

THE SECRETARY

(MR VHONANI RAMAANO)

3RD FLOOR,90 PLEIN STREET

Cape Town

8000

vramaano@parliament.gov.za

NOMINATION OF THE DEPUTY PUBLIC PROTECTOR: 2019

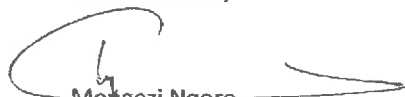
I, MONGEZI NQORO, hereby nominate Advocate Noxolo Mbangeni to be appointed as Deputy Public Protector. She is an adult, South African Citizen and fit and proper to practise in the Public Protector's Office. I attach hereto her C.V.

A full record of her documents will be submitted should they be required. I have drafted a nomination consent form which she has signed electronically.

My contact details are as follows:

Mongezi Nqoro

Yours faithfully


Mongezi Nqoro

TO: PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES

ACCEPTANCE OF NOMINATION: DEPUTY PUBLIC PROTECTOR

I hereby accept the nomination. I append my signature hereunder.

Yours faithfully

NOXOLO MBANGENI

SIGNED ELECTRONICALLY

19 SEPTEMBER 2019

PRO BONO CERTIFICATE

I, NOXOLO MBANGENI, hereby certify that

during the calendar year 2018 I performed the following *pro bono* work

qualifying as such under the Cape Bar Council's *Pro Bono* Rules:

	Parties	Briefing Attorney/ Institution	Nature of Work	Hours
1.	GMSA v Mzwamadoda Ntozini 22088/17	S.A Ntozini Attorneys 5 J C	Summary Judgment 1. Received Brief on 16/02/2018 2. Attend Court on 19/02/2018, matter postponed for 05/03/2018, 27/02/2018 for opposing papers and filing of the answering affidavit. 3. Negotiations with Plaintiff: 20/02/2018 re settlement. 4. Liase with client on Draft Answering Affidavit and file opposing papers. 5. Attempt to settle account and negotiate with Plaintiff: 26/02/2018- 03/03/2018. Negotiations failed. 6. Attend to court on 05/03/2018 re	25

		settlement reached and liaised with Plaintiff. 7. Consideration of rescission and discussions with Attorney. Brief never came.	
2.	17797/17 Ex Parte Application for appointment of Lizette Witbooi : Curator Ad Litem to Lizelle Watson	Parker and Khan Inc	1. Peruse brief and attend court on 20/10/2017 2. Matter postponed to 20/11/2017. Attend court and draft order.
3.			10
4.			
5.			

Sub-Total: 35

Hours carried forward from 2016:

Hours carried forward from 2017: 10

Total: 35

Explanation where total hours are fewer than 20:

Name: Noxolo Mbangeni _____

Signature: Submitted Electronically

Dated: 28/02/2019 _____

NOXOLO MBANGENI'S CURRICULUM VITAE

Drivers Licence: Code EB

PROFILE

1. I am an admitted Advocate of the High Court and a member of the Cape Bar with a B. Juris and LLB qualifications. I have acquired experience and competencies in the legal field with exposure to Criminal law, Family law, Civil and Motion Court Procedure law and Practice, Administrative Law, Constitutional law, Environmental laws, Fisheries Legislation and Management, Laws relating to Contracts and Trade Mark (application thereof), Tax Law, Legal drafting in general and more specific on Contracts and Memoranda etc.
2. In as far as Tax Laws are concerned, working with Adv G Budlender SC we finalize a trial in 2017 which will be heard de novo in May 2018 as Judge Masipa is unable to give judgment in the matter. This case opened the door for me to understand and apply Tax laws and I learned a lot from my Senior on Tax Laws. JOHANNESBURG HOUSING COMPANY NPC (JHC) // THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE IT 14106 (HELD AT MEGAWATT PARK: JOHANNESBURG). I am also appointed as a Tax Commissioner till 2023 and have sat (presiding) in matters which would be made available by consent of other parties as they are confidential, but referees are available.
3. Although my practice is generally commercial, it grew significantly on Labour Law, Medical Negligence and Constitutional and Administrative Law in the past few years. Two significant cases to mention in which I have worked on is the case of Land Access Movement of South Africa v The Chairperson of the National Council of Provinces and 13 Others 2016 (10) BCLR 1277 CC (core of the matter before the Constitutional court was that of Public Participation and vagueness in prioritization of existing land claims over new ones) and CONTRALESA v Speaker of the National Assembly and 11 Others 2017 (2) ALL SA (WCC).
4. I have had an opportunity to work with highly respected Senior Counsel and Senior Junior Counsel at the Cape Bar including Adv/s Geoff Budlender SC, Norman Arendse SC, Denzil Potgieter SC, Mohamed Salie SC, Donald Jacobs SC, Nazreen Bawa SC etc. and Thabani Masuku, Brenton Joseph,

Nobahle Mangcu- Lockwood, Ncumisa Mayosi, Deborah Watson, Stanley O'Brein etc. Their telephone numbers are on our website.

