

KHUNOANA HARRY TSWAGO

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CURRICULUM VITAE

INTRODUCTION

I have a **BProc** degree, an **LLB degree**, and a final **LLM Corporate Law**. I have work experience in **contract management; environmental law; forensic investigation; intellectual property law; commercial forensic law; drafting of legislation; Personal injuries law; Labour law litigation; Constitutional law litigation; Drafting of commercial contracts; Corporate Insolvency Laws; Research; and Writing opinion.**

EDUCATION:

- **2020 - Legal Practice Council** member in good standing.
- **2020 - Master of Laws: Corporate Law** - Company Law; Drafting of Commercial Contracts; Corporate Insolvency Laws; Research Methodology for Law; and Dissertation.
- **2011-Commercial Law Practice BLA** Legal Education Centre.
- **2009-Commercial Law Certificate** Law Society of South Africa.
- **2009-Right of Appearance** in the **HC; SCA and CC.**
- **2008-Practice Management Certificate** Law Society of South Africa: Management; Administration; Marketing; Risk management; Insurance; Strategic Management; Systems and Technology; Finance; Bookkeeping; Human resource Management.
- **2008-Admitted as Attorney** of the High Court of South Africa.
- **2008-Certificate of Competence ETPD-SETA Conduct Outcomes-Based Assessments.**
- **2007 LLB Law degree:** University of South Africa.
- **2003 Diploma practical legal training:** Law Society of South Africa.
- **2002 BProc Law degree:** University of South Africa.
- **1996-IT Certificate** University of Pretoria.
- **1992 Matriculation:** Private Candidate.

WORK EXPERIENCE:

- **2009-2020 - Director and Attorney** at **Tswago Inc. Attorneys.**
- **2012-2020 - Tutor** at **Unisa College of Law.**
- **2012-2013 - Marker** High Court Practice **Law Society of South Africa (LEAD).**
- **1996-2017 – Asset Manager,** Information & Communication Technology **UNISA.**

WORK SPECIALIZATION:

Contract management: Planning; organizing; directing and control; Outsourcing; Contract management terminology; Precontractual planning and best practices;

Organizing before awarding the contract: the process; Contract award and negotiation skills; Contract administration and control and Managing service level agreements.

Environmental law: Environmental law principles and norms; Environmental governance; Environmental assessment; Administrative justice; Mining and energy law; Biodiversity law; Air quality; waste management and water law; Compliance and enforcement of environmental law; Constitutional protection of environmental rights in South Africa; Statutory duty of care; The new Environmental Impact Assessment (EIA) procedure; New Air Quality Act's system of air quality management; and powers of environmental management inspectors (EMIs) in compliance and enforcement.

Forensic investigation: Anti-money laundering laws and regulations; Money laundering schemes and case studies; Cybercrime trends; Internet & computer-related economic crime schemes; Conduct criminalized in the digital environment; Investigations in the digital environment; The acquisition of electronic evidence in a forensically sound manner; The interception of communications; Legal duties pertaining to the protection of data; Corruption and procurement fraud; Financial statement and other types of management fraud; Relevant legal principles when conducting investigations; Be able to act within and to comply with the law; Obstacles in an investigation; Minimize the risk of the employer's liability for unlawful actions; The investigation of financial crime; The tools available in that regard; Basic techniques to detect and investigate financial crimes; The seizure and preservation of evidence by a financial investigator; Investigative methodologies; Investigative tools; including non-conventional techniques used in the private & law enforcement sectors; The tracing of undeclared/hidden assets; Financial ratio-analysis; Protecting the product of the investigation.

Intellectual property law: Unlawful Competition; Registration of Trademarks; Infringement of Trademarks; Subsistence of Copyright; Infringement of Copy Right; Registration of Patents and Infringement of Patents; Registration of Designs; Infringement of Designs; and IP Law and the Internet.

Commercial forensic law: Legal issues in managing the risk relating to the appointment of personnel; General principles of Criminal Law; Common Law and statutory offenses (including fraud; theft; misappropriation of trade secrets; corruption; cyber-related crime and money laundering); Law of evidence and constitutional rights; including the admissibility requirements for various types of evidence; Labour Law issues; The liability of an entity and its officials; Remedies available to an entity; including the recovery of ill-gotten gains; and Dealing with whistle-blowing in the workplace.

Drafting of legislation: Legislative processes in South Africa; Constitutional framework; Conventional approaches to the drafting of legislation; Analysis and structure of original legislation; Analysis and structure of amending legislation;

Principles of drafting; Cleaning-up of legislation; From better legislative drafting to more efficient statutory interpretation: a practical guide; Drafting of subordinate legislation; Drafting of Local Government legislation (municipal bylaws); and Influence of the basic principles of administrative law on legislative drafting.

Personal injuries law: Medical negligence; Unlawful arrest and detention; Personal injuries law; Road accident fund claims.

Labour law litigation: Appearance at CCMA; Bargaining Council and Labour Court. Vetting and drafting of contracts of employment; policies; and procedures.

Constitutional law litigation: What is a constitutional issue; Conceptualizing the case; The context in which a constitutional issue may arise; The need for pleading; Bill of rights litigation; Non-chapter 2 litigation; Interpretive issues; Procedural and jurisdictional issues; mootness; ripeness and standing; Joinder of necessary organs of state; Submissions by an amicus curia; Form of proceedings; Appropriate court; Reasons for a court to decline to exercise constitutional jurisdiction; Principle of constitutional avoidance; Appeals; Appeals to the constitutional court; Appeals to the supreme court of appeal; Costs; The duties of the state in constitutional litigation; General ethical duty; Specific evidentiary burdens; limitations; remedies; Constitutional duty of the state in the enforcement of court orders.

Drafting of commercial contracts: Drafting, vetting, and negotiate agreements.

Corporate Insolvency Laws: Insolvency; Bankruptcy; Corporations; Corporate Insolvency Law; Corporate Bankruptcy Law; Comparative Law; Insolvency Governance.

Procurement: General procurement guidelines; Pillars of procurement; Value for money; Open and effective competition; Ethics and fair dealing; Accountability and reporting; Equity; Municipal Finance Management Act (MFMA); Public Finance Management Act (PFMA).

Research: specific procedures or techniques used to identify, select, process, and analyze information about a legal topic or issue.

Writing opinion: The writing process; Legal opinion written structure; The title of the case; Introduction to the legal opinion; Laying out the salient facts; The advice or opinion.

High and Magistrate Court litigation: Drafting pleading and applications; Court Rules in the HC; SCA and CC.

Construction law: Standard contracts in construction with an emphasis on the Joint Building; Contract Committee (main and subcontracts) and articles of agreement; Contractual documents in construction (e.g., Specifications; drawings; and bill of quantities and their contractual implications); Legislation affecting construction (e.g., Professional Councils Act such as Council for the Built

Environment(CBE); South African Council for the Quantity Surveying Profession (SACQSP) and South African Council for Project and Construction Management Professions (SACPCMP); The Environmental Act; Health and Safety Act; Industrial relations Act; Advanced and International standard contracts (e.g., FIDIC; NEC and ICE).

SKILLS & LANGUAGES

Skills

Computer literacy; written and oral communication.

Languages

Read; write; and speak Sepedi; Setswana; isiZulu; isiXhosa; English and Afrikaans.

REFERENCES

Adv. Rankapole

Advocate of HC

Side Bar Council

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Adv. Maluleka

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Dr Friedrich Hamadziripi

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