

The Committee Chairperson
Justice and Correctional Services
90 Plein Street
CAPE TOWN
8000

BY EMAIL: Mr Vhonani Ramaano
Dppvacancy@parliament.gov.za

Dear Sir,

NOMINATION: DEPUTY PUBLIC PROTECTOR

Please find my enclosed nomination of Adv. Kholeka Gcaleka for the abovementioned. Adv. Gcaleka's qualifications, experience and skillset match your requirements.

She was admitted as an advocate at the South Gauteng High Court on 22 November 2006. She has litigated before the High Court as a State Counsel immediately after her date of admission until the end of October 2016. She thereafter became an advisor to an Executive Authority in government. She currently provides independent advisory services and is a full-time masters student.

Advocate Gcaleka's experience as a skilled prosecutor who worked at a senior level and her experience of being an advisor to an executive authority will contribute immensely in advancing the mandate of the office of the Public Protector.

Her prosecutorial duties included, inter alia, the guiding and management of a series of complex and sometimes very sensitive investigations. She litigated on behalf of the state for a period of about 12 years during which her duties as a member of senior management included the management of a team of advocates and administrative staff.

Her unique ability to manage stakeholder engagements has seen her leading a vital role in the Gauteng province in coordinating other Government Departments and Civil Society, focused on operational and policy

implementation coordination and cooperation within the criminal justice system and its partners. She has also provided advice and guidance on how to secure provision of evidence during her trainings to police officers.

Adv. Gcaleka's contribution in upholding justice and social justice in particular at community level is illustrated by her participation in several community projects, inter alia, her contribution to the establishment of the substance abuse rehabilitation programme for youth in Soweto and surrounding areas by a Non-profitable organization. She also embarked on educational programmes at prisons on access to justice; community engagements on accessing the criminal justice system, Restorative Justice and talks at summits on matters of Gender-based violence.

She has more than 14 years of considerable work experience of which 8 years was at a senior management level. She also serves on the Committee of Inquiry into the affairs of municipalities in the Gauteng Province.

Her experience on advising on compliance, strategy, legislation and governance further makes her an excellent candidate for the position of Deputy Public Protector. She possesses vast and sound legal skills.

She is in possession of a LLB degree and currently studying towards her Master degree in Commercial law, having completed Company law and Banking Law modules. She has undergone several training courses, which encompass investigations.

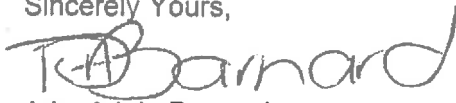
Adv. Gcaleka is a good communicator and communicates at ease in an accessible and effective way to a wide range of audiences. From doing street law at university level, communicating difficult messages to victims of crime and giving presentations for law enforcement professionals she has strong interpersonal skills and therefore is very apt at delivering clear speech and instructions in all kind of contexts, even the most sensitive ones.

Her experience in dealing with complex and sensitive high-profile matters under severe pressure, case management, use of expert evidence in investigations, identifying and implementation of cost cutting measures is a suitable attribute for the position. Her further experience in the implementation of solutions for these difficult and extremely challenging matters, together with the ability of having to take decisions on how and what matters to prioritise and under pressure, particularly in the prosecution environment, will contribute in advancing the work of the office of the Public Protector.

Adv. Gcaleka is suitable for this position based on the above, and her overall understanding of the public administration and in particular the investigative environment.

I trust this nomination finds your favourable consideration.

Sincerely Yours,

A handwritten signature in black ink that reads "Adele Barnard". The signature is written in a cursive style with a large, stylized initial "A" and "B".

Adv. Adele Barnard

Contact

Email :

Date: 17 September 2019

NOMINATION ACCEPTANCE: DEPUTY PUBLIC PROTECTOR

I, Nompilo Kholeka Gcaleka hereby accept my nomination for the position of Deputy Public Protector as nominated by Adv. Adel Barnard.

Sincerely,



Adv. Kholeka Gcaleka

Date: 18 September 2019

Nompilo Kholeka Gcaleka

Curriculum Vitae



PROFILE

- ❖ Former Special Advisor & Senior State Advocate
- ❖ Former Senior Deputy Director of Public Prosecutions
- ❖ Admitted Advocate of the High Court of South Africa
- ❖ Former National Chairperson of the Society of State Advocates of South Africa
- ❖ Member of the Black Lawyers Association
- ❖ Director at Khonoconsulting

VISION

To utilize my legal acumen in enhancing good governance, ethical, sound legal and strategic advice and practice.

EXECUTIVE SUMMARY

I'm in possession of a 4 year legal degree (LLB), equivalent to NQF level 8 and currently in the final year of my Master Degree in Commercial law.

I am an enterprising and astute legal professional with 14 years legal advisory, senior management and public prosecutions experience combined.

