



Paralegal Skills & Establishing an Advice Centre

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Introduction

In South Africa, it has always been difficult for poor and vulnerable people to have access to justice. Legal procedures are complicated, take a long time and often need attorneys who are very expensive. People now enjoy many new rights in terms of the Constitution, the Bill of Rights and other new laws, but they can only exercise these rights if they have access to the information and assistance to do so.

There is a growing movement of people who play the role of providers of information and assistance. Examples are community development workers (CDWs) working in local government structures, advice centre employees, parliamentary constituency office workers, employees in welfare organisations and other non-governmental organisations (NGOs), shop stewards in trade unions and ward councillors. Many of them are acting as informal paralegals.

Paralegals play an important role in providing access to justice in a transforming justice system. The Department of Justice is investigating ways of giving poor rural people access to legal help and has recognised the importance of involving paralegals in any new system that is developed.

This chapter looks at the different roles paralegals play and covers the skills they need to do their work. The last section looks at the process of establishing and running a community advice centre.

Paralegals and their role in the legal system

What is a paralegal?

A paralegal is a person who:

- Has basic knowledge of the law and its procedures
- Knows about conflict resolution procedures
- Has the necessary motivation, commitment, attitude and skills to help people and communities with their legal, human rights, administrative, constitutional and developmental problems, while at the same time empowering them to tackle these matters on their own in future

Paralegals use their knowledge and experience to help people with legal and other problems. A paralegal may investigate and refer matters to attorneys or relevant bodies for them to deal with. They can become educators on the law and rights for people in their communities. They can play a leading and supportive role in campaigns for improving community living standard and general community development.

Paralegals are not just mini-attorneys. Obviously, they cannot assist people in court and other tribunals until they acquire the relevant qualification and accreditation. But more than this, their role is to look at a variety of methods, other than using the courts, to achieve long-term, sustainable solutions to peoples' problems. Using the courts can bring quick relief which is important in many cases, but this is not always the case. Court cases can take a long time to be finalised, the costs involved are often huge and the outcome for a person may be negative. Paralegals should aim to deal with problems in a more holistic way.

EXAMPLE

Getting a protection order

A woman and her children who are suffering from abuse at the hands of the husband and father, should be advised by a paralegal to apply for a Protection order. But the paralegal should also see the bigger picture: the woman and her children are financially dependent on the husband and father for their survival so they cannot move out of the house unless they are supported in this process. The paralegal should therefore help the woman apply for Child Support grants for her children and she should be referred to child welfare or to women abuse organisations for support.

Paralegals can also solve community or individual service problems by involving the relevant government departments and working together to help the people. In general, a paralegal should focus more on the use of conflict resolution methods like negotiation, conciliation, mediation and arbitration to resolve conflicts in communities rather than using the courts.

EXAMPLE

Eviction from a home

A farmer plans to evict ten families from his farm without a court order. A paralegal can help the families approach the courts (using an attorney) to get an urgent interdict to stop the evictions from taking place. But this only provides the families with temporary relief. It

would probably benefit the families more if they were to sit around a table with the farmer and negotiate a way of dealing with the problem, which would benefit all the parties. While they are doing this, they should be lobbying and putting pressure on the local government to provide land for the families to settle on because they don't have security of tenure rights on the farm. The paralegal can help them in all of these actions. (See pg 1048: Best practices for paralegal case workers)

Paralegals in different sectors

Paralegals work in different sectors of society. These include:

- **Community advice centres:** they offer a basic free legal advice service to people who cannot afford an attorney, they provide community education on the law and rights and referral service. Some political parties and some ward councillors also run constituency offices to give basic legal advice to people.
- **Trade unions:** Organisers, training officers and shop stewards need paralegal skills for their work. They also need to know the basic principles of labour law and labour relations.
- **Service organisations and NGOs:** Field employees working in service organisations, NGOs, CBOs and attorneys' organisations need paralegal skills, for example, giving advice, monitoring abuses of rights, understanding and simplifying the law, and assisting with community education.
- **Law firms:** Paralegal employees in law firms take statements, refer people to other organisations if necessary, give advice, etc.
- **Inside the legal system:** Lay assessors are paralegals who participate in the criminal courts by helping magistrates reach fair decisions in criminal cases. Lay assessors should have a basic knowledge of the law and court procedures.
- **Community Development Workers (CDWs):** CDWs are based in municipal offices. Their role is to provide a link between government and communities. They need to have certain skills, including those for effective conflict resolution and they need a sound working knowledge of broad issues such as social development and welfare, disaster management, the responsibilities of local councils to communities and how to make local government accountable.

The role of paralegals

These are some of the free services that paralegals can provide:

- Give legal and general advice to people on the law and their rights

- Write or distribute pamphlets, booklets and other resources to help educate people
- Refer people to social and health services and other helpful organisations
- Refer people to attorneys where it is clear an attorney is necessary
- Help prepare people for formal legal procedures, such as what to expect in a court case
- Assist and prepare people to take labour problems to the Commission for Conciliation, Mediation and Arbitration (CCMA)
- Run workshops to educate people about their rights
- Work as a link between a community and attorneys, and help with things like taking statements, interpreting and following up cases
- Assist in making contact with the press and in publicising events and problems in a community
- Help sort out problems in a community and problems with the authorities through negotiation and mediation
- Help in the building and developing of community organisations
- Build contacts with other paralegals, resources and organisations regionally and nationally (*See pg 1048: Best practices for paralegal case workers*)

Paralegals play an important role in the legal process because many people cannot afford attorneys and people sometimes find it intimidating to go to an attorney.

Formal recognition of paralegals in the legal system

The public and the legal profession recognise that paralegals are important because they allow disadvantaged people to have access to justice. However, for many years, paralegals were not formally recognised by the legal profession. There are a number of regulatory options being considered for paralegals, including an independent regulatory framework.

Practical skills useful for a paralegal

Paralegals should all have a basic but sound knowledge of the law and legal procedures. Advising someone about what the law says and what their rights are in a particular case is the first step in any advice-giving process. This section looks at practical skills necessary and useful for a paralegal to have in their advice-giving role. The skills fall under three main headings:

1. Communication skills
2. Administrative skills

3. Development skills

Communication skills

Paralegals can get formal diplomas at many colleges and universities. This section looks at how you can develop your communication skills with:

- The person you are trying to help ('the client')
- The people you have to contact on behalf of your client, for example, the government, an employer, a store manager, and so on
- The organisation or community to which you are accountable as a paralegal

Communication skills can involve the following:

- Interviewing clients
- Taking a statement
- Listening to clients
- Monitoring and evidence-gathering
- Counselling
- Advice-giving and problem-solving
- Referring your client to other organisations or assistance agencies
- Making telephone calls
- Writing emails and letters
- Writing reports

INTERVIEWING CLIENTS

The process of interviewing a client is as follows:

- Introduce yourself to the client and (if it is the first time) ask for their name and address. Write this down.
- Ask the person why they have come for help.
- Work out how willing or able the person is to discuss their problem. Sometimes, people find it very difficult to talk about their problems to strangers.
- Listen to the client, and don't hurry to conclusions about what you think the problem is.
- Ask the client what steps they have already taken to try and solve the problem before coming to see you.
- Discuss with your client what steps you think are necessary to try and sort out the problem. Explain these steps in detail. The client may only need some

advice or counselling or can be referred to a specialist agency that can help them.

- If you have to do some work on the case, your next step is to take a full statement.

(See pg 977: Listening skills; See pg 981: Counselling; See pg 981: Advice-giving and problem-solving skills; See pg 982: Referrals; See pg 969: Taking a statement)

When you interview someone who comes to you for help it is important to think about the language you use while talking to the person. This refers to the actual language used as well as the level of language.

WHAT LANGUAGE SHOULD YOU USE?

It is always better to interview a person in their own language. People find it much easier to tell you about their problems in their own language. It makes them feel more at ease, and they will be able to explain themselves better. Confusion and misunderstandings often happen when a person has to explain a problem in a language which is not their home language. If you cannot speak the language of the person you are interviewing, then you should have someone with you who can translate. If you need to have a translator, this person should have a good understanding of both languages, and it helps for them to have some basic knowledge of the law.

If you write to your client, you should also try to write the letter in your client's language.

USING THE RIGHT LEVEL OF LANGUAGE

It is important that the person or people you are trying to help can understand your words and sentences properly. If you do not explain things plainly and in a way that is easy to understand, you will not be helping your client. Your client will not learn anything from you and will not be able to help you try to sort out the problem.

These are some examples of language problems:

- Using difficult legal words for example, substantive, prescription, discretionary, and so on.
- Using a difficult explanation to explain a difficult word, for example, explaining that an interdict is '*a civil remedy calling on the offending party to refrain from harming the applicant*' is not as easy to understand as saying that an interdict is '*a special kind of court order which you can get to protect you from harm*'.

- Using foreign or Latin words, for example, *quid pro quo*, *rule nisi*, *inter alia*, *vis-a-vis*.
- Using jargon (words that are usually only clear to a certain group of people), for example: *workerist*, *dynamics*, *concretise*.

TAKING A STATEMENT

A statement is necessary because it helps to keep a record of a client's case. The statement is recorded on a case sheet, which is a standard question sheet and this is kept in the client's file. You will do all of your work on the case using the information you wrote down in the first statement, and it is therefore very important for you to write down accurate and complete information. See below for an example of a simple case sheet and an example of a statement.

The statement is divided into four parts:

1. Personal details of the client, for example, name, age, address, work details, and so on
2. Description of the problem
3. What advice you give to the client
4. What action can be taken to help the client

PERSONAL DETAILS OF THE CLIENT

Write down the standard personal details of the client. The most important details are:

- **Full name** – check the spelling
- **Address** – Check whether post can be delivered to the address or not. If the person is homeless, ask for the address of a relative who has a fixed home address.
- **Identity number** – this is often useful for reference purposes
- **Age or date of birth** – If the person does not know their age, then ask if some important event happened in the year they were born, for example, a very bad drought which was recorded; this will give you an idea of the year that the person was born.

DESCRIPTION AND DETAILS OF THE PROBLEM

The details you need will be different according to the different types of problems. For example, in a complaint about non-payment of wages you need to know what work the client was doing and what the wage was supposed to be, as well as the name and address of the employer. To help with a pension application, you need the age and present income of the client.

At the end of each chapter of the Paralegal Manual, there are usually one or two checklists. These include the questions that are important to the topics covered in that chapter. Once you know what kind of problem your client has, the checklists for that chapter can help you remember what questions you should ask your client.

Write down every detail of importance. Rather include information if you are not sure whether it is important or not. It might come in useful at a later stage.

Write down all the details of the problem in the correct date order that things happened.

EXAMPLE

- On 15 December 20..... Sara was dismissed from her job
- On 17 December Sara returned to get her notice pay
- On 20 December 20..... Sara went to the union about her dismissal, etc

ADVISING THE CLIENT

You must tell your client what their rights are. You must then explain what steps can be taken to help them.

Then, you must **listen** to your client to find out exactly what they want you to do. These are the 'instructions' that your client gives you. For example, if your client was dismissed from a job, don't just take it for granted that they want the job back, even if you feel that the dismissal was unfair. On the other hand, if your client says they only want notice pay, this may be because they do not know anything about unfair dismissal and reinstatement. It is up to you to explain to your client all their rights, and then let them make their own choices.

If there is something that the client is not clear about, ask them to find out that information and bring it to you later.

Write down details of the advice that you gave and the 'instructions' that your client gave you.

TAKING ACTION TO SOLVE THE PROBLEM

Discuss with your client what steps you will take to try to solve the problem. Make sure the client understands what you are going to do. Be **realistic** about how much you think you can do for your client and how long it will take to sort out the problem. Do not raise false hopes.

You must then agree on how you are going to **report back** to your client. This could be by writing a letter to the client or the client coming back to you on a set date.

Write down everything that you do. For example, if you make a telephone call, write this down, and what was said in the telephone call. Keep copies of all letters that you write for your client.

Keep **copies** of all documents in connection with your client's claim, for example, a UIF record card in a complaint about UIF benefits, the Instalment Sales Agreement in a problem with hire purchase, and so on. Do not write on original documents.

Documents should be stapled to the statement of the client so that they do not get lost.

See the next two pages for examples of a *simple case sheet* and *statement*.

EXAMPLE OF A SIMPLE CASE SHEET

HOPETOWN ADVICE CENTRE

Date:

Client's name:

Physical address:

.....

Postal address:

.....

Cell number:

Age (if necessary):

Type of case (e.g. grant):

Description and details of the client's problem:

(give this section plenty of space)

.....

.....

.....

.....

Advice or suggestions given to the client:

.....

.....

.....

Action taken on behalf of the client:

.....

.....

.....

.....

EXAMPLE OF A STATEMENT

STATEMENT

1. My name is Benjamin Ngwane. I am a 30-year-old male living at 52 Indwe Road, Langa, Cape Town. I am unemployed.
2. On Monday 26 September 20..., at about 8 p.m. I was walking on my way home after visiting a friend. I was walking alone on the pavement past Kentucky Fried Chicken.
3. A group of men crossed the road and came towards me. I recognised one of them. His name is Patrick Xegwana. He lives a few streets away from me in Pele Street.
4. The group stopped me and Patrick Xegwana grabbed me by my shirt and asked me where I was going.
5. I said I was going home.
6. Patrick Xegwana then slapped me on my left cheek with his left hand. One of the other men assaulted me by punching me in the stomach and kicking me where I lay on the ground. He was wearing a dark blue overall which was very torn. He was also wearing glasses. I recognised this man's face although I do not know his name. I also don't know where he lives. He is about 30 years old. I would recognise him if I saw him again.
7. I think there were five men altogether. I do not know the names of any of them except for Patrick Xegwana, but I recognised all of their faces. I would recognise them if I saw them again.
8. They were all crowding around me while I was lying on the floor being assaulted by the man in the blue overall. One of the men had a gun and was poking it in my side. I was very scared and I didn't say anything to them. They did not say why they were assaulting me. They only told me that I must not come near their area again.
9. Then I blacked out and only remembered being picked up by a person called Vuyani. He telephoned the Langa Day Hospital. They sent an ambulance to come and fetch me.
10. In hospital I was treated for two broken ribs, severe bruising all over my body, and my eye was bleeding. I had to stay in the hospital for 3 days. My hospital card number is 5487. I was treated by Dr Wyngaard at the hospital.
11. I do not know if there were any witnesses to the assault on me. I do not know if Vuyani witnessed the whole assault on me.
12. I do not know why I was assaulted by the group. I feel that I have been wronged and I want to make a claim against the people who assaulted me.

Date on which the statement was taken: 28 September 20...

Name and address of the person who took the statement:

*Lawrence Ndlovu
c/o Langa Advice Centre
Telephone number: (021) 642 0202*

AFFIDAVITS

An affidavit is a written statement which you swear is the truth. Another name for an affidavit is a sworn statement. You sign this statement (with your name, or X if you cannot write) in front of someone called a Commissioner of Oaths. A Commissioner of Oaths can be a magistrate, postmaster, bank manager, attorney, members of the South African Police Services (SAPS), and certain priests and social employees.

For example, when you need to prove something (like your age in order to get a pension), and you do not have any written proof that what you are saying is true, then you can put this information in an affidavit.

Usually the same information that is used for an ordinary statement will be used in an affidavit. All that happens is that an attorney or paralegal will turn the statement into an affidavit by adding some formal words at the beginning and at the end of the statement.

See *How to draw up an affidavit* and *Example of an affidavit* on the next two pages.

HOW TO DRAW UP AN AFFIDAVIT

AFFIDAVIT

1. I

(name of person)

do hereby make oath and say:

2. I am an adult

(male/female)

and I live at

.....

(address)

3. I am

(married/single)

unemployed/employed at

4. The statement (*fill in what you say is true*)

.....

DEPONENT

(the person making the statement is the deponent and must sign here but only in front of the Commissioner of oaths)

(Then the Commissioner of Oaths fills in this next part)

THUS SIGNED AND SWORN TO at

(place)

this day of

(date)

The Deponent having acknowledged:

1. That they have no objection to taking the oath;
2. They deem the oath binding on their conscience;
3. They understand the contents of this Affidavit and stated that same was true and correct and uttered the words 'So help me God'.

COMMISSIONER OF OATHS

(Commissioner of Oaths signs here after asking the deponent to swear with their hand in the air that they are telling the truth)

(The name and address of the Commissioner will be given here, and the office held by the Commissioner, e.g. South African Police Officer)

EXAMPLE OF AN AFFIDAVIT

AFFIDAVIT

1. I, Benjamin Ngwane, do hereby make oath and say:
2. I am an adult male and I live at Number 52 Indwe Street, Langa, Cape Town.
3. I am unmarried. I am presently unemployed.
4. On Monday, 26 September 20....., at about 8 p.m. I was walking on my way home after visiting a friend. I was walking alone on the pavement past Kentucky Fried Chicken, going in the direction of my home.
5. A group of men crossed the road and came towards me. I recognised one of them. His name is Patrick Xegwana. He lives in Pele street.
6. Patrick Xegwana slapped me on my left cheek with his left hand. One of the other men punched and kicked me in the stomach. He was wearing a torn dark blue overall and glasses. I recognised him but I don't know his name or where he lives. He was about 30 years old.
7. I think there were five men altogether. I do not know their names except for Patrick Xegwana but I recognise all their faces. I would recognise them if I saw them again.
8. They were all crowding around me while I was lying on the floor being assaulted by the man in the blue overall. One of the men had a gun and was poking it in my side. I was very scared and I didn't say anything to them. They did not say why they were assaulting me. They only told me that I must not come near their area again.
9. Then I blacked out and can only remember someone calling for an ambulance.
10. At hospital I was treated for two broken ribs, severe bruises all over my body, and my eye was bleeding. I had to stay in hospital for 3 days. My hospital card number is 5489. I was treated by Dr Wyngaard at the hospital.
11. I do not know if there were any witnesses to the assault on me. I do not know if Vuyani witnessed the whole assault on me.
12. I do not know why I was assaulted by the group.

.....

BENJAMIN NGWANE

THUS SIGNED AND SWORN TO at LANGA this 30th day of September 20..... the Deponent having acknowledged:

13. That they have no objection to taking the oath;
14. They deem the oath binding on their conscience;
15. They understand the contents of this Affidavit and stated that same was all true and correct and uttered the words 'So help me God'.

.....

COMMISSIONER OF OATHS

LISTENING SKILLS

It is important to listen properly to your client when they are telling you about a problem. There are different ways of showing your client that you are listening carefully.

- Use your body to say 'I'm listening':
 - Use eye contact and look at your client
 - Nod your head
 - Say 'yes', 'I see', and so on
- Let your client tell their whole story first while you just listen. Summarise the **main points** of what your client said in your own words to make sure that you have got the story right.
- Show the client that you are sympathetic to their problem. The more sympathetic you are towards your client, the more your client will trust you and confide in you.
- Don't be impatient with your client while they are telling you about a problem. If you listen carefully to your client, you will know what help they are looking for.

MONITORING SKILLS

A monitor is someone who watches and records what is happening – often when there is conflict between two sides. A monitor must be independent and not take sides. A monitor must also be someone who is reliable and truthful.

WHY DO WE NEED MONITORS?

When there is fighting between different groups, for example, in a community or between the police and other people, it helps to have monitors to give evidence about what happened from a non-involved perspective. In any conflict, each side will tell a different story. Monitors can help to find out the truth.

You can also monitor situations in your community on an ongoing basis. For example, ongoing monitoring of human rights abuses will help you build up a broader picture of the human rights situation in your community or country. You can use the information you gather while monitoring to challenge decision-makers in the different spheres of government. So, for example, you could monitor:

- Police cells and prisoners: (has the person been given access to an attorney, have they appeared in court within 48 hours / what are the

conditions in prison / what ages are the prisoners / are children in a separate cell, etc.)

- Trials: (who was the accused / what was the charge / who was the magistrate or judge / did the accused have an attorney / what was the final judgement / was there an application to appeal, etc.)
- Hospitals: (what types of illnesses or injuries are people suffering from / were medicines available/ were patients given proper treatment by doctors/nurses)
- Vulnerable groups living in or near your community, such as refugees, women, children, the disabled and minority groups

HOW DO YOU MONITOR PROPERLY?

If you are monitoring a specific situation then it helps to work together with someone in a pair. Each pair of monitors will monitor a certain area. The pairs must stay in contact with each other. You can do this by having a messenger who can run between pairs passing messages, or you can use a cell phone.

As a monitor, you must stay as close to the action as possible, but be careful not to become involved in the action.

Whether you are doing ongoing monitoring or monitoring a specific situation, you must write down everything that you see happening. If possible, you must take photographs of incidents, for example, where people were injured, you must photograph their injuries with a match or ruler next to the injury (to show the size of the injury). This is important later if you have to give evidence in court. It is also useful if you can draw a map of where the incident took place. *(See pg 1051: Checklist: Preparing for monitoring)*

For example, if you were monitoring a community conflict situation with the SAPS, these are the important things you should write down:

- The size of the crowd
- How many police are present
- The registration numbers of the police vans and any other vehicles involved in the action
- The names of the police officers present
- The time that the action began
- Details of the events in the order that they happened
- The names of the people who are injured or arrested
- What weapons were being used

WHAT FOLLOW-UP ACTION MUST YOU TAKE?

When you are monitoring a specific incident or on an ongoing basis, you should immediately:

- Record what happens: who/what/where/when on an incident sheet
- Concentrate on the most serious abuses
- Focus on any group that is targeted for particular treatment.