5. Also contracted to the Premier's office: Legal Services for a period of one year from 31 May 2016-01 June 2017 dealing with negotiating, drafting and editing of Contracts on behalf of the Provincial Departments, Legal advice and Opinions on Procedural and Substantive legal issues for Ministers, Heads of Department and other Departmental official.
6. As a Gender and Human Rights Activist, I contribute my time into community based organisations (i.e. Churches) 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. I also played a role in the preparation for Commission of Inquiry into allegations of Police In efficiency and breakdown in relations between SAPS and people of Khayelitsha.
7. I am an active member of Advocates for Transformation. I have been nominated to represent the Cape Bar into significant forums that seek to address the challenges faced by young, black, women advocates i.e. Young Leaders Symposium in issues of Transformation in the Legal Profession. I am also in the 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.
8. I am currently making inroads into re- registering my Master's in Human Rights and Constitutional law and add few short courses on Thabo Mbeki Leadership institute on Though Leadership for Africa, Renewal of Africa and International trade as I am passionate about Africa Agenda as well as Afriken Feminist & Gender Studies.
9. I have sat as Chairperson in Taxi Commission Enquiry (Delft 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. I am currently sitting on Arbitration in the Taxi Industry as well dealing with the fights about routes n two prominent Associations in the Bellville Interchange.
10. I will be starting as Small Clams Commissioner in December 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 to 15/01/2013	D.E.A.T: Legal advisor D.A.F.F: Snr Legal Advisor D.A.F.F: Acting Director	Cape Town
01/10/2002 to 07/01/2007	N.P.A: Prosecutor	Cape Town
01/01/2011 to 01/10/2002	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
(1 June 2016-31 May 2017)	Senior State Law Advisor: Premier: Legal Services	Cape Town

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 generally 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 Child 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.

Legal Advisor: Nicro

Duties entailed the following:

- Equipping women on the court procedures as well as steps they can take to obtain interdicts, divorce and Maintenance.
- Conduct counseling when necessary.

Researcher: Gender Advocacy Programme.

Duties entailed the following:

Conduct field interviews with women to assess the impact of the Domestic Violence Act on the lives of women on behalf of the GAP. The latter will use the information for advocating concerns women in parliament. Paper on Google

➤ **Environmental Laws/Civil Litigation**

Department of Environmental Affairs and Tourism: Legal Advisor in January 2007.

Duties entailed:

- Study case dockets.
- Decide on institution of and conduct of Criminal Proceedings of Environmental Crimes in terms of the MLRA, NEMA etc.
- Liase with Asset Forfeiture Unit re forfeiture of confiscated vessels/boats and other fishing equipment.
- Verification and Vetting of Application of Sec 28 proceedings
- Provide assistance and guidance to the Fishery Control Officers / Environmental Management Inspectors: RE; The Legislation, Court Proceedings and Investigations.
- Provide training on the implementation of the MLRA and other related legislation.
- Assist prosecutors in presenting the State's case where matters are of complex nature to them or lend support.
- Attend to and provide guidance and or opinion with legal issues in the day to day functioning of the Directorate i.e. review of Contracts and Memorandum of Understandings, Ministerial/s etc.
- Participate in the drafting of the Strategic Plans of the Chief Directorate.
- Draft Business plans for Legal section
- Continuous advice and Legal Research on new legislation or policy affecting the Chief Directorate.
- Prepare Comments on Draft Bills on behalf of the Directorate i.e. ICM bill.
- Supervise Legal Assistant & Liaison Officer
- Representing the Directorate on Stakeholder Engagements i.e. Masifundise and other Intergovernmental Relations i.e. SAPS and NPA
- Sit on interviews from Assistant Director Level.
- Sit as a member of Performance Evaluation Committee together with HR; Labour Relations. Also interview candidates from Assistant Director Level down.
- Establishment and Strengthening of SADC relations
- Ensure implementation of International Agreements of EEZ transgressions i.e. CCMLAR and SEAFO

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.
- 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

RELEVANT COURSES ATTENDED

- Conflict Resolution: by then CSVr now CCR
- Prosecution of Crimes/ Environment: Justice College
- Labour Relations: UWC
- Balanced Scorecard: by IGS World
- AMDP: Emerging Management Development Programme
- Executive Management Training: (Mini MBA)
- Pupilage: Cape Bar Council

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

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

CSVR = Centre for conflict resolution

MLRA = Marine Living Resources Act

ICM =Integrated coastal management

EEZ= Exclusive Economic Zone