- Received training on Material Development and Facilitation Skills (Center for Conflict Resolution – University of Cape Town)
- Received training on Conflict Management and Resolution (Center for Conflict Resolution – University of Cape Town)
- Received training on Emotional Intelligence: An integrated response to HIV/AIDS and poverty offered by UNDP (Leadership Development for Results Program)
- Completed a course on Mediation and Conflict Management
- Completed a course on Environmental Policy and Management in Mining and Minerals (MEETI: Minerals, Energy and Environmental Training Institute – Wits University)
- Attended and completed School for Legal Practise (LEAD): Pretoria; Sunnyside Campus
- Completed a course on Commercial Law offered by the Irish Law Society in conjunction with the South African Law Society.

**REFERENCES**

**Adv Matthews Mojapelo, SC**

Counsel : Tshwane Society of Advocates  
 Tel :  
 Cell No :

**Ms Kamogelo Lekubu**

Director : Department of Justice and Constitutional Development

Tel :

Cell No: :

**Ms Nosidumo Ndlovu**

Practising Attorney and Commissioner of Small Claims Courts and member of SAWLA

Tel No

Cell No