You should take the following follow-up action:

1. Make sure that people have an attorney if this is appropriate (for example, if someone has been arrested or killed).
2. File all your monitoring reports/statements/photographs.
3. Review the available facts and decide what type of action you or your organisation should take. For example:
 - Should there be an immediate full investigation
 - Do you need to collect further evidence, for example, by taking statements from witnesses or victims
 - Is the complaint so common that your report forms part of a documentation of the facts for possible follow-up action later on
4. Enter the facts into a simple system for storing information. These statistics can be very useful for different reasons, for example, when you are working out your priorities as an organisation (what issues you want to focus on), when you are meeting decision-makers in government (to put pressure on individuals), when you are meeting with possible donors, and so on.
5. Organise a press conference if this is appropriate or write a report about what has happened and send this to the press. (See pg 1052: *Checklist: Monitoring follow-up*)

EXAMPLE OF AN INCIDENT SHEET

INCIDENT SHEET FOR MONITORING PUBLIC EVENTS AND CONFLICT SITUATIONS

Date:

Monitor's name:.....

Monitor's address:.....

Monitor's telephone no:.....

Date of incident:.....

Place of incident (town, district):.....

Time incident started:.....

Time incident finished:.....

People or parties involved:.....

Numbers of people involved:.....

Number of houses affected:.....

List of witnesses:.....

Number of people injured:

List of injured:.....

Number of people arrested:.....

List of arrested:.....

Name of the attorney and/or legal firm that has been helping:

SAPS or other security services information:

Names or Numbers / Rank / Wearing ID / Uniform

.....

.....

Vehicles used:

Type of vehicle / Number of such vehicles / Registration numbers

.....

.....

Weapons used: (if used by anyone other than security services, state who)

.....

Circumstances before the incident: (for example, public meeting, march and so on)

.....

.....

Description of incident:

.....
Developments after the incident: (medical treatment, appearances in court, and so on)

.....
.....

Map of the incident:

Draw a map of the area where it happened, clearly showing the street names and where people were. Attach the map to the incident sheet. Also email all photos taken by yourself and attach them to the file or incident sheet.

Statements given by:.....

Contact addresses:.....

Telephone numbers:.....

COUNSELLING SKILLS

Sometimes people just want to talk to you about their problems, and it may not be necessary for you to take any further action. It might be enough for you to counsel someone about ways to deal with a problem. For example, your client might have a problem with noisy neighbours who party through the night and keep her awake. You can suggest different ways to deal with the problem, such as asking for a meeting with the neighbour to discuss the problem or getting a mediator in to help mediate between them.

Counselling is a skill used mainly by professional psychologists and social welfare employees. Where the issues raised by an advice seeker can have serious psychological consequences (for example, in the case of a child who has been abused, a person raped, etc.), they will need deeper counselling. Paralegals are not trained to provide this service, so they should refer the person to a professional.

ADVICE-GIVING AND PROBLEM-SOLVING SKILLS

Sometimes, people only need advice to help them with their problems. It is not necessary to take any other action. For example, someone comes to you for help with a grant-related problem. You can then advise them to go to the South African Social Security Agency (SASSA) for assistance.

As far as possible, you should encourage people to try and sort out their problems on their own. Often this means that you give a person some advice and tell them to

come back to you if they haven't managed to sort it out. This makes people less dependent on you to solve their problems, and it encourages them to take responsibility for dealing with their own problems.

Always make careful notes of the advice you give so that if the person comes back to you later, you can ask them whether they did as you advised.

REFERRALS

Paralegals often play an important role by linking people with a problem to an appropriate agency that is more qualified and better trained to deal with the problem. This could be a government department, or it could be a private welfare agency, NGO, religious body, etc.

Examples of assistance agencies that you may refer a client to include child welfare organisations, organisations against women and child abuse, trade unions for labour issues, the maintenance officer at the court, community development employees for issues linked to local governance, etc.

Paralegals should build up a database of agencies and contact people as part of their referral service.

Always give the person a cover letter when you refer them to another organisation. Explain why you are referring the person to them and what work, if any, you have done on the case. Advise the person to come back to you if the agency refuses or is unable to help.

TELEPHONE CALLS

Before you make a telephone call, you must make sure that you understand clearly what the problem is about and what you hope to get out of the telephone call. In other words, you must prepare yourself properly before making the telephone call.

Always introduce yourself to the other person. Tell the person you are telephoning on behalf of your client.

Always write down the name of the person to whom you are speaking and the date and time of the telephone call.

Never change the story of your client. You must only say what your client told you. If you don't know how to answer the other person, say that you must speak to your client and you will call back.

Be polite but firm about your client's rights, and never lose your temper over the phone. Try not to become involved in an argument on the telephone, because you might end up saying things that could harm your client or your future relationship with the official.

Make rough notes while you are speaking on the telephone, then write them down in more detail as soon as you have finished. This is because it is not always possible to remember everything that was said on the telephone. You might have to remember the details later for a court case.

If you reach any agreement with the other person, you must confirm what you agreed in a letter to that person.

LETTER-WRITING

MODEL LETTER SHOWING THE LAYOUT OF A LETTER

UPINGTON ADVICE CENTRE

(your address:)

Room 9, Avocado Centre
Upington
0100

(your telephone number:)

Telephone: (0555) 2345289

(your email)

Email: info@advice.org.za

(date:)

15 June 20...

(some offices give every letter its own reference number:)

Our Ref: 135/98

The Manager

(the name or title of the person who must read the letter)

Tex Stores (Pty) Ltd
PO Box 1053
Upington
0100

(the address you are writing to – then you have this on your copy of the letter)

Dear Madam / Sir

(the main thing that the letter is about – usually the client's name and the type of problem:)

MS GERDA FORTUIN: LEAVE PAY

(introduction:)

We are writing to you on behalf of Ms Gerda Fortuin. She was employed by you as a checker at your Uppington branch from 20/02/96 until 20/04/24. She resigned after giving the necessary notice. Her wage was R1500 per week.

(give information to identify the client:)

Ms Fortuin's work number was 315. Her identity number is 4209050920088.

(what the problem is – setting out the details:)

Ms Fortuin says that when she received her final pay packet she was not paid out for leave owing to her. She last took leave in September 2023.

(what the law says and applying the law to the facts:)

In terms of the Wage Determination for the Commercial and Distributive Trade, an employee may receive leave pay calculated according to the following formula:

(put in the formula and your calculations)

Ms Fortuin is therefore owed 7 months pro-rata leave pay.

(what the person you are writing to must do about it:)

Ms Fortuin requests that you forward the leave pay that is owed to her to the above address within 14 days of receipt of this letter. Please contact our office if you would like to discuss this matter further.

Yours faithfully

(sign your letter)

.....
Mr P. Philander ADVISER

Always include in a letter:

- Your own address and email address (or the address that the person getting the letter must write back to)
- The address of the person to whom you are writing
- The date

Start your letter by saying that you are writing on behalf of your client. Set out clearly in your letter the details of your client's complaint.

Say exactly what it is you want from the person you are writing to. In other words, say what the person you are writing to must do about the complaint.

Remember to include information that can help to identify your client, for example, identity number, work numbers, pension number, UIF number, Compensation for Occupational Injuries case number, and so on.

Make sure that your letter is signed and has the date on it before you send it out. If possible, get another person to check your letter before you post it.

Keep a copy of all letters written in your client's file, including any hand-delivered letters.

Some standard letters can be photocopied to cut down on typing load. Type the main part of the letter that always stays the same, leaving blanks to fill in the things that change, like the client's name. Photocopy the standard letter, and then every time you need this kind of letter, you just fill in the blanks.

Examples of such letters are:

- Letter asking the client to call the office
- Letters of referral, for example, to another assistance agency
- Letters of referral to the Small Claims Court

There are standard MODEL LETTERS in this manual. These letters are there to give you some guidance on what to include in typical letters you may have to write. For example, you will often have to write a letter of demand asking someone to do something, like pay your client money that is owed.

REPORT-WRITING

Reports are written to report back about what a person, group or committee has done.

Paralegals might have to write regular reports on their work for their management structures, for funders and partner organisations.

A community-based paralegal who is monitoring a situation in a community, for example, a demonstration, should write a report on what was witnessed. This should include relevant dates, times, venue, people involved, etc.

Office-bearers in an organisation should also write regular reports, for example, a treasurer can write a monthly report on the finances of the organisation, a community liaison person should write a brief report on meetings attended on behalf of the organisation and the outcomes of those meetings. Report-writing is a

very important communication tool which enables people to share information in a structured way, and it means everyone is kept informed on what is happening.

PLANNING A REPORT

Whenever you write a report, remember to follow certain planning steps:

- Ask yourself: *Who am I writing for? What do I want to tell them? Why should they know this?*
- List the things you want to say
- Plan the order in which you will put things
- Write the report

REPORTS FOR FUNDERS

Here is a simple outline for a report for funders (after they have given money):

1. **Introduction**
2. **Achievements of the organisation in terms of the funding proposal and objectives.** Describe what you have done and link this to what you said you would do when you asked the funders for money. List each of your objectives and what you have done to achieve them. Also, describe problems that stopped you if you did not achieve all objectives. Most funders have their own format for reports - try to give them the information they want.
3. **Plans for the next year**
4. **Financial statement:** A full financial statement and records to show how you have spent the money.

REPORTS TO YOUR OWN MEMBERS OR TO A COMMUNITY ON AN ISSUE

These reports are usually given verbally in a meeting. Here is a useful outline to make sure you come across clearly:

1. **Issue** - Explain what issue is covered by the report.
2. **Facts** - Give people the basic facts about the issue or any events that have taken place.
3. **Options** - Often, you report on something where the meeting must make a decision. Try to outline the main options open to people.
4. **Proposal** - Say which option you think is the best one, or propose a clear way forward. The meeting may disagree, but the proposal provides a good starting point for discussion.

EXAMPLE OF A REPORT FOR AN ANNUAL GENERAL MEETING

CHAIRPERSON'S ANNUAL REPORT 2011

1. MEMBERSHIP

We have set up a membership sub-committee under Maria Hendricks. They have been very successful and the membership has increased from 200 to 700 members.

2. FUNDRAISING

We held a film show at the start of the year and raised R900.

3. GENERAL MEETINGS

We have held general meetings in different areas this year. Many members came to these meetings and met the committee. This helped the committee to hear what members think.

4. PROJECTS

HIV/AIDs community forum

The HIV/AIDS Community Forum was established in May 2007. Its focus is:

- Education and awareness around HIV and AIDS in the Mulati farming area (26 farms)
- A Voluntary, counselling and testing campaign to have all people living on farms in this area tested.

We have held 3 workshops on farms in the past 3 months, attended by 140 people.

5. PARTNERSHIPS

We are working in partnership with the Agricultural Workers Union (AWU) and Education for Farm Workers (EFW) to get this project off the ground. They were very helpful in giving us advice and support. EFW assisted with the workshops.

6. FUTURE PROJECTS

In the next year, we need to:

- Run workshops on all 26 farms
- Initiate the VCT programme

7. I would like to thank the committee for all their hard work.

USING THE MEDIA

Media is an important communications tool that can be used to help organisations communicate with other people. Examples of media that can be used are pamphlets, posters, newsletters, badges, banners, T-shirts, newspapers, sms, WhatsApp, Facebook, Instagram, X, YouTube, TikTok, emails, radio and television.

HOW CAN YOU USE THE MEDIA?

You can use media to:

- **Inform** other people about a situation or an event or about an organisation. For example, you can use media to inform people that pensions are a legal right.
- Explain facts to people, for instance, how to apply for an old age grant (pension) from SASSA. This **educates** people about pensions.
- **Politicise** people to make people more aware of what is happening around them. For example, you can link service delivery problems to a campaign against corruption.
- Ask people to do something. This is called **mobilising**. For example, you can try to mobilise people to protest by coming to a meeting.
- **Advertise** an event.

MAKING MEDIA

Making media includes creating posters, pamphlets, videos, and drama shows with the purpose of communicating a message to people. It is important to know what your aim is when you decide to use media. For example, if you are planning a pamphlet or a poster, you must think about:

- The aim of the pamphlet or poster
- Who the pamphlet or poster is for (the target group)
- What you want to say (the content)

The design of the pamphlet or poster is also very important. Remember these things:

- Make the language easy to read.
- Use different kinds of headings such as underlining, boxes, and capitals. Most computers can be used to make attractive pamphlets by changing the font size for different headings.
- Arrange the writing in different ways.
- Use pictures.
- Don't make the design too cluttered so that it becomes confusing or unreadable

WHAT THE LAW SAYS ABOUT PAMPHLETS AND POSTERS

A pamphlet must include the name of the organisation that produced the pamphlet, an address and who printed the pamphlet.

You must get permission from the local council in your area if you want to put up any posters in public. In many areas, you have to pay a deposit.

NEWSLETTERS

Newsletters are the newspapers of the organisation. Newsletters usually come out regularly, for example, four times per year or every two months. They take a lot of work to produce. Before deciding to have a newsletter, you should decide:

- How many pages it will be
- The topics it should cover and who should write what
- Whether you will send it out as WhatsApp, email or messages
- If there are some experienced people who can help with producing the newsletter

WEBSITES

Websites are an important source of information for people wanting to find out more about an organisation. It is, therefore, also an important communications tool. It is important if you have a website to ensure it is kept up to date with online newsletters, resources, contact details, and so on.

Administrative skills

This section looks at how you can develop your administrative skills as a paralegal. Administrative skills can involve the following:

- Filing
- Bookkeeping
- Looking up a number in the telephone directory
- Arranging and holding meetings
- Managing your time (*See pg 1052: Checklist: Best practices for paralegal case-employees*)

FILING

Filing means keeping information (papers, letters, addresses) in a safe place. You file information by arranging it in a certain order so that you or anyone else can find it

quickly. You can have real files or set up files for documents on your computer, or do a combination of the two. Filing helps you to decide:

- Where to put information
- Into which file to put a document
- In which file to look to find a document
- Where to find an address

Filing is important because it:

- Helps you not to lose documents
- Keeps documents clean and tidy
- Helps you to find documents quickly and easily
- Helps you to be efficient

WHAT SHOULD YOU FILE?

The important things to file include:

- All documents that your organisation receives, for example, letters, notices, reports, and useful information
- All copies of documents you send out
- Documents about the money side of the organisation - receipts, vouchers, deposit slips, etc. If you get documents by email, file them on your computer, or print them out and file a copy. Make copies of slips and vouchers that fade fast - like toll slips.
- All case sheets and information relating to cases and all photographs

Filing should be done according to a carefully planned method. If you use your computer to file all documents you write or receive via email, make sure you create a backup at least once per week. If you have Internet it is worth saving everything on a cloud (a server provided by Google or others). This means you will be able to access the files even if you are in another town or if your computer is lost or crashes.

WHAT EQUIPMENT DO YOU NEED?

You need the following pieces of equipment for filing:

- Files (hanging folders or ring binders)
- A filing cabinet, shelves or something to keep your files in
- A date stamp to put the date on letters you receive - or write the date and sign it
- An A4 size hard-covered book that you call a 'day-book'

When you start a filing system, you need to decide how you want to file. Do you want to file in alphabetical order (for example, using surnames), in date order (according to the months in the year), or according to issues (such as grants, HIV/AIDS, housing development, etc). Each organisation is different. You should keep your filing system simple and easy for all to operate. Within a file, you should file in date order - with the latest documents on top.

REMOVING FILES FROM THE OFFICE

Files should never be removed from the office. If documents or statements have to be removed for any purpose, it is better to photocopy them first so that the original remains in the office.

BOOKKEEPING

Just as you keep records of meetings and letters, you also need to keep records of the organisation's money. Bookkeeping means keeping records of all the money that you collect and all the money that you spend.

Always keep every piece of paper connected with money, such as invoices, receipts and quotes.

The books you keep must show:

- **Income:** all the money that comes into the organisation (fundraising, donations, and so on)
- **Expenditure:** all the money that is spent (for example on petrol or stationery)
- **Balance:** which is the money that is left over at the end of each month

You keep books so that members can always find out what happens to the money. You need to know how much money you have and how much you still need to collect.

OPENING A BANK ACCOUNT

When you put money into a bank, the bank opens an account for you. When you open a new account, you must know:

- What kind of account will be appropriate for your organisation (savings, or current)
- What is the name of your account?
- Who will have authority to sign on the account (the signatories)?

The easiest kind of account for an organisation to use is a current account. The committee of your organisation decides who is allowed to sign for money. There should be at least two (2) signatories to the account. This

means two signatories must sign before money can be withdrawn from the account. The two signatories should be members of the management or executive committee who are usually available to sign a requisition form to withdraw cash or authorise making an electronic payment.

Money can also be transferred electronically into people's accounts but if you want to implement an electronic system, you will need to put strict guidelines and clear restrictions as to who will have the authority to do these transfers.

Cash can be taken out of the bank to make small payments, such as for stamps, tea, paper and so on. This money is called petty cash, and it is usually kept in a safe place in a small money box in the office. Put all receipts in the petty cash box so it is easy to account for spending.

Putting money into the account is called making a deposit. When you deposit money you fill in a form at the bank called a deposit slip. A copy of the deposit slip will be given to you. If you get EFT deposits, print a record of that or mark it on your bank statement. You must file this for your records.

Taking money out of the account is called a withdrawal. You can withdraw money at the bank teller or at an ATM if you have a bank card. File any slips you get from the bank or ATM. If you are paying electronically (EFTs), you should print out the payment confirmation (receipt) and file it.

The bank statement – Once a month, you will receive a bank statement. This is a record of EFTs made in that month as well as all the deposits and withdrawals made.

DAILY RECORDS

The most important books that you must keep for your daily records are:

- Receipt book
- Petty cash vouchers
- Record book

Receipts

When anyone hands any money to the organisation, you must give them a receipt. This receipt proves that money was handed in. You give the original receipt to the person who gave in the money, and the duplicate is left in your receipt book.

When you receive money, you should deposit it in the bank as soon as possible. It must never be used as petty cash. It is best to buy a receipt book from a stationery shop and put your stamp on every page.

EXAMPLE OF A RECEIPT

No 473 18/4/2015
Received from Mrs Mgadi
Ontvang van
the sum of Fifty
die som van
for Membership
vir Mgwenya OCA
With thanks/Met Dank
(cheque)
R 5000

Petty cash

You should keep some money in the office for small payments. If you need R500 for tea or milk, you will use petty cash to make these payments. How does petty cash work?

- The treasurer draws an amount of money out of the bank using a cheque. This amount could be R500 or more depending on what your monthly expenses are and how busy your office is.
- This money is put in a locked metal box called a petty cash box.
- If someone needs money to pay for something for the organisation, the treasurer will give it to them from the petty cash box.

All the petty cash that is spent must be recorded on a petty cash voucher. The receipts, invoices, or cash slips that you get when you pay for something must be kept. These slips should be attached to the petty cash vouchers.

EXAMPLE OF A PETTY CASH VOUCHER

Petty Cash Voucher / Kleinkasbewys	
Date / Datum <u>15/3</u> 20 <u>15</u>	
FOR WHAT REQUIRED BENODIG VIE	AMOUNT BEDRAG
<i>Stamps + Envelopes for AGM minutes</i>	<i>60 25</i>
Signature / Handtekening <u>Mrs Kadebe</u>	
Folio _____	Passed by <u>Gqwenya</u> Goedgekeur

The petty cash book

At the end of each month, the treasurer must record the information from all the vouchers in the petty cash book. You can use an ordinary school exercise book for the petty cash book. At the end of the month, the petty cash book must be balanced.

To do this, you must:

1. Add up the expenditure column to get a total. This is called total expenditure.
2. The treasurer must then put back into the petty cash box the same amount of money that was taken out during the month. So, in other words, they must put back the total expenditure.
3. They then record this under income and add up the income column.

EXAMPLE OF A PAGE FROM A PETTY CASH BOOK			
DATE	APRIL 2024 DETAILS	INCOME	EXPENDITURE
1	Balance	300,00	
12	Glue & cardboard for poster		30,00
17	Envelopes for office use		32,00
19	Milk & sugar for office use		30,00
20	New window for office		100,00
21	Tea for office		15,00
25	Paper for printer		30,00
	TOTAL EXPENDITURE		237,00

MONTHLY INCOME AND EXPENSE RECORDS

The cash book

At the end of each month, all the records you keep during the month are recorded in one book called the CASH BOOK. This includes all bank deposit slips, payment vouchers and petty cash.

You can buy cash books at stationery shops. The deposit slips are the records of the income. The payment vouchers and the petty cash book are the records of the expenditure.

1. The income and expenditure are recorded in the cash book.
2. The whole of the left-hand page is the INCOME side of the cash book.
3. The whole of the right-hand side page is the EXPENDITURE side.

EXAMPLE OF THE INCOME SIDE OF THE CASH BOOK

In this example, there are 5 main columns on the income left-hand page:

1. *Receipt number*
2. *Date of receipt*
3. *Details - Write the name of the person or organisation who gave the money.*
4. *Analysis columns - The analysis columns tell us the kind of income it was, for example, donations, subscriptions, books, sundries, and so on. You must decide how many columns you need and what headings you need for these columns. Sundries is for any kind of income - it is like a 'general' column.*
5. *Bank - The deposits you put into the bank account are filled in this column.*

The amount from each receipt must be written in the correct ANALYSIS column. The amount is also written under BANK when you deposit the money (see example below).

Rec No	Aug 2015	Details	Sundries	Donations	Books	Subs	Bank
	1	Balance	335,54				335,54
473	2	Mrs Radebe				32,00	
474	3	Mr Johnson		50,00			
475	4	Mrs Mgade			23,50		65,50
476	14	Mr Nkosi				32,00	32,00

EXAMPLE OF THE EXPENDITURE SIDE OF THE CASH BOOK

All the cash and cheque payments and bank charges are recorded on the expenditure page. This is the right-hand page of the cash book.