I've been a Special Advisor to the Executive Authority at the Department of Home Affairs on administration, legal, policy, strategy, compliance and governance. Prior to this I was the Special Advisor to the Executive Authority at the Department of Finance with the same duties including advising on shareholder oversight on all SOC's under the Department of Finance.

Strong acumen in providing litigation and legal advisory services to the Executive, senior government officials, departments and organizations. I have public prosecutions experience having worked at the NPA for 12 years. I joined the NPA in 2004 as an Aspirant Prosecutor / District Court Prosecutor and grew along the ranks to Senior Deputy Director of Public Prosecutions.

I have been involved in the law and strategic development, governance and compliance environment.

This career progression was based on merit its illustrative of my continuous improvement philosophy.

Solid strategy formulation, organisational management skills with the unique ability to work with stakeholders in the design and implementation of legal solutions as well as the ability to execute through people.

PERSONAL DETAILS

Gender: Female
ID Number
Nationality: South African
Languages: IsiXhosa, IsiZulu, Setswana, Sesotho, English & Afrikaans
Drivers License: Code B

PROFESSIONAL SKILLS

- Legal Research
- Litigation
- Stakeholder Relationship Management
- Regulations
- Constitutional Law
- Security Sector Legislation
- Governance
- Legislation
- Compliance
- Guiding investigations

PERSONALITY TRAITS

- Creative, hands on with multi-tasking ability
- Highly organised, diplomatic and goal orientated
- Natural people skills, Self-motivated and passionate
- thrives under pressure
- Highly innovative with critical thinking ability

QUALIFICATIONS

Current studies: LLM Commercial Law
University of Johannesburg
2003 LLB: University of KwaZulu-Natal
1998 Matriculated: Little Flower High School IXOPO

I currently serve on the Committee of Inquiry as appointed by the MEC for Human settlements, urban planning and COGTA in the Gauteng Province Inquire into the affairs of municipalities in the province.

PROFESSIONAL EXPERIENCE

Position: Director
Company: Khonoconsulting
Period: January 2019 to date
Scope of work:

- Conducting Workshops on Crime prevention
- Member of Panels on solutions to prevent crime
- Provide counsel on legal matters
- Member of the committee of inquiry into the state of affairs of municipalities in the Gauteng Province

Position: Special Advisor to Executive Authority
Company: Department of Home Affairs
Period: 1 March 2018 to 14 November 2018
1 November 2016 - 30 March 2017

Scope of Work Done:

- Advised the Executive Authority on administration; legal, policy, compliance, strategy and governance
- Involved in drafting the Boarder Management Authority Bill
- Advising on the Repositioning of Home Affairs into a security Department and Modernization of Home Affairs
- Advising on the Digitization business case of Home Affairs
- Stakeholder interactions
- Advising on oversight over the Government printing works and its restructuring

Position: Special Advisor to Executive Authority
Company: Department of Finance
Period: 1 April 2017 - 28 February 2018

Scope of Work Done:

- Advised the Executive Authority on Legal, Administration, Governance, Strategy, Policy, Legislation and Compliance
- Advise on the Regulations to the Financial Intelligence Centre Act
- Advise on oversight on the State-Owned Companies and Government agencies
- Legislative interventions on Financial policy and Taxation
- Advised on draft of Regulations on Financial Sector Regulation Act
- Advised on draft of Shareholder Compacts

COMMUNITY WORK

HIV/AIDS Volunteer

University of Durban – Westville 2000 – 2002

Duties:

- Counselling HIV/AIDS victims and visiting Hospitals and Children's Homes.

Street Law Programme:

University of Durban-Westville 2000 – 2002

Duties:

- Teaching the Community on Human Rights law and assisting with any other legal work.

Law Clinic:

University of Durban Westville 2002

Duties:

- Legal consultation with clients in Civil and Labour Law, provide legal advice and referral o matters of underprivileged community to the Legal Aid Board and other Stake holders and drafting of documents, including contracts.

PROJECT MANAGEMENT

- Establishment of Palmridge Magistrates Court
- Establishment of Designated Sexual Offences Courts in South Gauteng
- Innes Chambers Building Construction: Project Management
- Bid evaluation committee of Innes Chambers Building
- Department of Justice Missing Records in South Gauteng
- Transfer of Appeal Records from Lower Courts to High Courts
- Chairperson of the North West Province Performance Moderation Committee (national intervention team)

Position: Senior Deputy Director of Public Prosecutions

Company: National Prosecuting Authority

Period: June 2011 - 31 October 2016

Scope of Work Done:

- Perform all duties in line with duties of Senior Managers within the public service;
- Decision making;
- Prosecute on behalf of the state;
- Head of Specialized Prosecutions in the South Gauteng Division
- Represented NPA in the Law Reform Commission on Cyber Crimes and Cyber Security, Child Pornography and Trafficking in Persons
- Member of the NPA National Sexual Offences Task Team;
- Member of the NPA National Anti - Trafficking in Persons task team;
- Member of the Gauteng Provincial Ministerial Advisory Task Team on Sexual Offences and Human Trafficking;
- Communication in the South Gauteng Division;
- Operations of the High court and Lower courts in the South Gauteng Division;
- Civil matters deriving from criminal proceedings where the NPA and Minister of Justice are cited;
- Participate in court efficiency meetings;
- Participate in Provincial Stakeholder meetings;
- Participate in Provincial JOINTS meetings;
- Educating Communities on Sexual Offences and Gender Based Violence and Abuse and access to justice;
- Awareness on the functioning of the criminal justice system;
- Attend to Appeals and Representations;
- Conducting Training in the Division of Prosecutors, members of the SAPS, Doctors and Justice;
- Training police on investigations
- All Children and Vulnerable groups related matters and Substance abuse;
- Child Pornography and Cybercrime;
- Trafficking in person, Human smuggling, including Immigration crimes;
- Mutual Legal Assistance and Extraditions
- Appeals;
- Review Opinions;
- Drafting Legal Opinions
- Chairperson of the Rapid Response Task team and Gauteng Provincial task team on Anti Trafficking in Persons;
- Public Education and Awareness
- Involved in Employee Wellness
- Management of staff
- Performance assessment

OTHER TRAINING AND DEVELOPMENT:

- Media & Publicity (writing, advertising, news reading, presenting) – 2000
- Communication and the Media – 2001
- Business Development in the Community TV station 2001
- Child Law – 2005
- Sexual offenders – 2005
- Psychology and the Law – 2006
- DNA testing and analysis – 2006
- Fraud and Corruption – 2007
- Human Trafficking (including Immigration Laws) organized by SADC – 2007
- Employee Wellness and HIV & Aids - 2007 & 2008
- forensic Investigation – 2008
- Extraditions and Mutual Legal Assistance – 2008
- Coaching and Mentoring – 2012
- Cyber Crime – 2012
- Investigating Cases of Sexual Offences and Gender-Based Violence as International Crimes, including conducting Commissions of Enquiry (crimes of Genocide\war crimes) – 2013
- Labour Relations - 2012
- Diversity Management – 2013 and 2015
- Child Pornography and Cybercrime – 2015

- Governance
- Policy development

Position: Senior State Advocate
Company: National Prosecuting Authority
Period: August 2008 - May 2011

Scope of Work Done:

- Prosecuting Criminal Offences;
- Attending to motion court
- Extensive Exposure to High Profile cases;
- Writing Legal Opinions;
- Writing heads of arguments;
- Arguing Criminal Appeals in High Court;
- Handling representations from the public and from the office of the Minister of Justice;
- Decision making and drafting of Indictments and other Legal documents;
- Guiding investigations;
- Extraditions;
- Mutual Legal Assistance and Extraditions;
- Mental Cases (mentally ill\defected);
- Guide and Assist Junior Advocates;
- Extensive Exposure to Senior Management duties
- Acting Deputy Director of Public Prosecutions - April 2010 – April 2011

Position: Junior State Advocate
Company: National Prosecuting Authority
Period: October 2006 - July 2008

Scope of Work Done:

- Prosecuting Criminal Offences in the high Court;
- Writing Legal Opinions;
- Writing heads of arguments;
- Arguing Criminal Appeals in High Court;
- Handling representations from the public and from the office of the Minister of Justice;
- Decision making drafting of Indictments and other Legal documents;
- Prosecutor guided investigations;
- Attending to motion court;
- Extraditions;
- Mutual Legal Assistance;
- Mental cases (mentally ill\defected);

EARLIER WORKING EXPERIENCE

Position: Specialist Prosecutor on Sexual Offences
Scope of work done:

- Prosecuting mainly sexual offences cases
- Prosecutor guided investigations
- Training of Drs on medico-legal work
- Deciding and prosecuting on Fraud and Corruption cases

Company: National Prosecuting Authority

Period: January 2005 - September 2006

Scope of work done:

- Prosecuting mainly sexual offences cases
- Prosecutor guided investigations
- Deciding and prosecuting on Fraud and Corruption cases

Position: Aspirant Prosecutor / District Court Prosecutor

Company: National Prosecuting Authority

Period: July 2004 - December 2004

Scope of work done:

- Training
- Prosecuting in the District court

REFERENCES

Mr. Mkhusele Apleni

Former Director General
Department of Home Affairs
Current: Discovery Bank

Ms Yoliswa Makhasi

Head of Department
Gauteng Department of Community Safety

Adv Xolisile Khanyile

Former Acting Director of South Gauteng Region (NPA)
Current: Director of Financial Intelligence Centre