In this example, there are 5 main columns on the expenditure page:

1. Transaction number
2. Date of each payment
3. Details
 - a. Write the name of the person or organisation who was paid
4. Analysis
 - a. The analysis column tells you what your expenses were, for example, petty cash, rent, printing, transport, sundries, and so on. You must decide how many columns you need and what headings you need for the columns.
5. Bank
 - a. You write down any ITRS from the bank.

All expenditures must be written in the correct ANALYSIS column and under BANK. Bank charges are always recorded under 'sundries'.

BOOK MAY 2015								
Cheque No	Date	Details	Petty Cash	Rent	Printing	transport	Sundry	Bank
853	1	Cash	70,00					70,00
854	4	Small printers			77,50			77,50
855	7	Johannesburg Motors				98,48		98,48
856	19	Russel Furniture					45,00	45,00
857	24	Small Printers			37,48			37,48

Balancing the cash book

After you have recorded the income and expenditure, you need to work out how much money is left over at the end of the month. This is the balance. To get the balance, subtract the expenditure from the income.

For example, if your total income for May 2024 was R32 571 and the total expenditure was R30 305. To find out how much money was left over, subtract R30 305 from R32 571. The balance is R2 266. The balance in your cash book should be the same as the balance in your bank account.

Adding up the analysis columns

The analysis columns tell us what kind of expenditure and what kind of income there was. The analysis columns help us to answer questions like 'How much money did we get from subs from members in May 2024?' To answer this kind of question, you need to find the totals for each analysis column.

EXAMPLE OF THE ANALYSIS COLUMNS ADDED UP

Acc. No	Date	Details	Supplier	Amount	Books	Subs	Bank	Claspa No	Date	Details	Acc. No	Cont.	Party	Cont. No	Supplier	Bank
	1	Balance	355,54				355,54	153	1	Cash	79,00					79,00
473	2	Mrs Kadebe			32,00			154	4	Small prices			78,50			78,50
474	3	Mr Johnson		50,00				155	7	Johannesburg Motors				9848		9848
475	4	Mrs Mgade			23,50		65,50	156	11	Small Furniture					45,00	25,00
476	4	Mr Nkomo				32,00	32,00	157	24	Small prices			76,48			76,48
477	17	Matthews Fruit		150,00				158	25	L.K. Jacobs			44,36			44,36
478	17	Coma Bookshop			44,50		79,50		30	Bank Charges					39,12	39,12
479	21	Miss Ngwenya				32,00				Sub-Totals	79,00	44,36	14,78	9848	47,12	674,74
480	21	Mr Momo				32,00	44,00			Balance					316,48	216,48
		TOTAL	355,54	205,00	61,00	128,00	579,54			TOTAL	79,00	44,36	14,78	9848	47,12	674,74

MONTHLY REPORT-BACKS

The treasurer must give a monthly report to the management or executive committee on the income and expenses of the organisation for that month. All the books should be up-to-date for the report back, for example, the petty cash book and the monthly cash book. The treasurer should have all the cash slips, bank statements, invoices, petty cash vouchers, receipts and so on at the meeting in case there are questions from the committee.

FINDING A TELEPHONE NUMBER OR ADDRESS IN A TELEPHONE DIRECTORY

All telephone books work in ALPHABETICAL ORDER.

All **government departments for national and provincial spheres** are listed at the back of the telephone book in both English and Afrikaans. The government departments are listed alphabetically. If there is no number for the department you want in your regional telephone directory, Google it or phone 1023 and get the number of the nearest office.

Provincial government departments are listed under 'P' under the heading 'Provincial Administration', in the central government departments alphabetical list at the back of the directory.

Metropolitan councils and their departments are also listed at the back of the telephone directory, for example, the Western Cape directory will have contact details of the Cape Town Metropolitan Council and its departments.

Areas that fall outside the metropolitan areas are not listed at the back of the telephone directory with the other government departments. They are listed under 'M' alphabetically with all the other telephone numbers in the directory. For example, the municipal council for Mtubatuba is listed under 'M' for municipality in the telephone directory for that area.

All **hospitals** are listed under 'H' with all the other numbers in the directory. The hospitals are then listed alphabetically under 'H'. Doctors are listed under 'Medical' alphabetically by name.

All **emergency service numbers** are listed on one of the first few pages at the front of the directory. If you are using a directory which has many different towns listed in it, then the emergency numbers for each town will appear at the beginning of each of the towns.

MEETINGS

Some ways can help make meetings go well:

- Make sure everyone necessary will be able to attend the meeting.
- The chairperson must plan the agenda in advance so that they know what should be discussed and how long it will take.
- Appoint a chairperson if there is no chairperson.
- Make sure proper minutes are kept.

CHAIRING MEETINGS

Chairing a meeting means facilitating and steering discussion so that the meeting achieves its aims.

At the start of the meeting

The chairperson starts by reading the agenda and asking whether there are any additions to the agenda. Ideally, the agenda should have been circulated by the secretary to all people attending the meeting at least a week before the meeting takes place. This seldom happens, so it is polite to ask the committee at the start of the meeting whether they have anything to add to the agenda. Important matters and items that can be dealt with quickly should be discussed first. An agenda looks like the example below.

EXAMPLE OF AN AGENDA

1. Apologies
2. Read minutes of the last meeting
3. Matters arising from the previous meeting
4. Important reports for discussion
5. Upcoming meeting with the donors
6. Employing a new employee
7. Fund-raiser
8. Any other matters, or general

During the meeting

Everyone must get a chance to talk. The chairperson must not do all the talking, and must not allow people to interrupt each other or to talk at the same time. The chairperson must make sure that everyone sticks to the topic. The chairperson must work out how much time to spend on each discussion and stop people from wasting time. It is best to introduce each topic briefly and then allow someone to report or give input. Allow for questions and discussion. Give clear direction when a decision is needed - try to outline the options if there are different proposals. Reach a decision by consensus if possible and vote only if needed.

At the end of the meeting

The chairperson must summarise what happened at the meeting. This means going over the important decisions that were made. Everyone must know what they promised to do and when it must be done.

Preparing for the next meeting

The chairperson asks members when, where and what time the next meeting will be held.

TAKING MINUTES

It is the secretary's job to take minutes at the meeting. If the secretary is not present, then the chairperson should ask someone else at the meeting to take minutes. Minutes are an important way of keeping a record of what decisions were taken at a meeting.

After the meeting, the minutes must be typed or written up neatly in a minute book. A copy should be given or sent to all the committee members. At the beginning of the next meeting, the secretary reads out the minutes of the previous meeting. The main purpose of this is to note corrections and 'matters arising': those matters that the previous meeting decided must be finalised or discussed in this meeting, and tasks that people had to do.

TIME MANAGEMENT

There is always too much to do and too little time to do it. Time management is a skill that can help you to organise your time effectively. It can help you free up time so that you can do more without feeling that you have too much to do.

NOTE

A diary is the most important tool you have when you start to manage your time. Use a book or your cell phone.

To manage the way you use time, you must know what your commitments are, for example, to your family, your friends, your job, and your organisational work outside of your job.

Problems happen when the demands from different commitments clash. So you need to plan your time.

To do this you must start by identifying your regular commitments and drawing up a list of the demands each commitment makes on you. All your other commitments must be fitted around these routine commitments. Write them in your diary.

Think ahead about all the non-routine things that will happen so that you start planning for them now (for example, a friend's wedding, an evaluation of your organisation, and so on).

WHAT ARE THE THINGS THAT IMPACT ON YOUR TIME?

- Being disorganised - wasting time looking for lost documents
- Unrealistic deadlines which mean you always feel you are 'behind' with your work
- Spending hours waiting for or getting to meetings
- Constant interruptions
- Feeling too busy and under stress all the time

TIME-WASTERS

Most people waste time in similar ways. Some examples of common time-wasters are:

- Disorganisation
- Procrastination (leaving things to the last minute)
- The inability to say no
- Lack of interest
- Burnout (exhaustion from too much stress)
- Visitors and interruptions
- Telephone calls and emails
- Waiting
- Meetings
- Personal crises

You can identify your own time-wasters and write them down. Then, think of ways to avoid these time-wasters.

MANAGING YOUR TIME

When you have many different demands on your time, you must decide which ones to do first, when to do them and how to do them. It is useful to keep a to-do list on your desk and then allocate the tasks to different days in your diary. Mark the tasks on your list as:

- A: Urgent and important - do it soon!
- B: Important - do it this week
- C: Do it this month

Put both your personal and work tasks on the list, but try to separate them.

If you are too busy to do something, or it is inappropriate for you to do it, then you should hand the task to someone else. This is called **delegating**.

You must also plan your use of time and set your objectives. Objectives are the things that you plan to achieve. If you are clear about your objectives, you can do things in a useful order more easily. Plan your objectives as follows:

- Long-term objectives (this year - for example, complete my UNISA course)
- Medium-term objectives (this month - for example, complete the funding report)
- Short-term objectives (this week - for example, run a workshop for the community)

Development skills

This section looks at development skills, which are very important for paralegal work as they contribute to building and empowering communities. These are:

- Conflict resolution skills, which include negotiating, mediating and arbitrating
- Facilitation skills for community education and training
- Managing projects aimed at addressing community problems such as unemployment, health issues, etc.

NEGOTIATION SKILLS

Most of us deal with some or other negotiation every day of our lives. The paralegal will constantly be involved in negotiating on behalf of clients.

WHAT IS NEGOTIATION?

Negotiation takes place when two or more people or groups who have a conflict come together to agree on how best to resolve this conflict. This might mean that one side must compromise.

Usually it means that both sides compromise so that they can reach a settlement. This is called a 'win-win' situation.

HOW DO YOU NEGOTIATE?

The main purpose of being a negotiator is to get the best settlement possible for yourself or for the person or group that you are representing. To do this, a negotiator needs certain skills, such as:

- Finding out facts and information about the other side before you start negotiating
- Knowing what questions to ask
- How to create the right atmosphere for successful negotiation - if you are too aggressive too early in the negotiation, this will create a very tense atmosphere.
- Knowing how much to tell the other person or group - for example, you should not give too many details too early in the negotiation as this gives the other person or group an advantage over you.
- Knowing when to put your proposals to the other person or group
- Controlling your attitude towards the other side - all kinds of different emotions, prejudices, different values and cultures can affect your

attitude towards the other side. This can make it harder for you to communicate properly with them.

EXAMPLE

A union official negotiates with the manager of a farm about the right of employees to join the union. The union official is very emotional because the manager is threatening to dismiss the employees. The union official also believes that the manager is not concerned about the employees and that he is cruel and immoral.

The manager is also very emotional. He believes that the union official is trying to take over the farm. He is worried about financial losses and believes that as soon as employees join a union, they will go on strike. He believes that all employees are lazy and only want money to spend on alcohol.

In this example, there are many conflicting emotions, prejudices, and values between the two sides. This will affect negotiations between the two parties.

PREPARING FOR NEGOTIATIONS

The following points are a guide to planning and preparing for a negotiation.

STEPS IN PLANNING AND PREPARING BEFORE NEGOTIATION	
1. IDENTIFY THE ISSUE	<p>Background and context – Analyse the background and context of the issue. Each issue has its own particular background and history that is important to know and acknowledge in a negotiation.</p> <p>Power and positions of the parties – Look at the power and positions that the different parties will have in the negotiation you are preparing for. For example, a municipality wants to build a road through a town. To do this it needs to move people living there. The people are not prepared to move until the municipality finds them acceptable alternative land. The municipality has the power of its official position, and it has the power of the law behind it (under the Constitution, property can be expropriated in certain circumstances). The community also has the power of the law (they cannot be arbitrarily evicted from the land or be evicted without a court order). The community also has the power of large numbers.</p>
2. DEFINE YOUR OBJECTIVES	<p>Work out your key points and what you want to achieve in the negotiation.</p>

<p>3. BE CLEAR ABOUT YOUR MANDATE</p>	<p>As a paralegal, you will be representing either a person or a group in negotiations. You must know what your mandate is from that person or group. In other words, you must know exactly what they want and how much they are prepared to compromise.</p>
<p>4. SELECT A TEAM</p>	<p>Select a negotiation team. It is usually better to have more than one person in a negotiating team.</p>
<p>5. GET TO KNOW THE OTHER SIDE</p>	<p>You need to have as much information as possible about the people in the party you are negotiating against. For example, you need to know what their interests and needs are in the issue, their strengths, weaknesses, problems and pressures.</p>
<p>6. PLAN YOUR PRESENTATION</p>	<p>Organise all the information you have gathered in a logical format so that it can be used in the negotiation.</p>

<p>STEPS IN THE PROCESS OF NEGOTIATION</p>	
<p>1. PARTIES MEET</p>	<p>The parties meet, and they acknowledge a problem exists. Each party states the reason (as they see it) for the negotiation.</p>
<p>2. EXPLORING THE ISSUES</p>	<p>The negotiation moves into the issues, and parties say what their needs and interests are. This is the exploration phase, where the parties ask lots of questions and acknowledge the common points.</p>
<p>3. BARGAINING PHASE</p>	<p>Parties move into the bargaining phase, where they start to look for possible solutions or options for solving the problem. During this phase, the parties may even start moving closer together and there may be a feeling of working together to solve a common problem. Negotiation does not always mean that parties have to be aggressive towards each other. For a negotiation to end in an agreement, one side must show that it is ready to 'move' or compromise.</p>
<p>4. REACHING AGREEMENT</p>	<p>The parties reach an agreement. At this point you may need to take the agreement back to the person or group on whose behalf you are negotiating. If the agreement falls within the mandate you were given, then you can make a final agreement.</p>
<p>5. REPORT BACK TO THE GROUP</p>	<p>You will always need to report back to the person or group you were representing to tell them what the outcome of the negotiation was.</p>

6. PUTTING THE SETTLEMENT INTO PRACTICE

Once you agree to something with the other side, then you must make sure that the agreement is put into practice.

EXAMPLE OF THE STAGES OF THE NEGOTIATION PROCESS

NEGOTIATING TO GET AN EMPLOYEE'S JOB BACK

You are representing an employee who has been dismissed. You have to negotiate with the manager of the company where she was working.

GETTING A MANDATE

The employee wants her job back and asks you to represent her. You have to stay in touch with this person throughout and get a new mandate if there are changes.

PREPARING AND PLANNING FOR THE NEGOTIATION

Find out all the details about the dismissal of the employee. Find out how many warnings she received in the past, her length of service, what her job was, whether she was a member of a union, why she thinks she was dismissed, etc.

Find out about the company, the name of the manager, whether the company has a reputation for treating its employees badly, and so on. Plan what you are going to say to the manager when you telephone.

MEETING OR CONTACTING THE OTHER SIDE

You telephone the manager. You explain who you are representing, and the reasons for your telephone call. You ask for the manager's side of the story. You explain that the employee wants her job back. The manager refuses but makes you another offer - for example, that she will be paid out for the notice period plus leave due and will be given a positive reference. This is called a counter-offer.

You do not have a mandate to accept this. You tell the manager that you must go back to the employee.

GOING BACK TO THE PERSON OR GROUP YOU ARE REPRESENTING

You go back to the employee and explain what the manager has offered. (If you think it is a good settlement, you can try to encourage the employee to accept it.) If the employee accepts the offer, you telephone the manager again and say that you agree to the company's offer.

PUTTING THE SETTLEMENT INTO PRACTICE

You immediately write a letter to the company confirming your agreement.

If the company does not keep to its side of the agreement, you must meet again with the employee and decide together what you are going to do.

MEDIATION

Where two conflicting parties cannot reach an agreement on the issue causing the conflict, they can agree to ask a third party (a mediator) to help them reach a solution. A mediator is a person who acts as a facilitator between the parties but does not make a decision about who is right or wrong. So, a mediator is not a judge.

The mediator goes on to assist both sides until the parties themselves come to an agreement. If it is clear that the parties are not going to reach an agreement, the mediator might have to withdraw from the process. The parties will then have to find another way to resolve their conflict, for example, by using arbitration or going to court. (See pg 202: *Settling disputes outside of court*)

The main job of a mediator is to keep the parties in the negotiation communicating with each other. To do this the mediator must get the trust and confidence of both parties and keep this trust by always being objective. The mediator must try to find out exactly what the problem or conflict is about. When the two sides meet together, the mediator must encourage both sides to be realistic about what they want from the other side and what they are prepared to give.

If you are representing a person or group at a mediation you need to prepare for the mediation in the same way as for a negotiation.

EXAMPLES OF ISSUES WHERE YOU CAN USE MEDIATION

CONSUMER COMPLAINTS

You can use mediation or arbitration to solve consumer complaints. For example, a second-hand TV which you bought breaks down completely after a month. The company that you bought it from refuses to fix it. It is too expensive to go to court, so you could ask the company to agree to call in a third party to act as a mediator between you and the company. This is a cheaper and much quicker way of solving the problem.

DISPUTES IN THE COMMUNITY

Community or neighbourhood disputes such as those between different political groups or landlords and tenants.

THE CRIMINAL COURTS

In some cases, mediation could be used to bring the person who committed the crime together with the victim of the crime to see whether they can reach any agreement as an alternative to laying a criminal charge.



EDUCATION

Disputes between students and teachers, students and administrators, parents and administrators, and so on.

ENVIRONMENT

Disputes between communities and authorities, for example, about dams, waste disposal, land development and so on.

FAMILY OR DIVORCE MATTERS

Family and divorce disputes.

PLANNING A MEDIATION SESSION

You should be flexible when you plan a mediation session. For example, a more informal mediation between two neighbours needs a different approach compared to a mediation between a consumer and a company. On the next page is an example of a mediation session. This example is for a formal mediation session around a conflict between two organisations, parties or groups. You need to allow time for translation, for each side to caucus (speak among themselves), or to give the mediator time to meet both sides separately. (See pg 1052: *Checklist: Mediation code of conduct*; See pg 1053: *Checklist: Tips for mediators*)

OUTLINE FOR A MEDIATION SESSION

1. INTRODUCTION (5 mins)

Explain the structure and aims of the mediation session

2. OPENING OF MEDIATION (15 mins)

Welcome Introductions

Agreeing to rules and procedures (no interruptions, no aggression, time-out if needed, etc.)

3. STATEMENT OF POSITIONS (30 mins)

- a. Each side presents their position (their point of view)
- b. The mediator summarises these positions
- c. Allow time for clarifying questions
- d. Allow responses

4. FINDING COMMON GROUND (POINTS THAT BOTH SIDES AGREE ON) (30 mins)

- a. What is each side prepared to do - ask for practical suggestions and possible solutions
- b. Take responses to these suggestions
- c. The mediator summarises the common ground and adds an alternative solution.
Note: if there is very little common ground at this point, this might be a good time for the mediator to speak to both sides separately and in private

5. REASSESSING AGREEMENT (10 MINS)

Give both sides a chance to caucus on how they feel about suggested solutions

6. REACHING AGREEMENT (30 MINS)

- a. Ask each side to briefly repeat their position and say what they feel about the possible solutions
- b. The mediator goes over the common ground and summarises any points of agreement
- c. Encourage agreement on the remaining points
- d. Write down and read back whatever agreement is reached

7. CLOSURE OF MEDIATION (15 MINS)

- a. Discuss the way forward, including the enforcement, monitoring and publicising of the agreement, and the need for future meetings
- b. Thank everyone

ARBITRATION

In an arbitration, a third party, acceptable to both parties, is called in to help the parties resolve the conflict. The difference between an arbitration and a mediation is that in an arbitration, the arbitrator is called on to make a decision about who is

right or wrong. In other words, the arbitrator acts like a judge. The arbitrator chairs the hearing at which both parties are present, listens carefully to both sides of the story, listens to any witness, and looks at any documents which might be produced as evidence. They then go through all the evidence and decide who wins the arbitration. The arbitrator writes down the reasons for their decision in a judgement and gives this to the parties.

Before the arbitration takes place, the parties should agree in writing on the parameters of the arbitrator's powers. For example, will the arbitrator's decision be final, or will there be a right of appeal? Usually the parties agree that the decision of the arbitrator is final. This means the parties must obey this decision, and the losing party cannot appeal against the decision. An arbitrator should use proper legal principles to interpret the evidence, but the arbitration process is not as formal as in a court. (See pg 374: *Arbitration by the CCMA or Bargaining Council*)

FACILITATION SKILLS FOR COMMUNITY EDUCATION AND TRAINING

Community education usually takes place in interactive workshops where the person running the workshop acts as a facilitator rather than a trainer.

BASIC GUIDELINES FOR RUNNING A WORKSHOP

- **Everyone must understand the aim of the workshop**
Ask the question: 'What are you trying to achieve with this workshop?'
- **Build on people's own experience and understanding**
People want to have a better understanding of things that are a part of their lives, so sharing their own experiences must be part of what they learn. So, when you introduce a new idea, you must link it to things that people know about.
- **Formal inputs should be kept very short**
Formal inputs that are too long can become very boring. There are many interesting ways of passing on information to people – for example, role-plays, problem-solving exercises, debates, videos and demonstrations.
- **Everyone must understand the language used**
It is much better to talk to people in their home language. If this is not possible, use plain language and translate if necessary.
- **Everyone must have a chance to talk and participate**
People learn better when they take part in the action. It is harder for people to participate in big groups. To keep people's concentration, use methods that involve people, such as small group discussions and buzz groups.

- **Let participants give direction on follow-up work**

After the workshop you may need to do follow-up work or more workshops. All the people taking part should help you assess the workshop to decide whether there is a need for follow-up work or workshops and how this should happen.

PLANNING A WORKSHOP

You can plan and structure a workshop according to the following guidelines:

1. Aims

Why are you running the workshop?

What are its aims?

Workshops must be planned so that they have direction and also so that something practical comes out at the end.

2. Participants

Who is the workshop for?

How many people will come?

If it is a big group, then you need to plan for smaller group sessions during the workshop. A group of more than 30 people is difficult to handle and makes it harder for everyone to participate in a way that is meaningful to them.

3. Language (link to point 2)

Which language or languages will you use?

What level of language will be best for the workshop?

Will you need translation?

Who will do the translating?

Translation takes a lot of time and skill. It must be planned and not left to the last minute.

4. Time and venue (link to point 2)

When is the best time for running the workshop?

How long should it run for?

Where is the most suitable venue?

Work out what facilities you will need, for example, enough room or quiet smaller spaces for small group work. People should always be able to sit around in a circle at the venue. Make all the practical arrangements, for example, booking a venue, catering, seating

arrangements, transporting the participants, having a crèche for children, and so on.

5. **Content** (link to points 1 and 2)

What will you cover in the workshop and in how much detail?

You can divide your workshop into the following sections:

- a. **The beginning:** This includes your welcome, your own and the group introductions, establishing ground rules for the workshop, and looking at peoples' expectations.
- b. **The middle:** This is where you deal with transferring knowledge and/or skills to people. Remember, people learn by practising what they have heard or learnt. You need to make time in your workshop for people to practice using the information they have been given or shared. For example, if you are running a workshop on mediation skills, you need to explain the theory to people and then give them time to practice the mediation process.
- c. **The end:** This includes your summary of the workshop, evaluation by participants and your own concluding remarks.

6. **Methods** (link to point 5)

How will you get the message to people?

What workshop methods will help you to achieve this?

Decide how much time each part of the workshop will need. (*See: Workshop methods*)

7. **Facilitators and resources**

Who will run the different parts of the workshop?

What resources will they need to run the workshop effectively?

Prepare the resources you will need in the workshop, for example, inputs, small group questions, handouts, charts, and so on.

WORKSHOP METHODS

These are some examples of workshop methods.

Introductions

- **Go-arounds:** In a go-around everyone in the circle gets a chance to speak, for example, to introduce themselves, saying their name and organisation.

- **Wordwheels:** Ask people to stand in two circles of equal numbers, one inside the other, so that each person in the inside circle faces someone in the outside circle. Ask people to introduce themselves to each other. After a minute or two, you ask the outside person to move one place to the right. Then ask people to do a second introduction or to say something about themselves or their work.
- **Icebreakers:** Icebreakers are ways of getting people to loosen up and relax. For example, ask people to shake hands and introduce themselves to everyone in the group in two minutes. You can also try things like singing, playing games or warm-up exercises.
- **Expectations:** Ask people to say what they want out of the workshop (their expectations) using the go-around or wordwheel method.
- **Finalising the programme:** After hearing the expectations of the participants, summarise the aim of the workshop. Then, go through the workshop programme (structure), which should already be written up on a newsprint on the wall. Allow some time for questions or changes that people may want to make.

Big group (plenary) methods

- **Formal inputs (talks or lectures):** A talk by one person should not go on longer than 15 or 20 minutes. The input can be split between two people. Inputs should be kept as simple and practical as possible, and use charts, handouts and plenty of examples.
- **Big group (plenary) discussions:** There are different times in a workshop when you can have a big group discussion, for example, after small groups report back or when the big group must decide on something. In a big workshop, it is better to keep the time for big group discussions short and to make more use of different small-group methods
- **Speaking from experience:** Ask one of the participants to talk about their direct experience of the issue or problem you are discussing in the workshop.
- **Case-study input:** Give a short input on how a particular problem or issue was handled before and on what lessons can be learnt from this experience. If available, use photos, press clippings or videos to explain the case study.
- **Drama:** A prepared and well-practised play (drama) is a good way of highlighting particular issues or processes, for example, acting out the steps involved in a forced removal.

- **Role-play:** The role-play can also be used to act out everyday problems. A role-play is different from a drama because you get people in the workshop to act a part without letting them practise beforehand. Afterwards, you assess their responses to being thrown into a situation. For example, role-playing a house being raided.
- **Debate:** In a debate, you make people take up different positions on a particular issue or proposal. Have a discussion after the debate and give each side an equal chance to answer the points that came up in the debate.
- **Buzz groups:** In buzz groups you ask each person in the circle to turn to both their neighbours and to discuss something for a short time (usually 5 or 10 minutes). Then, from the chair, you do a quick go-around to get feedback by asking someone from each group to report back one point, and then other groups to only add on new points.
- **Wordwheels:** You can also use the wordwheel method to discuss questions in a big group.

Small group methods

Small group discussions are an important part of all workshops. After any long presentation (for example, an input, role-play or drama), break people up into small groups to discuss what they saw or heard. Small groups should have no more than 8 people. Give small groups at least 30 minutes for discussion. It is better to give groups one or two clear questions to discuss rather than a long list of questions.

Facilitating small groups: A facilitator is a 'group leader'. Each group should have a facilitator who has been part of the workshop planning and who is clear on the questions the group has to discuss. Ask someone else in the group to take notes and report back to the big group later on. The facilitator makes sure that everyone gets a chance to speak, that people stick to the topic and that people do not interrupt each other or get involved in one-to-one discussions. (See pg 1016: *Guidelines for facilitating small groups*)

Floating: While people are discussing in small groups, it is a good idea to have one or more of the workshop organisers moving about from group to group, checking if everyone is clear on the questions, and, later on, reminding people how much time they have left.

Reporting-back: There must always be a full report-back from each of the small groups. Ask the report-back person to report back in a lively way. The main points only should be summarised. Write on newsprint the main points

that each group reports. You can also ask each group to write a very short summary of their discussion on newsprint. Put this up for everyone to see.

These are methods you can use to improve small group discussions:

- **Go-arounds:** The go-around method works very well in small groups. Go around in the circle giving each person a chance to talk. Do not let people interrupt or disagree with each other until everyone in the group has had their chance to speak.
- **Problem-solving and tasks:** Give each group a very practical problem or task to work on. Ask the group to give a step-by-step approach to the problem and to write this down on newsprint. Write out the problems or questions for each group on a piece of paper beforehand and give this to the group facilitator. For example, you can ask small groups to develop a short drama around the issue, or to draw a map to explain the layout of an area, or to draw up a chart or pamphlet to simplify some problem or law.
- **A listening exercise:** This is like a debate. You divide the group into two sides. Side A has to motivate for a particular solution, Side B has to motivate against it. Side A presents its argument. Before Side B responds, someone from the group must summarise Side A's argument. Then Side B gives its first argument. Side A must then summarise this point before giving the next argument. The exercise then continues in the same way until the time is up. The main aim of this exercise is to encourage people to listen to the arguments of others and to learn how to summarise important points in a short time.

GUIDELINES FOR FACILITATING SMALL GROUPS

- Be very clear on your role
- Seat the group in a circle
- Get people to introduce themselves
- Check if translation is needed and get a volunteer to help
- Ask someone in the group to take notes for reporting back later on
- Explain how much time you have and how the small group discussion will work
- Introduce ideas and questions - don't enforce your own views
- Keep looking at everyone in the group (eye-contact)
- Be aware of your own voice - don't talk too much or too loudly
- Be aware of the way you approach people in the group - for example, don't intimidate people

- Don't get into arguments or allow them to develop
- Allow and encourage different opinions
- Don't allow people to interrupt each other
- Be firm with dominant people and say that they should allow others a chance to speak
- Give people time to think and to explain what they mean
- Explain or summarise briefly where necessary, for example, with difficult words or concepts
- Check if people understand before going on to the next topic, and allow for further questions
- Use the go-around method to encourage participation from everyone in the group
- At the end, ask the report-back person to summarise to check if everyone is happy with the report

LANGUAGE

The two main problems concerning language in a community workshop situation are what language to use and the level of the language.

Choice of language: Part of your planning for the workshop should include the language you are going to use and whether you need translation. Translation could be in full, in other words, point by point, or it could be a summary after a whole section.

Level of language: The success or failure of a community workshop can rest on the level of language used. When planning the workshop it is important to identify your workshop audience and what level of language you should aim for. These are some basic guidelines:

- **Structure your input** – have a clear introduction, a list of main points, and a summary or conclusion at the end. Structure your sentences and keep sentences short and simple.
- **Don't use difficult words** – For example, jargon (difficult words that are usually only clear to a certain group of people), abbreviations (words that are shortened), legal words, foreign words, difficult expressions, and so on.
- **Never be impatient** or make people feel that they don't know anything.

Written materials should be easy for the audience to read and understand. These are some of the ways to make written materials easier to read:

- Use short, clear sentences and avoid long paragraphs

- Use point form, numbering and subheadings
- Use pictures, maps, diagrams, charts - have summaries of main points and even use pictures and charts as a way of summarising
- Use questions and answers
- Use a typeface and print that is easy to read

WORKSHOP RESOURCES

These are examples of workshop resources which can be used during workshops or after workshops for people to take away and read:

- Plain language booklets, pamphlets and handouts
- Diagrams, charts, pictures, cartoons and maps
- Plenty of newsprint to write on and stick on the wall
- Videos and other visual material like slides, photographs and press clips
- Training manuals, handbooks and resource packages

EVALUATION AND ASSESSMENT

Evaluation is a process where a facilitator gets feedback from participants about how they experienced the workshop. Assessment is a process for measuring what participants have learnt and whether they have achieved their objectives (for the workshop).

Evaluation

Evaluation is about judging the overall value or worth of your workshop. By using various evaluation tools, you can get information from participants that will tell you how they experienced the workshop, what contributed to the learning process and what hindered it. This information will help you decide whether the workshop was successful, whether it achieved what you wanted it to, and what the problems were. In this way, you can build on your strengths and learn from your mistakes. So, workshop evaluations can be used for different purposes, such as:

Finding out whether workshop aims have been achieved (from the participant's perspective) Finding out how things can be improved during the workshop or for future workshops Showing participants that their views are valued Giving feedback to donors or other interested parties

What are you evaluating?

Your evaluation will provide you with information about one or more of the following aspects:

- Were the participants satisfied with the workshop?
- Did the workshop meet their expectations?
- What did participants believe they learnt in the workshop?
- How participants experienced specific aspects of the workshop, such as:
 - General flow of the workshop plan (do the activities flow / are people keeping up?)
 - Facilitation methods
 - Material
 - Practical issues (such as the venue, accommodation, food and transport)
 - The content (is it too complex or should it be simpler / is it relevant to the participants)

When do you evaluate?

As a rule, you should always include some form of evaluation in your workshop plan, either as an ongoing evaluation throughout the workshop or at the end of the workshop.

The most common form of evaluation is probably the questionnaire handed out at the end of a workshop for participants to complete and hand in. However, evaluation can be included at different stages of a workshop. For example, a 'Mood evaluation' can be done at the same time each day to evaluate participants' moods. This can help you pick up any negative feelings about the workshop early on, and you can try to deal with the issues that are creating the negative feelings.

Assessment

While evaluation looks at the overall value and worth of the workshop, assessment has to do with measuring what participants have learnt at the workshop. Assessment measures what participants have learnt against set standards. 'Set standards' in a workshop programme are the learning objectives defined at the beginning of the programme. The learning objectives should say clearly what the participants should be able to do at the end of the workshop and the assessment helps to see whether they have actually achieved this.

EXAMPLE

In a workshop on child abuse and human rights protection mechanisms, the learning objectives are for participants at the end of the workshop to be able to:

- *Identify different types of abuse suffered by children*
- *Define the rights that protect children from abuse and neglect and the laws that give effect to these rights*
- *Describe the steps to follow in dealing with cases of child abuse*

So, by the end of the workshop, participants should be able to do what is described in the objectives. They could write a test or complete an assignment to determine whether or not these learning objectives have been achieved.

What do you assess?

To see whether participants have achieved the objectives, you will measure one or more of the following:

- What knowledge was gained
- What skills were developed
- What attitudes were changed

When do you assess?

You do not always have to include assessment in your training workshop. It all depends on the nature and the purpose of the workshop.

EXAMPLES

1. *At the end of a workshop on managing an advice centre, participants should be able to:*
 - a. *Define a budget (knowledge objective)*
 - b. *Draw up a budget (skills objective)*

Your assessment of the learning in these workshops could be to set a test where participants have to draw up a budget for a specific case-study set or do an assignment where they draw up a budget for a specific project.

2. At the end of a workshop on the rights of refugees, participants should be able to:
 - a. List the rights that apply to refugees (knowledge objective)
 - b. Apply these rights in the work that they do (skills objective)
 - c. Explain attitudes of xenophobia and describe how they can change negative attitudes in their community towards refugees (attitude changes)

Your assessment of learning in this workshop could include a test where participants have to list the rights that apply to refugees, explain how they would apply these rights in their own casework and define positive steps that can be taken to stop discrimination against refugees in their own community.

NOTE

You need to be cautious if you do decide to include assessment in your workshop. Adults are not used to being assessed and may feel threatened.

So, if you are planning to do an assessment, you should discuss this with the participants at the beginning of the workshop – they need to understand why it is necessary and how it can help them.

ORGANISATIONS THAT TRAIN AND SUPPORT PARALEGALS

You can find the addresses and telephone numbers for organisations that provide training and support for paralegals under Resources.

Establishing an advice centre

Paralegals working in advice centres are there to serve the community by giving people easier access to the law and social services. They will try to help people who have problems by giving them advice, referring them to an organisation that can help them, or taking up the case on their behalf. The role of an advice centre is to help people learn about their rights and in this way give them the confidence to try and sort out their own problems in the future. It does this in the following ways:

- By identifying the social and health services available to the community, referring people to them and supporting them in this process
- By offering a **free advice service** to people and taking up individual cases
- By running public **education programmes** for volunteers in the office and **educational workshops** for community organisations.
- By encouraging people to resolve disputes through methods which do not involve the law courts, such as negotiation and mediation

An advice centre should have strong links with the community it serves so that it is always aware of the needs of that community. Usually, the management committee of the advice centre consists of members elected by the community. An advice centre should also create useful relationships with other services, institutions and organisations – for example, the magistrates office, different welfare services, and so on.

Factors to consider when setting up an advice centre include the following:

- The role and functions of the committee as the 'manager' of the centre must be defined.
- Identifying the venue for the centre – the venue should be identified with the following in mind:
 - How near and how accessible will the centre be to the community it is aiming to service
 - How near to other resources in the community should the centre be, for example, social services, magistrates' courts, and so on
 - Whether the venue can be located in existing offices of other organisations, the municipality, etc., so that it keeps the running costs low
- Constitution – what will this include
- Budgets for running the centre
- Long-term sustainability of the centre
- Employing people for the centre and how they will be paid
- Training of employees, volunteers and committee members (where appropriate)

Consulting the community

Setting up an advice centre begins with consultations with organisations in a community. Organisations from the community should meet to discuss the need for an advice centre and to decide on its purpose.

The community must decide whether it needs to be serviced by an advice centre, and the organisations must decide whether they will give the advice centre their commitment and support. There must be clarity about how the advice centre will link to the services being

offered by other community organisations, municipality and government departments so that there is no conflict or competition for resources.

Setting up a managing structure for the advice centre

Once the community has decided that they need to have an advice centre, a committee must be elected to set this up. This committee can be called a **steering committee**. Its job will be to set up and guide the advice centre in its early stages before a proper **management committee** is elected. The Constitution must state exactly what portfolios the management committee should consist of, how its members will be elected and its powers and functions, etc. (See pg 1023: *A Constitution for an Advice Centre*).

The following are examples of different types of committees:

- **Representatives from organisations:** The committee consists of people who represent their organisations (in this way, the organisations have a direct say in the running of the centre).
- **Members of organisations:** The committee consists of people who are members of organisations (although not necessarily representatives of these organisations). This may exclude certain individuals who could make a valuable contribution to the advice centre, for example, a doctor, attorney, teacher, and so on.
- **Sub-committees of community organisations:** Some communities prefer that the committee be drawn from a particular organisation, for example a civic association or a religious institution. This means that the management committee is directly accountable to the civic or religious institution.
- **Individuals:** The committee can consist of a number of individuals drawn from the community who are broadly accountable to the community either through regular meetings or Annual General Meetings (AGMs), to where all organisations are invited.

The type of committee and its accountability to the community depends on the conditions in each area as well as the available resources.

Office bearers and the work they do

In a good structure, everyone knows what each person must do, and everyone knows what is happening in the organisation, who to ask for what information, and who must do specific tasks. Good structures make it more difficult for a few people to take advantage of the organisation, for example, to control the money.

In organisations such as an advice centre, the management committee consists of office bearers who are responsible for the day-to-day management. This includes the chairperson, vice-chairperson, secretary, treasurer and ad hoc members. To decide what office bearers your committee needs, start by listing the work the committee must do. Then,, you can decide what office bearers you need to do each part of the work.

Before electing office bearers, it is a good idea to discuss what job each office bearer will do and what kind of person will be good for that job. For example, a treasurer must be able to do basic bookkeeping - understanding bank accounts, writing receipts and so on. Office bearers are responsible for the following tasks:

- The **Chairperson** helps to organise meetings and usually runs meetings.
- The **Secretary** lets people know when and where meetings will be held and takes minutes. (See pg 1000: *Taking minutes*)
- The **Treasurer** keeps a record of all the money that comes into the organisation and all the money that the organisation spends. The treasurer must ensure that income and expenses are in line with budgets. They must keep committee members informed about the organisation's finances and is also responsible for fundraising.

Sub-committees - These are small committees that are accountable to the management committee. For example; fundraising sub-committee, project sub-committee, and so on.

Portfolios - individuals are usually given specific portfolios that they take responsibility for, for example, newsletter editor, press liaison person, and public relations.

A Constitution for an Advice Centre

Before an organisation like an advice centre writes and approves a constitution, it must be clear:

- **Why** the organisation exists, in other words, what its aims and objectives are
- **How** the organisation intends to work - its policies, principles and strategies

These matters must be carefully discussed in order to see whether they are appropriate to the needs of the community. This means an organisation can exist for some time before it is ready to finalise its constitution. A draft constitution can be discussed with the various stakeholders and then finally approved and adopted by the highest decision-making body.

A constitution is a set of rules and regulations that govern the structures of an organisation and how it should function. Organisations need constitutions so that people are clear about:

- The aims and objectives of the organisation (why it exists)

- Who the organisation's key constituency and stakeholders are (who should benefit from its work)
- How the organisation works:
 - The structures
 - The duties of members
 - The duties of elected membership

The Constitution should be clear and simple so that members understand their rights and responsibilities, leaders understand their mandate and how to be accountable, and members of the public understand why the organisation exists and how it operates. In law, the constitution is called the 'founding document', and it is legally binding on the executive and members of the organisation.

The *Non-profit Organisation Act* has detailed and clear sections on what needs to be included in the constitution of a nonprofit organisation if it wants to register under the act. (See pg 1033: *The Non-profit Organisations Act (No. 71 of 1997)*)

WHAT ARE THE MAIN PARTS OF AN ORGANISATION'S CONSTITUTION?

NAME

The name of the organisation.

AIMS AND OBJECTIVES

- The organisation's immediate goals
- The organisation's broader political or social aims

MEMBERSHIP

- Who may join
- The duties and privileges of members
- What the membership fees are

Some organisations like an advice centre may not be membership-based organisations. so they will not include a membership section.

STRUCTURES AND DECISION-MAKING

- What structures exist
- How they are formed/elected/employed/appointed
- What powers and duties each structure has
- To whom they are accountable

Structures could be:

- General meetings, including an Annual General Meeting (AGM)
- Executive Committee and/or Management Committee
- What office bearers certain structures have, for example the Executive Committee may have positions of Chairperson, Secretary, Treasurer
- Sub-committees
- Employees
- A staff committee
- National structures
- Regional structures
- Branch structures
- Local structures

Decision-making includes:

- What powers and duties each structure or portfolio has
- The notice period required for certain meetings
- What quorum is needed to make meetings constitutional ('Quorum' means that a certain number of members must be present at a meeting if any decisions are to be made. For example, a constitution may say that at least two-thirds of the committee must be present at any committee meeting. Here a quorum will be two-thirds of the total number of the committee.)

MEETING PROCEDURE

- Who will chair meetings
- What type of things will be on the agenda
- How voting will take place
- How minutes are recorded, read and approved

ELECTION OF OFFICE BEARERS

- At which structure or level office bearers are elected
- How office bearers are elected, for example by verbal nomination and show of hands, or by nomination forms and ballot papers
- How the results of the voting procedure are announced
- How vacancies are filled

STAFF

- How staff are appointed
- What positions they hold
- What their duties are
- To whom they are accountable and how they report on their tasks and activities

DISCIPLINE

- What kind of behaviour is expected of members, office bearers or staff
- What kind of behaviour is unacceptable
- When an investigation or disciplinary hearing will be held
- How people may be disciplined

FINANCIAL CONTROL

- Who is responsible for keeping records of all financial income and expenditure
- To whom is that person accountable, for example to an executive committee
- Who can sign payment requisitions
- How often money has to be banked and by whom
- Who has to approve withdrawals from the bank account
- Who must draw up financial statements
- How often these have to be submitted to a controlling structure
- When the organisation's financial year will begin and end
- When and to whom audited statements are submitted, for example to the AGM

AFFILIATION

- To whom is the organisation affiliated
- What responsibilities or duties this carries

AMENDMENTS TO THE CONSTITUTION

What percentage of the membership is needed to vote in favour of amending the constitution How a member or members wishing to propose an amendment go about this

DISSOLUTION

- What percentage of members is needed to vote in favour of ending the organisation
- What decisions must be taken with regard to the organisation's assets
- The appointment and duties of a liquidator (the person who administers the dissolving of an organisation)

A constitution with all these parts would be very long and involved. On the opposite page is an example of a very simple constitution. You must draw up your constitution to suit the needs of your organisation.

CONSTITUTION OF THE KAROO RURAL ADVICE SERVICE

1. **The name of** the advice centre is the Karoo Rural Advice Service (KRAS).
2. AIMS AND OBJECTIVES

The aims and objectives of the Karoo Rural Advice Service are to:

- *Serve the needs of all people living in the Colesberg area by running an efficient and effective advice centre*
- *Work with other organisations and people in addressing the problems of residents*
- *Work with other advice centres that share similar aims and objectives*
- *Negotiate with the town council to improve living conditions and public facilities*

3. STRUCTURES AND DECISION-MAKING

- *The Annual General Meeting (AGM) will be held once a year.*
- *General Meetings will be held at least once every 3 months. The powers of the General Meeting will be to propose and implement projects and campaigns, to discuss and approve the appointment of staff, and to debate and decide on all issues raised by the Management Committee.*
- *Management Committee meetings will be held at least once every 2 weeks.*

At least half of the Management Committee members must be present.

The Management Committee is made up of a Chairperson, Vice-chair, Secretary, Treasurer and 3 other members. Office bearers will be elected at the AGM. If there are vacancies between AGMs, elections will take place at General Meetings.

The powers and duties of the Management Committee are as follows:

- *To look after the finances of the KRAS*
- *To have the finances properly audited for approval at the AGM*
- *To take responsibility for the general office administration of KRAS*
- *To plan the activities of the KRAS in accordance with its aims and objectives*

STAFF: *Advice employees in KRAS are accountable to the Management Committee for their activities. Employees must submit monthly reports to the Management Committee.*

DISCIPLINE: *The Management Committee has the right to investigate the actions or*



attitude of any staff member who acts against the aims and objectives of the organisation.

FINANCES: *The Treasurer is responsible for all accounting and money matters of KRAS. The Treasurer must produce quarterly financial statements to the Management Committee. An audited financial statement must be presented at every AGM.*

AMENDMENTS: *The constitution can be changed by a two-thirds majority of a General Meeting.*

DISSOLUTION: *Only the General Meeting can dissolve the advice centre.*

Budgets

WHAT IS A BUDGET?

Income is the money an organisation receives. Expenses are the amounts of money an organisation pays out.

A **budget** sets out the amounts the organisation expects its income and expenses to be for a fixed period of time, such as a year. In other words, the budget tells you how much money the organisation thinks it will need to do its work in the next one to three years; where it hopes some of the money will come from, and how much money it still needs to find.

The Management Committee must decide what should be included in the budget. Someone - usually the treasurer - must be given the job of drawing the draft budget up. The Management Committee - or the highest decision-making body - then has to approve this.

Once the budget has been prepared, it needs to be checked and discussed by other members of the executive. Then it must be approved by the trustees, management committee or whoever has authority in the organisation.

- The budget should be presented to the membership, either at the Annual General Meeting or in the Annual Report, and it should be used regularly as a way of monitoring the spending of the organisation.
- Budgets are also an important part of trying to raise money from funders. You cannot fool funders with made-up amounts. Amounts must be properly motivated, either in the funding proposal or in a note with the budget. An

example of such a note is, 'A motor vehicle is essential for the field employee because the settlements are, on average, 150 kilometres apart, and there is no public transport.'

WHAT PERIOD OF TIME SHOULD A BUDGET COVER?

There is no fixed rule about this. A budget can cover any time, from months to years. With an overall budget for an organisation, you need to budget for at least three years. This shows a sense of commitment and continuity.

If you are preparing a budget for more than one year, you must remember to add on a percentage to cover the cost of living increase for each year. This is called 'inflation'. So, if salaries cost R60 000 in 2024, they should cost R66 000 in 2025 if the cost of living goes up by 10%. Find out what the cost of living is by reading the financial section of the newspapers or by talking to an accountant. When preparing a budget for more than a year, you need to remember that some projects could expand. The office may also set up new projects, bring out a new publication, and get new staff and new equipment.

HOW TO CALCULATE EXPECTED EXPENSES AND INCOME

Before you can work out what your organisation's expenses will be and how much money you will need, you must be clear about the organisation's objectives and how you plan to achieve them in the period for which you are preparing a budget.

ANALYSE WHAT THE ORGANISATION SPENDS MONEY ON

Once you are clear about what work the organisation will do for the time the budget covers, you must write down everything that costs the organisation money. Start off with a list of everything you can think of. Afterwards, you can put the items into groups or categories.

So your final list could look like this:

STAFF

- Salaries
- Medical aid
- Pension fund
- Internet
- UIF

ACCOMMODATION

- Rent
- Electricity and water
- Telephone and Internet service provider

ADMINISTRATION

- Stationery
- Telephone, fax
- Postage

TRAINING DEPARTMENT

- Transport
- Food
- Cost of venues

- Bank charges
- Groceries

- Accommodation for participants

EQUIPMENT

- Rent/purchase
- Repair and maintenance

PUBLICATIONS

- Printing costs
- Distribution costs

When you have worked out what you plan to spend money on, you can work out how much each item and each category costs. You can use your own records to work out the costs.

EXAMPLE

If stationery has cost your Advice Centre R500 per month in the past year in the Ezikweni Advice Centre and inflation is at 10%, what should you budget for in the following year?

$$R500 + 10\% \text{ inflation} = R550 \text{ per month}$$

$$R550 \times 12 \text{ months} = R6\,600 \text{ per annum}$$

But the records show that the number of clients who came to the Advice centre over the past six months increased by 10% every month. This means there will be an increase in spending of approximately 10% on stationery.

The calculation will then look like this:

$$R500 + 10\% \text{ inflation} = R550 \text{ per month}$$

$$R550 + 10\% \text{ increase in spending due to an increase in number of clients} = R550 + R55 = R605 \text{ per month}$$

$$R605 \times 12 \text{ months} = R7\,260 \text{ per annum}$$

DOING AN INITIAL BUDGET FOR AN ORGANISATION

If this is the first time that your organisation is preparing a budget, you should make a list of the items and categories you think you will need to spend money on.

Remember to include those items which you will need in the beginning, but that you will not have to buy again, such as desks, chairs, kettle, filing cabinets, rent deposit, telephone installation, advertising jobs, computer and printer. This is called capital outlay.

Running costs are those costs that you spend on a regular basis to keep the organisation going.

It is important to include a section in your budget on expected income. This means the income that you expect to get from your own fundraising, or membership fees and so on.

You are then telling the funder what your needs are and also how you expect to pay for these needs.

WRITING THE BUDGET

When you have calculated your expected expenses and income, the next step is to write your budget down in a way that is useful for the organisation and for funders.

For the organisation's own use, it should be possible to understand, at any time, how amounts were decided upon and what they are.

Motivations for particular items in the budget do not have to be written into the budget, but they can be part of the written proposal, or they can be attached to the budget as notes.

Where you think that something in the budget may be unclear to the reader, it is worth including a note to explain it. For example, when in the first year of the budget, you have a fairly small amount, but in the second year, it is much bigger, you should have a note explaining the big increase.

WHAT SHOULD YOU SEND WITH YOUR BUDGET TO THE FUNDERS?

If you are preparing a budget to send to funders, you will have to send certain other documents with it. These could include:

- Overall funding proposal
- Project proposal
- Annual report
- Programme of action for the year to come
- Audited statement
- Copies of publications (if available)
- Copies of newsletters (if available)

See the next page for an example of a simple budget for an advice centre.

EXAMPLE OF A SIMPLE BUDGET FOR AN ADVICE CENTRE

EXPECTED EXPENDITURE (IN RANDS)		PER MONTH	2024/2025
Administration:	Auditors	250	3 000
	Bank charges	100	1 200
	Travel (work-related)	1 000	12 000
	Equipment and repairs	500	6 000
	Rent	1 200	14 400
	Stationary	300	3 600
	Telephone and postage	600	7200
	SUBTOTAL	3 950	47 400
Staff:	Salaries (1 person)	3 000	36 000
	Staff training	500	6 000
	SUBTOTAL	3 500	42 000
Publications:	Printing	1 250	15 000
	SUBTOTAL	1 250	15 000
Training:	Trainer's fee	600	7 200
	Travelling and sundries	300	3 600
	SUBTOTAL	900	10 800
Overall expenditure	TOTAL	9 600	115 200

EXPECTED INCOME (IN RANDS)		2024/2025
Income generated:	Raffle	3 500
	Evening Function	6 000
Donations:	Membership fees	20 000
OVERALL INCOME	TOTAL	29 500

MONITORING YOUR BUDGET MONTHLY

To calculate the amount that you can spend each month, you must divide your total annual budget by 12 months. So, for example, if your total expenditure budget is R115 200 per annum, then you should be spending about R9 600 per month.

AUDITED STATEMENTS

An audited statement is the complete record of all your expenditure and income for a year, as shown by your bookkeeping system and checked and approved by a qualified accountant. Organisations should have their bookkeeping audited (checked and approved by an accountant) at the end of each financial year. The financial year is different from the ordinary year. It does not go from January to December but can be from 1st April of one year to 31st March of the next. This will differ between organisations.

The audited statement shows exactly how much money was spent in the year, what it was spent on, where the income came from and whether you spent more than you had or less. Donors also use the audited statement to check how good the financial management in your organisation is before they give you any more money.

Fundraising

When people give money to an organisation, they want to know that there are budgets and structures in place to manage the money properly. Monthly and annual bookkeeping records must be kept to show clearly what money is collected and what money is spent. So, all these things need to be in place before embarking on a fundraising initiative. An organisation like an advice centre should register with the Department of Social Development as a non-profit organisation (NPO). This gives the organisation credibility with donors and the community. There are also other advantages offered by the government to organisations that do register. We will first look at the Act itself and then at the process of registering as an NPO.

THE NON-PROFIT ORGANISATIONS ACT (NO. 71 OF 1997)

The *Non-profit Organisations Act (the NPO Act)* has repealed the *Fund-raising Act* except for chapter 2 of the *Fund-raising Act*, which deals with disaster and relief funds. The NPO Act says an NPO is a trust, company or other association of people:

- Established for a public purpose, and
- The income and property are not distributed amongst its members or staff except to pay for a service

So, in terms of the Act, NPOs are civil society organisations (in other words, they are not part of government) that have self-governing boards which are accountable to their owners or members. To summarise, NPOs:

- Provide a public service or have some public purpose that goes beyond serving the personal interests of the members of the NPO (such as the promotion of social welfare, economic development, religion, charity, education or research)
- May make a profit but may not give any of the profits to its members – they can use the profits they make for the work of the organisation
- Often have to fund-raise from donors because they don't make enough money (income) to cover their expenses

The NPO Act encourages organisations to register as NPOs with the Department of Social Development. Organisations can benefit from being registered because it formalises the institution and, in this way, makes them more credible to donors and to the public. There are also certain benefits from government for organisations that register. However, it is not compulsory to register as an NPO in order to exist. Registration is a choice, but in the long run, it will benefit the organisation. (*See: Resources: NPOo registration*)

The Act aims to meet these objectives by allowing organisations to register with the Directorate of the Department of Social Development. This is called voluntary registration.

VOLUNTARY REGISTRATION

The NPO Act encourages non-profit companies, trusts and voluntary associations to register with The Directorate in the Department of Social Development. However, organisations only have to register if they want to and if they meet certain requirements, which are:

- It must not operate for profit (it must be a non-profit organisation)
- It must have a separate legal identity to its members

The purpose of voluntary registration is to make NPOs more accountable and transparent to the public by prescribing certain rules on how they must function.

BENEFITS OF VOLUNTARY REGISTRATION

NPOs that register with the Department of Social Development will qualify for certain benefits and allowances from the government. In the future, it is possible that the government will not pay benefits or allowances to an NPO

unless it is registered with the Department. The following acts also say that NPOs must be registered under the NPO Act in certain circumstances:

- The *Lotteries Act* – if the NPO wants to run a lottery
- The tax laws – if the NPO receives a tax benefit

HOW DOES AN ORGANISATION REGISTER AS AN NPO?

Before applying to register as an NPO the organisation must check that their founding documents are in order and meet the requirements of section 12(2) of the NPO Act. The founding documents are:

- The Constitution for a voluntary association
- The Deed of Trust for a trust
- The Memorandum and Articles of Association for a non-profit company

NPOs should then send two copies of their founding documents together with the application form to the NPO directorate.

DUTIES OF AN NPO THAT HAS REGISTERED

Once an NPO has registered with the department, it must follow certain procedures. The most important procedures are:

- To keep all accounting records
- To draw up financial statements within six months of the end of the financial year (these must include a statement of income and expenditure and a balance sheet)
- To arrange for an accountant to compile a written report within two months after drawing up its financial statement. The report must say that the financial statements are consistent with the accounting records and that the NPO has complied with all the financial reporting requirements of the NPO Act.

TAX LAW FOR NPOS

The *Tax Laws Amendment Act No. 30 of 2000* amended the *Income Tax Act No. 58 of 1962 (the Tax Act)*. There are two main tax benefits for NPOs under the Tax Act:

- Income tax exemption – the NPO doesn't have to pay any tax on its income
- Donor tax deductions for people or bodies that donate money to the NPO

HOW TO REGISTER AS A NON-PROFIT ORGANISATION (NPO)

An NPO can be a non-profit company, a trust or a voluntary association of persons. An organisation that is not-for-profit can be set up as a non-profit company.

A non-profit company is similar to a normal profit company, but it is not allowed to operate to make a profit, and it can't share the profits amongst the company members.

Large organisations that run big programmes and budgets and have lots of staff usually set up a non-profit company.

Non-profit companies have separate or independent legal identities that are distinct from their members. This means –

- The organisation, not its members and staff, are responsible for the organisation's debts, contracts and other legal responsibilities
- The assets of the organisation are in the name of the organisation, not its members
- The organisation carries on with its work even if its members or staff change
- The organisation can sue, be sued and enter into contracts in its own name

WHO RUNS A NON-PROFIT COMPANY?

A company consists of members and directors. The members appoint the directors who have executive powers. The directors are responsible for the day-to-day running of the company.

HOW DO YOU FORM A NON-PROFIT COMPANY?

All companies, including non-profit companies, are registered with the Registrar of Companies under the Companies Act. To register as a non-profit company, your organisation must:

- Be established for a lawful objective
- Have as its main objective the promotion of religion, the arts, science, education, charity, social activity or a communal or group interest
- Only use its income and property to promote the main objective
- Not distribute its money or property to the members or staff unless they are being paid for work they have done
- Appoint official auditors
- Keep financial and accounting records
- Hold an annual general meeting

THE MEMORANDUM AND ARTICLES OF ASSOCIATION FOR A COMPANY

The founding documents for a non-profit company are the Memorandum and the Articles of Association. The Memorandum sets out the purpose of the NPO and the Articles of Association say how it will work.

TRUSTS

An organisation can be set up as a Trust under common law and the Trust Property Control Act No. 57 of 1988. It is easier to set up a Trust than a non-profit company. A trust is a written arrangement between an owner and trustees. The owner hands over property and/or funds to a group of people (called trustees) who look after the property and funds and use it for the benefit of other people (called beneficiaries) for a specific objective.

WHO RUNS A TRUST?

A trust is run by a Board of Trustees. A Deed of Trust will say what the powers and duties are of a trust. Trustees can be paid for the work they do for the NPO.

WHICH LAWS GOVERN TRUSTS?

Trusts are governed by the common law and the Trust Property Control Act. Trusts do not have a separate legal personality. If there is a legal dispute, the trustees, not the trust, can sue or be sued. The property of the Trust is protected and the Trust Property Control Act says trust property must be kept separate from the trustees' personal property. Trusts must have their own bank accounts.

HOW DO YOU FORM A TRUST?

A notary public must write and attest your trust deed and the trust must be registered with the Master of the High Court. If there are any changes to trustees at any stage, then the Master must be given notice of this.

THE TRUST DEED

The trust deed is the founding document of a trust.

REGISTERING AS A TRUST UNDER THE NPO ACT

If a trust registers as an NPO under the NPO Act (in addition to registering with the Master of the Court) it will become a body corporate with an independent legal personality.

VOLUNTARY ASSOCIATION

This is the easiest and simplest structure to set up and manage. It also has the same powers and can do the same thing as a trust or non-profit company. A voluntary association can be set up when three or more people enter into an agreement to form a non-profit organisation. Voluntary associations are best suited to small community-based organisations that do not need to own or manage large amounts of money or property and equipment. For example, a school parent association. A voluntary association is the quickest and cheapest structure to set up.

WHO RUNS A VOLUNTARY ASSOCIATION?

There is usually a constitution that provides for the appointment of a group of people with executive and/or management powers.

WHICH LAWS GOVERN VOLUNTARY ASSOCIATIONS?

The common law and the *Communal Property Associations Act* (No. 28 of 1996) govern voluntary associations.

If you want to make a voluntary association an independent legal personality, the law says the constitution must specify that:

- The organisation will continue to exist even if the membership changes
- The assets and liabilities (debts) of the organisation will be held separately from those of its members

HOW DO YOU FORM A VOLUNTARY ASSOCIATION?

You can form a voluntary association by having a written or verbal agreement. There is no government registry that you have to register with, but you can register under the Non-profit organisation Act.

THE CONSTITUTION OF A VOLUNTARY ASSOCIATION

The written agreement of a voluntary association is called the constitution. These are the rules which say how the organisation will run. It also says what its main purpose and objectives are, who will make the decisions and how decisions will be made.

The constitution of a voluntary association will usually have detailed and clear sections on:

- The purpose of the organisation
- The objectives of the organisation – what it wants to achieve
- The type of organisation it is: for example, a non-profit voluntary association

- The membership of the organisation – who may become a member and the rights and duties of members; how people can join, resign or be expelled
- The structures and main procedures of decision-making in the organisation
- Annual general meetings and other meetings
- Elections and appointments for the different structures of the organisation
- The powers and functions of each structure
- Who makes what decisions
- How the organisation is governed and how decisions are made
- How it is organised to get the work done
- The roles, rights and responsibilities of people holding specific positions and of the different structures: what individuals and structures are responsible for, to whom must they account.
- How the finances and assets of the organisation are controlled
- Financial year and audit process
- Closing down the organisation – what process must be followed, and what will happen to the money and assets of the organisation

REGISTERING AS A VOLUNTARY ASSOCIATION UNDER THE NPO ACT

If a voluntary association wants to register as an NPO under the NPO Act, it will have to follow the requirements set out in the Act. It can be an advantage to register under the NPO Act because funders generally prefer to work with organisations that have been formally and legally recognised. NPOs that have registered under the Act also have access to certain government benefits.

GUIDE TO CHOOSING A STRUCTURE FOR AN NPO

The following factors are guidelines to help you choose a structure for your organisation.

Size, capacity and complexity of your organisation – Large organisations with big programmes and budgets will usually set up a non-profit company. Smaller organisations will usually set up a trust or voluntary association.

Funder's needs – People funding the organisation, for example, overseas funders or government may prefer a particular structure. For example, corporate (business) funders usually prefer organisations to be non-profit companies.

Paying tax – It doesn't matter which structure you choose. This does not affect the amount of tax your organisation might have to pay. The factors that influence your tax status are the purpose, objectives and activities of the organisation.

Registering with a government registry – Only non-profit companies and trusts have to register with a government registry. The advantages of doing this include:

- There are rules and regulations which organisations have to follow if they are registered, this helps to make things clear to those inside and outside the organisation
- Organisations have to be accountable to the public which means all stakeholders, for example, donors, people benefiting from the organisation's work, the general public and the government are aware of how money is being spent by the organisation

RAISING FUNDS THROUGH FUNDRAISING ACTIVITIES

Each office should have an income plan for at least three years which includes a range of activities, including fundraising.

- Most organisations with members have a membership fee called a **subscription or membership fee**.
- You can **charge a fee** for some or all of the services you provide. You can do this on a sliding scale of affordability.
- You can have public **fundraising** events, such as raffles, parties or suppers, cake or jumble sales, fairs, and so on.
- You can ask for **donations** of money or things (for example, office equipment or items to be prizes for fundraising events) from religious bodies, businesses or other organisations.
- You can approach large local and international funders as well as government. To do this it will be necessary to draw up a funding proposal.

STEPS IN PLANNING A FUNDRAISING EVENT

<p>1. WHAT TO DO?</p>	<ul style="list-style-type: none"> ● Decide how much money you want to raise ● What resources do you have available? (time, money, people) ● How much is the event going to cost you to run?
<p>2. WHEN TO DO IT?</p>	<ul style="list-style-type: none"> ● Decide on a date for the event ● What time of the day will the event take place?
<p>3. WHERE TO DO IT?</p>	<ul style="list-style-type: none"> ● What venue will be suitable? ● Is the venue easy to get to?
<p>4. WHAT EXTRAS TO OFFER</p>	<ul style="list-style-type: none"> ● Will you offer refreshments? ● Will you offer a place where people can leave their children?
<p>5. PUBLICITY</p>	<ul style="list-style-type: none"> ● What kinds of publicity will you use? (pamphlets, posters, banners, stickers, newspaper advertisements, radio, and so on) ● Where will you advertise, for example, where will you distribute your pamphlets? ● When will you advertise?
<p>6. WHO DOES THE WORK?</p>	<p>You will need people to do the preparation work and to work on the day. Without committed employees, no fundraising event can be a success. There must be a co-ordinator who takes overall responsibility. But there are also hundreds of small jobs and the coordinator cannot do them all. The coordinator must delegate many of the jobs. Their job is to make sure that everyone else does what they promised.</p>
<p>7. EVALUATION</p>	<p>When it is all over, the money is counted. Then it is important to ask:</p> <ul style="list-style-type: none"> ● What did you do right? ● What did you do wrong?

WRITING A FUNDING PROPOSAL

Funding proposals can be written for the organisation as a whole or for specific projects initiated by the organisation. Funding proposals can be found in newspapers, on websites, or sent via email from other organisations. It is, therefore, very important for the advice centre to be registered on the databases of other organisations, such as provincial forums, government departments and funders.

Calls for proposals will often provide specific guidelines and details of the information to be provided. Sometimes, donors will ask for an expression of interest before inviting a proposal.

Here is a list of things that should be included in a funding proposal:

- **Name and address** of your organisation
- **Background and motivation** (why you are asking for funds) - Give the reader (funding agency) some information about when the organisation was formed and why it was formed. It is always useful to include figures in your motivation for funding, for example, if you are asking for funds for a literacy programme, state that there are 9 million people in your country who cannot read.
- **Aims** of your organisation
- **Description of activities** for the past year or two; send your annual reports
- **Plans for the future** - include specific outcomes for what you intend to achieve in year 1, year 2 and so on
- **Timelines** - give details of when you intend to start with the implementation of specific activities and how
- **Organisations you have worked with or intend to work with**
- **Description of the structure** of your organisation
- **Income**
 - Money received in the past from different agencies
 - Money receiving now
 - Ways in which the organisation has raised money itself
- **Budget** - List the expenses and income you think you will have in the next year. (See pg 1031: Budgets)

Send your proposal with a **cover letter**. If you receive funding, always send letters of thanks.

Employing people in an organisation

When an organisation employs people, it wants employees to have a clear idea about what the goal of the organisation is, and a commitment to fulfilling it. The employee must be clear about the job that they are expected to do. The organisation must also ensure that it has performed all its duties as an employer, for example, having registered employees for UIF, SITE and PAYE. (See pg 854: *Registrations as a new employer*; See pg 281: *The contract of employment*)

The basis of the relationship between an employer and an employee is the **employment contract**. This is an agreement that spells out what the organisation expects the employee to do and what the employee can expect from the organisation.

GUIDELINES FOR DRAWING UP AN EMPLOYMENT CONTRACT

- State who the employer is and the employee.
- State the day on which the employee will begin work.
- Describe the expectations that the organisation has of the employee, such as:
 - Job description and performance standards
 - Promoting the best interests of the organisation
 - Discretion and confidentiality
 - Use of time, equipment and materials
- Describe the conditions of employment:
 - Salary
 - Office hours and employment
 - Notice: termination of employment
 - Leave: ordinary, maternity or paternity, sick, study, or long leave
 - Fringe benefits: provident or pension fund, medical aid, staff loans, housing subsidies
 - Travelling expenses, including the use of a private car for work purposes
 - Grievance and disciplinary procedures
 - Redundancy policy
 - Staff training and development

A formal contract of employment must be shown to the new employee. Both the new employee and the committee (or representative of the committee) responsible for running the office and making employee appointments must sign the contract.

DRAWING UP A JOB DESCRIPTION

A job description sets out the specific duties and responsibilities that go with a staff position, the skills and qualifications required for the position, and the person or structure to whom the person filling the position is accountable. The first step in drawing up a job description is to analyse exactly what is involved in the job.

The second step is to write it up following certain guidelines.

Analysing the job means looking at the following:

- All the tasks involved in the job
- All the knowledge and skills needed to do the job properly
- The relationship of the job to other jobs in the organisation

Guidelines for writing a job description

Include the following in a job description:

- The title of the job
- A brief statement about the purpose of the job
- The responsibilities of the job, listed in order of importance
- The tasks involved in fulfilling the responsibilities. As far as possible, you must say:
 - The proportion of time to be spent on each task
 - The minimum acceptable standard (for example, typing at 40 words a minute)
- A person specification, which states what kind of person should be employed for the job. this covers two areas:
 - Skills, education levels, experience, abilities (for example, language abilities) needed
 - Personal and physical attributes needed. In other words, things that would suit your organisation and the staff already working in it
- Conditions under which the person doing the job must be able to work. This includes, for example, having to work weekends or nights.
- The management structures and lines of accountability, and how the person doing the job described fits into them.

DISCIPLINE AND TAKING DISCIPLINARY ACTION

Discipline is any action taken by the managing committee to change unacceptable behaviour or job performance of an employee who works for the organisation. Below is an example of a formal notice to tell an employee that they must come to a

disciplinary inquiry. The notice can be changed to suit each organisation's own needs.

Employees have to work and behave according to the standards set by the organisation's Constitution and the contracts of employment. If an employee does not work according to these standards, action must be taken to correct and improve the employee's performance. However, if the employee's conduct or performance is very bad, the organisation may decide to dismiss the employee. Before the organisation decides what action to take, the employee must get a chance to present their case fully.

The organisation might decide to take any of the following kinds of disciplinary action:

- Formal counselling
- Recorded verbal warnings
- Written warnings
- Suspension without pay (as an alternative to dismissal)
- Dismissal

The type of action taken by the organisation depends on how serious the employee's action was and anything else in the employee's favour or against the employee.

If the employee's actions seem serious enough to allow for dismissal, then the organisation must follow legal procedures. (*See pg 360: What is a dismissal; See pg 361 When is a dismissal fair or unfair?; See pg 370: Solving disputes under the LRA*)

Every organisation should also have a simple Grievance Procedure that employees can use if they have a problem at work and they feel that it cannot be dealt with at a committee meeting.

EXAMPLE OF A NOTICE OF A DISCIPLINARY ENQUIRY

NOTICE OF A DISCIPLINARY ENQUIRY

To:.....

From:

Today's date:

A disciplinary enquiry will be held on at o'clock at

The enquiry is about the following alleged offence(s):

1.....

2.....

Please note that you have the right to:

1. A representative
2. Call your own witnesses
3. Ask questions
4. Give evidence
5. Plead in mitigation
6. An interpreter
7. Appeal against a penalty

CHAIRPERSON

DATE.....

EMPLOYEE

DATE.....

WITNESS 1.

DATE.....

WITNESS 2.

DATE.....

Evaluating the activities in an organisation

Evaluation means measuring the value of what the organisation is doing. It is a way of stepping back from our work and asking ourselves: 'How are we doing? What should we change to do better?' Different people have different ideas of progress and problems. At an

evaluation session, people come together to share their ideas in an organised and planned way.

When we evaluate, it is much easier to make decisions about the future of the organisation. For example, after an evaluation, it may be clear that the structure of the organisation is not working very well. Therefore, the structure will have to be changed. It may become obvious after an evaluation that the work methods being used by the employees of the organisation are not very effective. People will then have to think about ways of improving the effectiveness of the organisation.

Here are some examples of questions that can be part of an evaluation:

- What has been achieved in the time between this evaluation and the last one?
- What aims have not been achieved?
- What needs to be continued, changed or stopped?
- What are the organisation's strengths and weaknesses?

The reasons why we evaluate include:

- To help us see where we are going and if we need to change direction
- To help us to make better plans for the future
- To make our work more effective
- To collect more information
- To see if our work is costing too much and achieving too little
- To see if all the effort has been effective
- To be able to share our experiences
- To compare our organisation with others like it
- To criticise our own work
- To see where our strengths and weaknesses lie
- To be able to improve our methods
- To measure progress
- To see what has been achieved

WHEN TO EVALUATE

Evaluation is usually an ongoing process. This means that a day (or more) is set aside for evaluation at regular times in the year, or maybe only once a year. Sometimes if employees have been working on a specific project, then it is worthwhile to make time for an evaluation after the project has been running for a while.

WAYS OF EVALUATING

There are many different ways of evaluating in a group. The aims of evaluating should be to encourage everyone to join in actively and to get out the information and ideas that will help the organisation understand its problems in a way that will make everyone feel motivated to do something about them. Evaluations should show the strengths and weaknesses of the organisation.

Checklists

This section provides the following checklists:

- Best practices for paralegal case-workers
- Preparing for monitoring
- Monitoring follow-up
- Mediation code of conduct
- Tips for mediators

Best practices for paralegal case-workers

Use this as a guide and adapt it to suit your own needs.

ATTITUDE

- Should be willing to go the extra mile for advice seekers
- Advice-seekers problems are seen as part of a bigger socio-economic problem which needs action from individuals as well as at a collective level
- Dedication and commitment to work
- Understand the core values of the organisation
- Understand what it means to empower somebody
- Have a vision of a society based on a respect for human rights

CASE-WORK KNOWLEDGE

- Know the material in the Paralegal Manual and can work with it
- Can give information to advice-seekers based on the following primary laws:
 - COIDA
 - Labour Relations Act

- Basic Conditions of Employment Act
- Social Assistance Act and the Regulations
- Prevention of Family Violence Act
- Maintenance Act
- Divorce Act
- UIF Act
- Children's Act and Children's Amendment Act

REMEMBER

These are just examples; you must write down the laws that are relevant to your organisation's work.

Understand the following and work with them:

- Constitution of South Africa
 - Welfare White paper
 - Socio-economic rights
 - GEAR (government's economic policy)
 - Know the problems experienced by rural advice seekers
 - Know and understand how to use the State institutions supporting democracy (for example, the SA Human Rights Commission, Public Protector, etc.)
- Able to identify, contact and refer to the process of:
 - Legal aid
 - Insurance Ombudsman
 - Pension Fund Adjudicator
 - Consumer institutes
 - CCMA
 - Independent Complaints Directorate of SAPS, Correctional Services and other sectors
 - Key bargaining councils of five main sectors presenting to the advice centre
 - Small Claims Court
 - Magistrate's Commission and public prosecutions appeal divisions
- Know how the office administration system works in respect of:
 - Administration systems
 - Budgets

- The need for co-operation amongst staff
- The need for honesty

INTERVIEWING AND COMMUNICATION SKILLS

My interviewing and communication skills need to be excellent so that I can:

- Present advice seekers with options for their problems which they can easily understand and suggest action to deal with problems which are in the advice seekers' best interests and not what I think is best for them.

CASE-RECORDING SKILLS

My case-recording skills need to be accurate, and people must be able to read what has been written.

KEEPING MY OWN RECORDS

- I know how to record problems on the computer
- The monthly print-out of problems accurately reflects my work
- I am up to date with recording cases on the computer
- I record any meetings attended

REFERRALS PROCEDURE

I can refer advice seekers to appropriate structures when necessary and appropriate and I send a professionally prepared report with any advice seeker when I refer them.

EFFECTIVE USE OF TIME

I ensure that time-wasting is cut to a minimum.

FOLLOW-UP

My follow-up of cases is well planned, proactive and consistent, for example, recording dates to follow up, and making appointments when necessary.

CLOSING CASES

I follow up with advice seekers to make sure that I can close a case.

ADMINISTRATION

- My writing is clear for all to read
- My notes are filed in order of date received
- The name of the person is clearly written at the top of the file I put the files where others will know where to find them

- All letters have spelling and grammar checked
- All faxes have the fax record stapled to the letter

IDENTIFICATION OF MY LEARNING NEEDS

I am able to identify areas where I am weak in knowledge. I feel free to acknowledge this and will either find the information myself or ask other staff members for advice.

USING DIFFERENT REMEDIES

I know what remedies to use to deal with different cases.

ANALYSING TRENDS IN CASE-WORK

I can identify common problems of advice seekers, identify what is causing the problem and make the necessary interventions to deal with the problems.

REFERRING CASES TO COURT

I can identify good test cases that should be referred to court and understand the legal problem involved I have kept a file of all the documentation and work done I have explained to the client what action will be taken and the possible outcomes I will frequently follow up the case with the attorney

MEETINGS WITH OTHER PEOPLE AND ORGANISATIONS

- I must work with members of my organisation and within the organisation's strategy when planning a meeting and inform them who will be attending
- I must prepare in advance and decide on priorities
- I must be on time
- I must send a follow-up letter to the person thanking them for the meeting and summarising what was agreed and prepare a report for my organisation

Preparing for monitoring

This is a checklist to prepare yourself for monitoring public events or incidents like police conflict, community conflict, and registration and voting for elections:

KNOWLEDGE

What are your rights as a monitor; the procedure for making complaints; where the nearest police station is; the background to the event; what the area looks like; names of organisations working in the area, and services you can call on for support.

EQUIPMENT

Stationery for recording the event; incident sheets; useful contact numbers; your ID; money, and a cell phone with camera.

DRESS

Dress appropriately with an armband or identification card to identify you as a monitor, but no activist badges or t-shirt.

PLANNING AND TEAMWORK

Know the plans for the event and establish a communication network within your organisation, and with other organisations.

Monitoring follow-up

- After monitoring a public event, report back verbally to your co-ordinator or organisation, and prepare a written report to submit to your organisation
- Take necessary action steps, for example, go to the police station, find witnesses or go to the hospital or clinic
- Co-ordinate with other organisations or structures and liaise with the media
- Hold a debriefing session to give all the monitors a chance to talk about what happened

Mediation code of conduct

This is a checklist of rules and procedures which you can get each side to agree on before you start to run a mediation session:

- Trust and respect for the chairperson (who will be the mediator) and the mediating team (if there is more than one person)
- Should there be translation, and who should do it?
- Is the venue secure and neutral?
- Do the chairs and tables have to be re-arranged?
- Size and leadership of delegations.
- Should observers be allowed?
- Agree to behave in a polite and disciplined manner.
- No interrupting of other speakers.
- No verbal abuse and shouting.
- No physical intimidation (for example, pointing) or violence.

- No presence and carrying of weapons. Should smoking, drinking and eating be allowed?
- No distracting behaviour, for example, caucusing while the other side is speaking.
- How long should the sessions be?
- Equal time for each side to speak and who should speak first.
- Opportunity to caucus and consult when necessary.
- How should the mediation be minuted?
- What parts of the discussion should be confidential?
- How should the agreement be reported back to members?
- Should the outcome of the mediation be publicised, and how?

Tips for mediators

This is a checklist of things you can do as a mediator to make a mediation session run better:

- Explain that the purpose of mediation is to get the two sides to discuss their points of view and to get a voluntary agreement between the two sides
- Apply the rules and procedures that both sides have agreed on to both sides equally.
- Always stay impartial by keeping your personal opinions to yourself and be careful of the way you address people. For example, if you call people 'comrade', or 'ladies and gentlemen', will this suit all the people who are there?
- Be aware of personal tensions between the sides. If possible, try to get these out of the way before going on, or at least stress that people should avoid being personal
- Encourage each side to listen and to keep a note of questions and comments
- Give each side a chance to state their position fully before allowing questions and answers
- Give each side a chance to start off speaking, and then alternate this (this means give each side a chance to speak first)
- Announce the time allowed for each speaking turn, for example, 5 minutes each
- Inform people when they have one minute of speaking time left
- Whenever it is useful, summarise the main points and ask both sides if they are happy with your summary
- Make notes of questions asked and practical solutions suggested
- If a speaker makes very general or vague points or accusations, encourage the speaker to be more specific
- Try to encourage agreement on easier and less heated issues first
- To encourage both sides to compromise, suggest that for mediation to succeed, a 'give-and-take' attitude is needed, rather than a 'winner-take-all' approach

- If one side admits something or makes a compromise, then encourage the other side to respond
- If things are very heated, suggest a short break or ask the sides to hold the particular issue till later
- If there is a deadlock (no progress on an issue), try to break it by speaking separately to each side
- If one side says something important in a separate meeting with the mediator, encourage them to say it directly to the other side
- To start moving to an agreement, link the different solutions suggested by either side and add alternative solutions from the chair (especially solutions which make both sides do something, for example, both sides agree not to attack members of the other side)
- When drawing up an agreement, first list the things that force both sides to do something. Then list the different things that each side needs to do, alternating them (that means, first one from side A and then one from side B). Lastly, write down what will happen if anyone breaks the agreement.

RESOURCES

Chapter 1: The South African Constitution and Bill of Rights

CONSTITUTIONAL COURT

Tel 012 359 7400, *Toll Free* 0800 1 20 40

email info@concourt.org.za

Website www.concourt.org.za

Postal address Private Bag X1,
Constitution Hill, Braamfontein 2017

Street address 1 Hospital Street,
Constitution Hill, Braamfontein

REGISTRAR OF THE CONSTITUTIONAL COURT

Tel 01 359 7400, *Fax* 01 339 5098/086 649 3626

email director@concourt.org.za

THE PUBLIC PROTECTOR

NATIONAL OFFICE (PRETORIA)

Tel 012 366 7000/7112, *Fax* 012 362 3473

Fax2email 086 575 3292

Toll-free 0800 11 20 40

Postal address Private Bag X677, Pretoria 0001

Street address: Hillcrest Office Park, 175 Lunnon St, Brooklyn

Email publicprotector@pprotect.org.za

Website www.pprotect.org

New complaints:

Registration2@pprotect.org.com/PublicProtector

Facebook:

https://web.facebook.com/PublicProtectorSouthAfrica/?_rdc=1&_rdr

www.youtube.com/channel/UCxDLWsRKZgNU2IqGRPAj0aw

EASTERN CAPE

Tel 040 635 1286/7/1145/1126

Fax 040 635 1291

Postal address PO Box 424, Bisho 5605

Street address Unathi House,
Independent Ave, Bisho

FREE STATE

Tel 051 448 6185/6172, *Fax* 051 448 6070

Postal address PO Box 383,
Bloemfontein, 9300

Street address 2nd Floor, Standard Bank House 15 West Burger St, Bloemfontein

GAUTENG

Tel 011 492 2897/2493, Fax 011 492 2365

Postal address P.O. Box 32738,
Braamfontein 2017

Street address: Lara's Place, 187 Bree
Street (corner Bree and Rissik Streets),
Johannesburg

KWAZULU-NATAL

Tel 031 307 5300/5250/5251, Fax 031
307 2424

Postal address PO Box 4267 Durban
4000

Street address: Suite 2114, 22nd Floor,
Commercial City Bldg, 40 Commercial
Road, Durban

LIMPOPO

Tel 015 295 5712/5699/ 5956, Fax 015
295 2870

Postal address PO Box 4533, Polokwane
0070

Street address: Landros Mare Street,
Polokwane

MPUMALANGA

Tel 013 752 8543, Fax 013 752 7883

Postal address PO Box 3373, Nelspruit
1200

Street address: Suite 101 Pinnacle Bldg, 1
Parkin St, Nelspruit

NORTHERN CAPE

Tel 053 831 7766, Fax 053 832 3404

Postal address PO Box 1505, Kimberly,
8300

Street address: 2nd & 3rd Floors,
Pretmax Building, 4 Sydney Street,
Kimberley

NORTH WEST

Telephone 018 381 1060/1/2, Fax 018 381
2066

Postal address PO Box 512, Mafikeng
2745

Street address Public Protector's
Chambers, corner Martin & Robinson
Streets, Mafikeng

WESTERN CAPE

Tel 021 423 8644, Fax 021 423 8708

Postal address PO Box 712, Cape Town
8000

Street address: 4th Floor, 51 Wale Street
(cnr Wale & Bree Streets), Cape Town

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Website www.sahrc.org.za

General information email
info@sahrc.org.za

Complaints complaints@sahrc.org.za

X: @SAHRComission

Facebook SAhumanrightscommission

YouTube: [youtube.com/user/SAHRC1](https://www.youtube.com/user/SAHRC1)

HEAD OFFICE (GAUTENG)

Tel 01 01 877 3600

Street address Sentinel House,
Sunnyside Office Park, 32 Princess of
Wales Terrace, Parktown, Johannesburg

Switchboard: 011 877 36

Complaints:

www.sahrc.org.za/lodge-complaints

Fraud Hotline: free call: 0800 701 701

EASTERN CAPE

Tel 043 722 7828/21/25, Fax 043 722
7830

Street address 4th Floor Oxford House,
86 Oxford Street, East London

FREE STATE

Tel 051 447 1130, Fax 051 447 1128

Street address 18 Keller Street,
Bloemfontein

GAUTENG

Tel 01 877 3750, Fax 01 403 0668

Street address Braampark Forum 3, 33
Hoofd St, Braamfontein

KWAZULU-NATAL

Tel 031 304 7323/4/5, Fax 031 304 7323

Street address 1st Floor, 136 Margaret
Mncadi, Durban

LIMPOPO

Tel 015 291 3500, Fax 015 291 3505

Postal address PO Box 4431, Polokwane
0700

Street address 102 Library Garden
Square, corner Grobler & Schoeman St,
Polokwane

MPUMALANGA

Tel 013 752 8292, Fax 013 752 6890

Street address 4th Flr Caltex Building,
32 Bell Street, Nelspruit

NORTHERN CAPE

Tel 054 332 3993/4, Fax 054 332 7750

Postal address PO Box 1816, Upington,
8800

Street address 1st Flr Ancorley Building,
45 Mark & Scot Rd, Upington

NORTH WEST

Tel 014) 592 0694, Fax 014 594 1069

Street address 25 Heystek Street,
Rustenburg

WESTERN CAPE

Tel 021 426 2277, Fax 021 426 2875

Street address 7th floor, Absa Bldg,132
Adderley St, Cape Town

COMMISSION FOR GENDER EQUALITY (CGE)

Website www.cge.org.za

email cgeinfo@cge.org.za

HEAD OFFICE (GAUTENG)

Tel 01 403 7182, Fax 01 403 5609/7188

Street address 2 Kotze St, East Wing, Old Women's Jail, Constitution Hill, Braamfontein

EASTERN CAPE

Tel 043 722 3489, Fax 043 722 3474

Street address 2nd Flr Permanent Bldg, 42-44 Oxford Street (corner Oxford & Terminus Streets), East London

FREE STATE

Tel 051 430 9348, Fax 051 430 7372

Street address 2nd Flr, Fedsure Building, 49 Charlotte Maxeke Street, Bloemfontein

KWAZULU-NATAL

Tel 031 305 2105, Fax 031 307 7435

Street address Suite 1219 Commercial City, 40 Dr A.B Xuma Road, eThekwinini

LIMPOPO

Tel 015 291 3070, Fax 015 291 5797

Street address 106 Library Garden Square, cnr Grobler & Schoeman Streets, Polokwane

MPUMALANGA

Tel 013 755 2428, Fax 013 755 2991

Street address Office 212-230, 32 Belle Street, Mbombela

NORTHERN CAPE

Tel 053 832 0477, Fax 053 832 1278

Street address 143 Du Toitspan Road, Kimberley

WESTERN CAPE

Tel 021 426 4080, Fax 021 424 0549

Street address 5th Flr ABSA Building, 132 Adderley St, Cape Town

AUDITOR GENERAL

HEAD OFFICE (PRETORIA, GAUTENG)

General Information email agsa@agsa.co.za

Tel 012 426 8000, Fax 012 426 8257

Postal address PO Box 446, Pretoria 0001

Street address 300 Middel Street, New Muckleneuk, Pretoria

GOVERNMENT

ANTI-CORRUPTION HOTLINE

Tel toll-free 0800 701 701

**INDEPENDENT
COMMUNICATIONS
AUTHORITY OF SOUTH
AFRICA (ICASA)**

Tel 01 566 3000/3001

email info@icasa.org.za

Consumer complaints
consumer@icasa.org.za

Website www.icasa.org.za

Postal address Private Bag X10002,
Sandton, 2146

Street address Blocks A – D, Pinmill
Farm, 164 Katherine Street, Sandton

**INDEPENDENT ELECTORAL
COMMISSION**

You can check your registration details
by sending an SMS with your ID
number to 32810

NATIONAL OFFICE

Tel 012 622 5700, Fax 012 622 5784

Postal address P/Bag X112, Centurion
0046

Street address Election House, Riverside
Office Park, 1303 Heuwel Avenue,
Centurion

Website www.elections.org

email iec@elections.org.za;
info@elections.org.za

**LAND CLAIMS
COMMISSIONER**

See LAND & HOUSING

LAND CLAIMS COURT

See LAND & HOUSING

PARLIAMENT

Tel 021 403 2911, Fax 021 403 8219

Postal address PO Box 15, Cape Town
8000

Street address Parliament St, Cape
Town email info@parliament.gov.za

Website www.parliament.gov.za

Facebook
[https://web.facebook.com/Parliament
ofRSA?_rdc=1&_rdr](https://web.facebook.com/ParliamentofRSA?_rdc=1&_rdr)

X
[parliament.gov.za/parliament-twitter-
accounts](https://parliament.gov.za/parliament-twitter-accounts)

Youtube
[https://www.youtube.com/user/Parlia
mentofRSA](https://www.youtube.com/user/ParliamentofRSA)

Instagram
[www.instagram.com/ParliamentofRSA
/](http://www.instagram.com/ParliamentofRSA/)

**PROVINCIAL GOVERNMENTS
& GOVERNMENT
DEPARTMENTS**

Website www.gov.za

Look in the back of telephone directories of capital cities of provinces.

Chapter 2: Citizenship

DEPARTMENT OF HOME AFFAIRS

HEAD OFFICE (GAUTENG)

Tel 0800 601 190

email csc@dha.gov.za

Postal address Private Bag X114, Pretoria 0001

Street address Hallmark Building, 230 Johannes Ramokhoase Street, Pretoria

Website: www.dha.gov.za

Facebook:

https://web.facebook.com/HomeAffairsZA?_rdr

X: <https://x.com/HomeAffairsSA>

<https://x.com/HomeAffairsSA>

<https://www.youtube.com/DeptHomeAffairs>

MIGRATION AND REFUGEE PROBLEMS

DEPARTMENT OF HOME AFFAIRS REFUGEE RECEPTION

OFFICES/ASYLUM DETERMINATION OFFICES

EASTERN CAPE

Tel 041 487 1026

Postal address PO Box 348, East London, 5200

Street address KIC, 5 Sidon Street, North End, Port Elizabeth

GAUTENG

JOHANNESBURG

Tel 01 226 4600/4687, Fax 01 226 4602

Postal address Private Bag X11, Crown Mines, 2092

Street address Planet Avenue, Crown Mines, Johannesburg

PRETORIA

Tel 012 327 3500, Fax 012 327 0086

Postal address Private Bag X11, Crown Mines, 2092

Street address cnr. DF. Malan and Struben Streets, Marabastad, Pretoria West

KWAZULU-NATAL

Tel 031 817 0000, Fax 031 817 0034

Postal address PO Box 208, Durban 4001

Street address 137 Moore Road, Glenwood, Durban

LIMPOPO

Tel 015 534 5510

Street address 8 Harold St, Musina

WESTERN CAPE

Tel 021 650 3775

Postal address PO Box 348, East London, 5200

Street address 5th Floor, Customs House Bldg, Foreshore, Cape Town

LAWYERS FOR HUMAN RIGHTS

CAPE TOWN LAW CLINIC

Tel 021 650 3775

Street address 4th floor Poyntons Building, 24 Burg Street, Cape Town

DURBAN LAW CLINIC

Tel 031 301 0531, Fax 031 301 0538

Street address 20 Diakonia Avenue (formerly St. Andrews St), Durban

JOHANNESBURG LAW CLINIC

Tel 011 339 1960, Fax 011 339 2665

Street address 2nd Flr Braamfontein Centre, 23 Jorrisen Street (cnr Jorrisen & Jan Smuts), Braamfontein

MUSINA LAW CLINIC

Tel 015 534 2203, Fax 015 534 3437

Street address 18 Watson Avenue, Musina

PRETORIA LAW CLINIC

Tel 012 320 2943, Fax 012 320 2949/320 7681

Street address Kutlwanong Democracy Centre, 357 Visagie St, Pretoria

UPINGTON LAW CLINIC

Tel 054 331 2200, Fax 021 331 2220

Postal address PO Box 1877, Upington 8800

Street address Rooms 10 – 11 Rivercity Centre, corner Scott and Hill Streets, Upington

LEGAL RESOURCES CENTRE

See Courts and Police

THE TRAUMA CENTRE: RETURNED EXILES AND REFUGEE PROJECT

Tel 021 465 7373, Fax 021 462 3143

Street address Cowley House, 126 Chapel Street, Woodstock, Cape Town

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

Tel 012 354 8346, Fax 012 3548390

email unhcrrsa@wn.apc.org

Postal address PO Box 12506, Tramshed
0126

Street address 8th floor Metropark
Building, 351 Francis Baard Street,
Pretoria

Chapter 3: Democracy, government and public participation

NATIONAL PARLIAMENT

Keep yourself informed about what is
going on in Parliament through the
media, the internet or reading Hansard.

Hansard is a complete record of
everything said in the National
Assembly and the National Council of
Provinces (NCOP).

PUBLIC PARTICIPATION & INFORMATION SECTION OF PARLIAMENT (CAPE TOWN)

Tel 021 403 2911, Fax 021 403 6019

email info@parliament.gov.za

Website www.parliament.gov.za

Street address 14th Floor, Parliament
Towers, 103-107 Plein Street, Cape
Town

PROVINCIAL PUBLIC PARTICIPATION

Most provincial legislatures have a
public participation division that
provides information on how to
participate in the provincial legislature.

Visit your provincial legislature website
for contact details:

Eastern Cape: www.ecprov.gov.za

Free State: www.fsl.gov.za

Gauteng: www.gautengonline.gov.za

KwaZulu-Natal:
www.kwazulunatal.gov.za

Limpopo: www.limpopo.gov.za

Mpumalanga: www.mpumalanga.gov.za

Northern Cape:
www.northern-cape.gov.za

North West: www.nwpl.gov.za

Western Cape: www.wcpp.gov.za

Chapter 4: Local Government

For information on local government
visit the website www.gov.za (click on
local government)

SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA)

Website www.salga.org.za

NATIONAL OFFICE

Tel 012 369 8000, Fax 012 369 8001

*Postal address PO Box 2094, Pretoria
0001*

*Street address Menlyn Corporate Park
Block B, 175 Corobay Avenue (corner
Garsfontein & Corobay), Waterkloof
Glen ext11, Pretoria*

EASTERN CAPE

Tel 043 727 1150, Fax 043 727 1156/67

*Postal address P.O. Box 19511, East
London 5214*

*Street address 1st Floor Suite 3, Berea
Terrace Office Building, East London*

FREE STATE

Tel 051 447 1960, Fax 051 430 8250

*Postal address PO Box 14, Bloemfontein
9300*

*Street address 36 McGregor Street, East
End, Bloemfontein*

GAUTENG

Tel 01 276 1150, Fax 01 276 3636/7

*Postal address PO Box 32161,
Braamfontein 2017*

*Street address 3rd Flr, Braampark
Forum 2, 33 Hoof St, Braamfontein*

KWAZULU-NATAL

Tel 031 361 1236, Fax 031 361 1234

*Postal address PO Box 1525, Durban
4000*

*Street address 4th Floor Clifton Place, 19
Hurst Grove, Musgrave, Durban*

LIMPOPO

Tel 015 291 1400, Fax 015 291 1414

*Postal address Private Bag 9523,
Polokwane, Limpopo 0966*

*Street address 127 Marshall Street,
Polokwane, Limpopo*

MPUMALANGA

Tel 013 752 1200, Fax 013 752 5595

*Postal address PO Box 1693, Nelspruit
1200*

*Street address Salga House, 1 Van
Rensburg Street, Nelspruit*

NORTHERN CAPE

Tel 053 836 7900, Fax 053 833 3828

*Postal address PO Box 3183, Kimberley
8300*

*Street address Block Two, Montrio
Corporate Park, 10 Oliver Road,
Monument Heights, Kimberley*

NORTH WEST

Tel 018 462 5290, Fax 018 462 4662

*Postal address PO Box 1286, Klerksdorp
2570*

Street address Room 400, Jade Square,
Corner OR Tambo & Margaretha
Prinsloo Streets, Klerksdorp

WESTERN CAPE

Tel 021 469 9800, Fax 021 418 2709

Postal address P.O. Box 185, Cape Town
8000

Street address 7th Floor, 44 Adderly
Street, Cape Town

EDUCATION & TRAINING UNIT

*For training on local government and
publications*

Tel 01 648 9430/1, Fax 01 648 2054

Fax2email 086 685 81 0 email
edutrain@iafrica.com Website
www.etu.org.za

Chapter 5: Courts and police

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

Tel 012 315 1111, Fax 012 357 1112

Postal address Private Bag X81, Pretoria
0001

Street address Momentum Centre, 329
Pretorius Street (cnr Pretorius &
Sisulu Streets), Pretoria

Website www.justice.gov.za

INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE (IPID))

NATIONAL OFFICE

Tel 012 399 0000, Fax 012 326 0408

Postal address Private bag X941, Pretoria
0001

Street address City Forum Building, 114
Madiba St, Pretoria

email complaints@icd.gov.za

Website www.icd.gov.za

EASTERN CAPE

Tel 043 706 6500, Fax 043 706 6526

Postal address Private bag X7491, King
Williams Town 5600

Street address Mezzanine Floor,
Permanent Bldg, 4244 Oxford St (cnr.
Oxford & Terminus St) East London
5200

FREE STATE

Tel 051 406 6800, Fax 051 430 8852

Postal address Private bag X20708,
Bloemfontein 9300

Street address Ground Floor, Standard Bank Bldg, 15 cnr Andrew & West Burger Sts, Bloemfontein

GAUTENG

Tel 011 220 1500, *Fax* 011 333 2705

Postal address Private bag X25, Johannesburg 2000

Street address 20th Flr, Marble Towers Bldg, 208-212 Jeppe St, Johannesburg

KWAZULU-NATAL

Tel 031 310 1300, *Fax* 031 305 8214

Postal address Private bag X54303, Durban 4000

Street address 3rd Floor, The Marine Building

22 Dorothy Nyembe Street (Gardiner St) Durban

LIMPOPO

Tel 015 291 9800, *Fax* 015 295 3409

Postal address Private Bag X9525, Polokwane 0700

Street address 2nd Flr, Femnic Bldg, 66 A Market St, Polokwane

MPUMALANGA

Tel 013 754 1000, *Fax* 013 752 2602

Postal address Private bag X11325, Nelspruit 1200

Street address 2nd Flr, Nedbank Centre, 48 Brown St, Nelspruit

NORTHERN CAPE

Tel 053 807 5100, *Fax* 053 832 5615

Postal address Private bag X6105, Kimberley 8301

Street address 39 George St, Kimberley

NORTH WEST

Tel 018 397 2500, *Fax* 018 381 1495

Postal address Private bag X2017, Mafikeng 2745

Street address 1st Floor, Molopo Shopping Centre, 1 Station Road, Mafikeng 2745

WESTERN CAPE

Tel 021) 941 4800, *Fax* 021 949 3196

Postal address Private bag X9173, Cape Town 8000

Street address 1st Flr, Fintrust Building, cnr Petrusa & Mazzur Streets, Bellville 7530

ORGANISATIONS

Lawyers for Human Rights

See Migration & Refugee Problems

Legal Aid Board

Tel 011 877 2000

Legal aid advice 0800 110 110

Ethics Hotline 0800 204 473 toll free

Street address 29 De Beer Street,
Braamfontein, Johannesburg

Email
communications2@legal-aid.co.za

Website www.legal-aid.co.za

Students for law and Social Justice (SLSJ)

Volunteer legal services

Website www.slsj.org

Legal Aid Justice Centres

Alexandra 011 786 3603

Aliwal North 051 633 2579

Athlone 021 697 5252

Benoni 011 845 4311

Bloemfontein 051 447 9915

Butterworth 047 401 3800

Caledon 028 212 1815

Cape Town 021 426 4129

Colesberg 051 753 2280

Durban 031 304 3290/0100

East London 043 704 4700

Empangeni 035 792 4949

Ermelo 017 819 7291

Garankuwa 012 700 0595

Germiston 011 825 7836

George 044 802 8600

Germiston 011 825 7836

Grahamstown 046 622 9350

Graaf Reinet 049 807 2500

Groblersdal 013 262 4769

Johannesburg 011 870 1480

Kimberley 053 832 2348

King Williamstown 043 604 6600

Klerksdorp 018 464 3022

Kroonstad 056 216 4800

Krugersdorp 011 660 2335

Ladysmith (KZN) 036 638 2500

Lichtenburg 018 632 7600

Lydenburg 013 235 9940

Mafikeng 018 384 4261

Makhado 015 519 1100

Middelburg 013 243 5964

Modimolle (Nylstroom) 014 717 4977

Mthatha 047 501 4600

Nelspruit 013 753 2154

Newcastle 034 312 3423

Phuthaditjhaba 058 713 4953

Pietermaritzburg 033 394 2190

Piet Retief	017	826 4567
Pinetown	031	710 2700
Polokwane	015	291 2429
Port Elizabeth		041 408 2800
Port Shepstone		039 688 9600
Potchefstroom		018 293 0045
Pretoria	012	401 9200
Queenstown	045	807 3500
Rustenburg	014	565 5704
Secunda	017	634 8532
Soweto	011	988 9011
Stellenbosch	021	882 9221
Uitenhage	041	991 1811
Umlazi	031	918 8100
Upington	064	337 9200
Venda	015	962 6268
Vereeniging	016	421 3527
Verulam	032	533 2654
Vredendal	027	201 1030
Vryburg	053	927 0145
Vryheid	034	989 8300
Welkom	057	357 2847
Witbank	013	656 5290
Worcester	023	348 4040

LEGAL RESOURCES CENTRE

NATIONAL OFFICE

Tel 011 836 9831, Fax 011 834 838 4876

*Postal address P.O. Box 9495,
Johannesburg 2000*

*Street address 15th & 16th Flrs, Bram
Fischer Towers, 20 Albert St,
Marshalltown, Johannesburg*

Website www.lrc.org.za

Constitutional Litigation Unit

Tel 011 836 9831, Fax 011 834 834 4273

*Postal address P.O. Box 9495,
Johannesburg 2000*

*Street address 15th & 16th Flrs, Bram
Fischer Towers, 20 Albert St,
Marshalltown, Johannesburg*

CAPE TOWN

Tel 021 481 3000, Fax 021 423 0935

*Postal address PO Box 5227, Cape Town
8000*

*Street address 5th Floor, Greenmarket
Place, 54 Shortmarket Street, Cape
Town*

DURBAN

Tel 031 301 7572, Fax 031 304 2823

*Street address N240 Diakonia Centre, 20
St. Andrews Street, Durban*

GRAHAMSTOWN

Tel 046 622 9230, Fax 046 622 3933

Postal address P.O. Box 932,
Grahamstown 6140

Street address 116 High Street,
Grahamstown

JOHANNESBURG

Tel 011 836 9831, Fax 011 834 4273

Postal address

P.O. Box 9495, Johannesburg 2000

Street address 15th & 16th Flr, Bram
Fischer Towers, 20 Albert St,
Marshalltown, Johannesburg

UNIVERSITY LEGAL AID CLINICS

*The following universities have legal aid
clinics. Check in your telephone
directory for the contact number.*

North West University, Mahikeng;

University of Cape Town

University of KZN, Durban

University of KZN, Pietermaritzburg

University of the North

University of Free State

Limpopo University

North West University, Potchefstroom

Nelson Mandela Metropolitan
University

University of Pretoria

University of Johannesburg

Rhodes University

University of South Africa

University of Stellenbosch

University of Western Cape

University of Witwatersrand

University of Zululand

Chapter 6: Labour law

DEPARTMENT OF EMPLOYMENT AND LABOUR

Website www.labour.gov.za

HEAD OFFICE

Tel 012 309 4000, Fax 012 320 2059

Postal address Private Bag X117, Pretoria
0001

Street address Laboria House, 215
Francis Baard Street, Pretoria

EASTERN CAPE

Tel 043 701 3000, Fax 043 701 3297

Postal address Private Bag X9005, East
London 5200

Street address Laboria Bldg, 3 Hill Street
(cnr Oxford & Hill Streets) East London

FREE STATE

Tel 051 505 6200, *Fax* 051 447 9353

Postal address PO Box 522,
Bloemfontein 9300

Street address 43 Maitland Street,
Bloemfontein

GAUTENG (JOHANNESBURG)

Tel 011 853 0300, *Fax* 011 497 3076

Postal address PO Box 4560,
Johannesburg 2000

Street address 77 de Korte Street,
Braamfontein, Johannesburg

GAUTENG (PRETORIA)

Tel 012 317 – 7800,

Fax 012 320-6597/8, 012 320 6600/2

Postal address Private Bag X176, Pretoria
0001

Street address 239 Metro Park Building,
351 Fran-cis Baard Street, Pretoria

KWAZULU-NATAL

Tel 031 366 2000, *Fax* 031 307 1933

Postal address PO Box 940, Durban
4000

Street address 11th Floor, Royal Building,
267 Anton Lembede (Smith Street),
Durban

LIMPOPO

Tel 015 290 1744, *Fax* 015 290 1740

Postal address Private Bag X9512,
Polokwane 0700

Street address Old Boland Bank
Building, 42A Schoeman Street,
Polokwane

MPUMALANGA

Tel 031 655 8700

Postal address Private Bag X 7263
Witbank 1035

Street address Labour Building, cnr
Hofmeyer Street and Beatty Avenue,
Witbank

NORTHERN CAPE

Tel 053 838 1500, *Fax* 053 832 4798

Postal address Private Bag X5012,
Kimberley 8300

Street address Corner Compound and
Pniel Roads, Kimberley

NORTH WEST

Tel 018 387 8100, *Fax* 018 384 2745

Postal address Private Bag X2040,
Mmabatho 2735

Street address Provident House,
University Drive, Mmabatho

WESTERN CAPE

Tel 021 441 8000, *Fax* 021 441 8137

Postal address PO Box 872, Cape Town
8000

Street address Wesbank Bldg, cnr
Riebeeck & Long Streets, Cape Town

**COMMISSION FOR
CONCILIATION, MEDIATION
AND ARBITRATION (CCMA)**

HEAD OFFICE

Tel 011 377 6650/6600, Fax 011 834 7351

Street address CCMA National Office, 28
Harrison St, Johannesburg

email info@ccma.org.za

Website www.ccma.org.za

EASTERN CAPE

East London

Tel 043 743 0826, Fax 043 743 0810

Postal address Private Bag X9068, East
London 5200

Street address Cnr. Church & Oxford St,
East London 5201

email el@ccma.org.za

Gqeberha Tel 041 505 4300, Fax 041 586
4410/4585

Postal address

Private Bag X 22500, Gqeberha, 6001

Street address CCMA House, 107 Govan
Mbeki Avenue, Gqeberha

email pe@ccma.org.za

FREE STATE

Bloemfontein

Tel 051 441 1700, Fax 051 448 4468/9

Postal address Private Bag X20705,
Bloemfontein 9300

Street address CCMA House, cnr
Elizabeth & West-Burger Streets,
Bloemfontein

GAUTENG

Ekurhuleni

Tel 011 845 9000, Fax 011 421 4723/48

Postal address Private Bag X23, Benoni
1500

Street address CCMA Place, cnr Woburn
& Rothsay St, Benoni

email ekurhuleni@ccma.org.za

Johannesburg

Tel 011 220 5000,

Fax 011 220 5101, 0861 392 262

Postal address Private Bag X 96,
Marshalltown 2107

Street address CCMA House, 20
Anderson Street, Johannesburg email
johannesburg@ccma.org.za

Pretoria

Tel 012 317 7800,

Fax 012 392 9702, 012 320 4633/04

Postal address Private Bag X176, Pretoria 0001

Street address Metro Park Bldg, 351 Francis Baard Street, Pretoria *email* pta@ccma.org.za

KWAZULU-NATAL

Durban

Tel 031 362 2300

Fax 031 368 7387, 031 740 74633/04

Postal address Private Bag X54363, Durban 4000

Street address 6th & 7th Floors Embassy House, 199 Anton Lembede (Smith Street), Durban

email kzn@ccma.org.za

Newcastle

Tel 034 328 2400, *Fax* 034 312 5964

Postal address Private Bag X6622, Newcastle 2940

Street address 71 Scott Street, Newcastle *email* kzn@ccma.org.za

Pietermaritzburg

Tel 033 328 5000, *Fax* 033 345 9790

Street address 3rd Floor Gallway House, Gallway Lane, Pietermaritzburg

Port Shepstone

Tel 039 688 3700/3702, *Fax* 039 684 1771

Postal address Private Bag X 849, Port Shepstone 4240

Street address The Chambers, 68 Nelson Mandela Drive, Port Shepstone

LIMPOPO

***Tel* 015 287 7400, *Fax* 015 297 1649**

Postal address Private Bag X9512, Polokwane 0700

Street address 104 Hans van Rensburg Street, Polokwane

MPUMALANGA

Tel 013 656 2800, *Fax* 013 656 2885/6

Postal address Private Bag X7290, eMalahleni, 1035

Street address CCMA House, Eadie Street, eMalahleni

MBOMBELA

Tel 013 752 2155, *Fax* 013 753 3835/2785

Street address 7th Floor, Sanlam Centre Building, 25 Samora Machel, Mbombela

email wtb@ccma.org.za

NORTHERN CAPE

Tel 053 831 6780, *Fax* 053 831 5947/8

Postal address Private Bag X6100, Kimberley 8300

Street address CCMA House, 1A Bean Street, Kimberley

NORTH WEST

Matlosana

Tel 018 487 4600, Fax 018 462 4126/4053

Postal address

Private Bag X5004, Matlosana 2571

Street address 47–51 Siddle St, Matlosana

Rustenburg

Tel 014 591 6400, Fax 014 592 5236

Postal address Private Bag X82104, Rustenburg 0300 Street address

1st Floor Sanlam Centre, Old Sanlam Building, 43–45 Boom St, Rustenburg

WESTERN CAPE

Cape Town

Tel 021 469 0111,

Fax 021 465 7193/97/87, 021 462 5006

Postal address Private Bag X9167, Cape Town 8000

Street address CCMA House, 78 Darling Street, Cape Town email
ctn@ccma.org.za

George

Tel 805 7700, Fax 044 873 2906

Postal address Private Bag X9167, Cape Town 8000

Street address 2 Cathedral Square, 63 Cathedral St, George 6529

UNEMPLOYMENT INSURANCE FUND

Contact your nearest Department of Employment and Labour office

REGISTRATION OF COOPERATIVES

For information on how to start and register a cooperative see the following Websites:

CIPRO www.cipro.co.za

DTI www.dti.gov.za

SEDA www.seda.org.za

Telephone the Department of Trade & Industries (DTI) call centre on 0861 843 384 and choose the option for Cooperatives

DEPARTMENT OF TRADE & INDUSTRY

Tel 0861 843 384, Fax 0861 843 888

Postal address Private Bag X84, Pretoria 0001

Street address 77 Meintjies Street, Sunnyside, Pretoria

COIDA

Compensation Commissioner

HEAD OFFICE

Tel 0860 105 350

Fax 012 326 1570, 012 357 1772

Postal address PO Box 955, Pretoria
0001 Website www.wcomp.gov.za

Forms are available from the labour
department

ORGANISATIONS

Centre for Applied Legal Studies

Tel 011 717 8654, Fax 011 403 4321

Postal address Wits University, Private
Bag 3, Wits 2050

Email postmaster@crls.org.za

Western Cape

Tel 021 883 8032/3, Fax 021 886 5076

Postal address PO Box 1169,
Stellenbosch 7599

Street address 38 George Blake Ave,
Plankenburg

email crls@crls.org.za

Website www.crls.org.za

CONGRESS OF S.A. TRADE UNIONS (COSATU)

HEAD OFFICE

Tel 011 339 4911, Fax 011 339 5080/6940

Postal address P.O. Box 1019,
Johannesburg 2000

Street address Cosatu House, 110
Jorissen Street, corner Simmonds,
Johannesburg

Website www.cosatu.org.za

LABOUR RESEARCH SERVICES

Cape Town

Tel 021 447 1677, Fax 021 447 9244

Postal address P.O. Box 376, Woodstock
7915

Street address 7 Community House, 41
Salt River Road, Salt River, Cape Town

Email lrs@lrs.org.za

Website www.lrs.org.za

Legal Resources Centre

See Legal Resources Centre

NATIONAL ECONOMIC, DEVELOPMENT AND LABOUR COUNCIL (NEDLAC)

Johannesburg

Tel 011 328 4200, Fax 011 447 6053 /
2089

Postal address PO Box 1775, Saxonwold
2132

Street address 14A Jellicoe Ave,
Rosebank 2196 Website
www.nedlac.org.za

info@nedlac.org.za

Instagram: Nedlac

X: @nedlac

TRADE UNION LIBRARY AND EDUCATION CENTRE

Cape Town

Tel 021 447 7848

Postal address PO Box 376, Salt River
7848

Street address Community House, 41
Salt River Road, Salt River

Pension Funds Adjudicator

NATIONAL

Tel 0800 111 667 free call

Fax 0800 00 77 88 free fax

Postal address P.O. Box 580, Menlyn
0063

Street address 4th Floor, Block A,
Riverwalk Office Park,

41 Matroosberg Road, Ashlea Gardens,
Pretoria

[email enquiries@pfa.org.za](mailto:email.enquiries@pfa.org.za)

Website www.pfa.org.za

Chapter 7: Social grants

DEPARTMENT OF SOCIAL DEVELOPMENT

Tel 012 312 7500, Fax 011 447 6053/2089

Grant and fraud hotline 0800 601 011
toll free

Street address HSRC Building, 134
Pretorius St, Pretoria 0001

Website www.dsd.gov.za

South African Social Security Agency
(SASSA)

NATIONAL

Tel 012 400 2000, Fax 012 400 22577

Street address SASSA House, Prondisa
Bldg, Cnr Biko & Pretorius Streets,
Pretoria 0001

Website www.sassa.gov.za

EASTERN CAPE

Tel 043 707 6460, Fax 043 707 6480

Postal address Private Bag X9001,
Chiselhurst, East London 5200

Street address BKB Building, cnr
Fitzpatrick and Merino Roads, Quigney
email GrantsEnquiriesEC@sassa.gov.za

FREE STATE

Tel 051 410 0804/5, *Fax* 051 409 0862

Postal address Private Bag X20553,
Bloemfontein 9300

Street address African Life Building, 75
Andrews St, Bloemfontein

email GrantsEnquiriesFS@sassa.gov.za

GAUTENG

Tel 011 241 8300, *Fax* 011 241 8305

Postal address

Private Bag X120, Marshalltown 2170

Street address 28 Harrison St,
Johannesburg

email GrantsEnquiriesGP@sassa.gov.za

KWAZULU-NATAL

Tel 033 846 3300, *Fax* 033 846 9595

Postal address

Private Bag X9146, Pietermaritzburg
3201

Street address 1 Bank St,
Pietermaritzburg

email
GrantsEnquiriesKZN@sassa.gov.za

LIMPOPO

Tel 015 291 7400, *Fax* 015 291 7996

Postal address Private Bag X9677,
Polokwane 0700

Street address 43 Landros Mare St,
Polokwane 0699

email GrantsEnquiriesLIM@sassa.gov.za

MPUMALANGA

Tel 013 752 5400, *Fax* 013 752 5109

Postal address

Private Bag X11230, Nelspruit 1200

Street address 18 Ferreira Street,
Nelspruit

email GrantsEnquiriesMP@sassa.gov.za

NORTHERN CAPE

Tel 053 802 4900, *Fax* 053 831 4038

Postal address Private Bag X6011,
Kimberley 8300

Street address Du Toitspan Building,
95-97 Du Toitspan Road, Kimberley

email GrantsEnquiriesNC@sassa.gov.za

NORTH WEST

Tel 018 388 0060, *Fax* 086 611 9740

Postal address Private Bag X44,
Mmabatho 2735

Street address Master Centre, Industrial
Mafikeng

email GrantsEnquiriesNW@sassa.gov.za

WESTERN CAPE

Tel 021 469 0200, *Fax* 021 469 0260

Postal address Private Bag X9189, Cape Town 8000

Street address Golden Acre, Adderley St, Cape Town

email GrantsEnquiriesWC@sassa.gov.za

ORGANISATIONS

Lifeline & Childline

Lifeline 086 132 2322, 021 461 1111

Childline 080 005 5555, 021 461 1114

Gender Violence 0800 150 150

HIV/Aids 0800 012 322

Tel 011 715 2000, *Fax* 01 715 2001

Postal address P.O. Box 32201, Braamfontein 2017

Street address 8th Flr, North City House, cnr Melle & Jorrisen Street, Braamfontein 2001

Website www.lifeline.org.za

NATIONAL INSTITUTE FOR CRIME PREVENTION AND REHABILITATION OF OFFENDERS (NICRO)

Tel 021 462 0017, *Fax* 21 462 2447

Postal address P.O. Box 7905, Caledon Square 7905

Street address 1 Harrington St, Cape Town 8001 *Website* www.nicro.org.za

Bloemfontein 051 435 5193

Cape Town 021 422 1690

Durban 031 309 8333

East London 043 722 4123

Kimberley 053 831 1715

Nelspruit 013 755 3540

Pietermaritzburg 033 345 4425

Port Elizabeth 041 582 2555

Pretoria 012 326 8111

Local organisations

Having up-to-date lists of the local organisations in each area is useful. We have suggested some categories of organisations (see below).

A good place to start collecting local addresses is from your local Lifeline resource directory.

Association for the Physically Disabled
Child and Family Welfare Society
Church welfare programmes
Disabled People South Africa
Funding Agencies

Health care: day hospitals, clinics,
psychiatric services

Nutritional programmes

People Living with HIV and Aids

(and local support groups)

Treatment Action Campaign (TAC)

Chapter 8: Family law AND Chapter 9: Gender-based violence

CHILD PROTECTION UNIT, SAPS

*Look in the back of the telephone
directory under SAPS, under
Government*

RAPE CRISIS

Observatory

Tel 021 447 1467, Fax 021 447 5458

Counselling line 021 447 9762

*Postal address P.O. Box 46,
Observatory 7936*

email info@powa.org.za

Website www.rapecrisis.org.za

Athlone

Tel 021 684 1180, Fax 021 447 637 9432

Counselling line 021 633 9229

Khayelitsha

Tel 021 361 9228, Fax 021 361 0529

Counselling line 021 361 9085

RURAL WOMEN'S MOVEMENT

Tel & Fax 031 579 4559

*Postal address PO Box 1326, Hilton,
Pietermaritzburg 3245*

*Street address 38 Valley Road, Sea Cow
Lake, Durban 4001*

email

ruralwomensmovement@gmail.com

CHILD AND FAMILY WELFARE SOCIETY

*Look in the telephone directory for large
towns*

COMMISSION FOR GENDER EQUALITY

See Commission for Gender Equality

DIVORCE COURT CENTRES

*North Eastern Divorce Court Tel 031 332
9034*

Central Divorce Court Tel 011 639 0311

*Southern Eastern Divorce Court Tel 043
642 2842*

FAMSA (FAMILY COUNSELLING)

JOHANNESBURG

Family Life Johannesburg

Tel 011 788 4784/5

email familylife@iafrica.com

CAPE TOWN

Tel 021 447 7951

email famsa@famsawc.org.za

NICRO

See Social Welfare

People Opposing Women Abuse

Tel 011 642 4345/6, *Fax* 011 484 3195

Postal address P.O. Box 2143,
Johannesburg 2000

email info@powa.org.za

Website www.powa.org.za

WOMEN'S LEGAL CENTRE

Tel 021 424 5660

Street address 7th Flr Constitution
House, 124 Adderley St (cnr Church St),
Cape Town

Website www.wlce.co.za

Chapter 10: HIV/AIDS and TB

DEPARTMENT OF HEALTH

Tel 012 395 8000/9000, *Fax* 012 395
9019

*24-hour HIV/AIDS helpline in all 11
official languages* 0800 012 322

Website www.doh.gov.za

Lifeline manages the AIDS helpline for the Department of Health. Anyone with any questions on HIV or AIDS can call the helpline.

ORGANISATIONS

AIDS CONSORTIUM

Tel 011 403 0265, *Fax* 011 403 2106

Postal address P.O. Box 31104,
Braamfontein 2017

Street address 1st Flr, Block 1 Omnipark,
66 Sailor Malan Avenue, Aeroton

email info@aidsconsortium.org.za

AIDS LEGAL NETWORK

Tel 021 447 8435, *Fax* 021 447 9946

Postal address P.O. Box 13834, Mowbay
7705

Street address Suite 6F, Waverley
Business Park, Dane Street, Mowbay
Cape Town 7700

Email alnapt@aln.org.za

Website www.aln.org.za

SECTION 27

Tel 011 356 4100

Street address Unit 6, 6th Flr,
Braamfontein Centre, 23 Jorissen St,
Braamfontein 2001

Website www.section27.org.za

COUNCIL FOR MEDICAL SCHEMES

Website www.medicalschemes.com

Health Professions Council of South Africa (HPCSA)

Tel 012 338 9300, *Fax* 012 328 5120

Postal address The Registrar, Health Professions Council of South Africa, P.O Box 205, Pretoria 0001

Street address Cnr Hamilton and Madiba Streets, Arcadia, Pretoria

LIFELINE

See Lifeline and Childline

RAPE CRISIS

See Rape Crisis

SOUTH AFRICAN NATIONAL TUBERCULOSIS ASSOCIATION (SANTA)

Tel 011 454 0260, *Fax* 011 454 0097

Postal address Private Bag X 10030, Edenvale 1610

Street address Unit 37, Hingham Office Park, Boe-ing Road, East Bedfordview, Johannesburg

email info@santa.org.za

Website www.santafoundation.org.za
Eastern Cape

Tel 046 622 7720, *Fax* 046 622 3984

Gauteng

Tel 011 454 0260, *Fax* 011 454-0096

Kwazulu-Natal

Tel 031 208 8474, *Fax* 031 208 8473

Mpumalanga

Tel 017 712 6854, *Fax* 017 712 6854

Northern Cape

Tel 053 631 1499, *Fax* 053 631 1499

Western Cape

Tel 021 715 8901, *Fax* 021 715 8908

TREATMENT ACTION CAMPAIGN (TAC)

Tel 021 422 1700, *Fax* 021 422 1720

Postal address PO Box 2069, Cape Town 8001

Street address 3rd Floor, Westminster House, 122 Longmarket St, Cape Town 8001

Visit the Website for contact details of TAC offices in all the provinces.

email info@tac.org.za

Website www.tac.org.za

Chapter 11: Land and Housing

DEPARTMENT OF LAND REFORM AND RURAL DEVELOPMENT

(Note that in July 2024 the Department of Agriculture, Land Reform and Rural Development was split into two government departments, the Department of Agriculture and the Department of Land Reform and Rural Development. Check the updated website for the Department of Land Reform and Rural Development)

Website www.dalrrd.gov.za

For more details on where to find the provincial offices, go to the Department of Land Reform and Rural Development website and click 'where to find us'.

NATIONAL CALL CENTRE

Tel 0800 007 095

COMMISSION ON RESTITUTION OF LAND RIGHTS

Tel 012 312 8882, Fax 012 321 0428

Postal address Private Bag X 833, Pretoria 0001

Street address Department of Land Reform and Rural Development, 184 Cnr. Jacob Mare & Paul Kruger St, Pretoria

Website: www.dalrrd.gov.za (Note that in July 2024 the Department of Agriculture, Land Reform and Rural Development was split into two departments., the Department of Agriculture and the Department of Land Reform and Rural Development. Check the updated website for the Department of Land Reform and Rural Development).

Land Claims Commissioner

HEAD OFFICE

Tel 012 312 9244, Fax 012 321 0428

Postal address Private Bag X833, Pretoria 0001

REGIONAL OFFICES

Eastern Cape 043 700 6006

Free State 053 807 5700

Northern Cape 051 403 0700

Gauteng 012 310 6620

North West 018 392 3080

KwaZulu-Natal 033 355 8531

Limpopo 015 284 6301

Mpumalanga 013 755 8100

Western Cape 021 409 0312

DEPARTMENT OF HUMAN SETTLEMENTS

Call centre 0800 146 873

Mon – Fri 6 a.m – 10 p.m

Fax 012 341 8512

Fraud & Corruption 0800 701 701

Postal address DHS Private Bag X644,
Pretoria, 0001

Street address Govan Mbeki House, 240
Justice Mahomed Street, Sunnyside,
Pretoria

email info@dhs.gov.za

Website www.dhs.gov.za

DEVELOPMENT BANK OF SOUTH AFRICA

Tel 011 313 3911, *Fax* 011 313 3086

Postal address PO Box1234, Halfway
House 1685

Street address Headway Hill, 1258 Lever
Road, Midrand *Website* www.dbsa.org

LAND CLAIMS COURT

Tel 011 781 2291, *Fax* 011 781 2217/2218

Postal address Private Bag X10060,
Randburg 2125

Street address Randburg Mall, Trust
Bank Centre, cnr Kent Ave & Hill St,
Johannesburg

Website www.justice.gov.za/lcc/

ORGANISATIONS

CENTRE FOR RURAL LEGAL STUDIES

Tel 021 883 8032/3, *Fax* 021 886 5076

Postal address PO Box 1169 Stellenbosch
7599

Street address 39 George Blake Ave,
Plankenbrug, Stellenbosch

email crls@crls.org.za

Website www.crls.org.za

DEVELOPMENT ACTION GROUP

Tel 021 448 7886, *Fax* 021 447 1987

Street address 101 Lower Main Rd,
Observatory, Cape Town 7925

email dag@dag.org.za

Website www.dag.org.za

SURPLUS PEOPLE'S PROJECT

Tel 021 448 5605, *Fax* 021 448 0105

Postal address P.O. Box 468, Athlone
7760

Street address 2nd Flr, 266 Lower Main
Road, Salt River 7925

email spp@spp.org.za

Website www.spp.org.za

PLANACT

Tel 011 403 6291,

Fax 011 403 69812, 086 567 1239

Postal address P.O. Box 30823,
Braamfontein 2017

Street address 28 Juta St, Braamfontein
email info@planact.org.za Website
www.planact.org.za

LOCAL GOVERNMENT

Look under Municipality in the
telephone directory

Chapter 12: Environmental law

DEPARTMENT OF FORESTRY, FISHERIES AND ENVIRONMENT

Tel 012 399 9000

Postal address Private Bag X447,
Pretoria 0001

Street address 472 Steve Biko St, Arcadia

email call_centre@environment.gov.za

Website www.dffe.gov.za

ENVIRONMENTAL MONITORING GROUP

Tel 021 448 2881, Fax 021 448 2922

Postal address P.O. Box 13378, Mowbray
7705

Street address 10 Nuttal Road,
Observatory, Cape Town

Email info@emg.org.za

Website www.emg.org.za

Chapter 13: Consumer law

BLACK SASH

Black Sash's publication on the National
Credit Act, Debit and Credit: A
reference guide for paralegals, can be
freely downloaded from their website:
www.blacksash.org.za.

ORGANISATIONS

Institutions which protect peoples'
rights about debt and credit:

COUNCIL FOR DEBT COLLECTORS

If the consumer wants to check
whether a debt collector is registered
and whether the debt collector's
behaviour was appropriate.

Tel 012 804 9808, 012 804 8483, 012 804
3402 Fax 012 804 0744

Postal address PO Box 836, Silverton
0127

Street address Ground Flr, Rentmeester
Park, West wing, 74 Watermeyer St, Val
de Grace, Pretoria

Website www.debtcol-council.co.za

CREDIT INFORMATION OMBUDSPERSON

If consumers feel they have been incorrectly or unfairly negatively listed by a credit bureau. Email them for general enquiries on credit information matters. Use their website for general information.

Tel 0861 662 837, *Fax* 086 683 4644

Postal address Post Suite 123, Private Bag X10015, Randburg 2125

Street address Fernridge Office Park, 5 Hunter St, Ferndale, Randburg

email ombud@creditombud.org.za

Website www.creditombud.org.za

NATIONAL CONSUMER COMMISSION

Tel 012 761 3000/3400,

Toll free 0860 00 3600 *Fax* 086 758 4990

Postal address Private Bag X33, Highveld 0169

email complaints@thencc.org.za

Website ncc@thedti.gov.za

NATIONAL CONSUMER TRIBUNAL

If a consumer is dissatisfied with the way in which the dispute was resolved by the NCR.

Tel 012 683 8140, *Fax* 012 663 5693

Postal address Private Bag X 110, Centurion 0046

Street address Ground Flr, Block B, Lakefield Office Park, 272 West Ave (cnr West and Lenchen North), Centurion

email registry@thenct.org.za

Website www.thenct.org.za

NATIONAL CREDIT REGULATOR (NCR)

If the consumer needs help with calculating interest rates on credit agreements, interpreting contracts, verifying the registration of credit providers or debt counselors, or wants to report a dispute with a credit provider.

Street address 127, 15th Road, Randjespark, Midrand

Tel 0860 627 627 / 011 554 2700

email complaints@ncr.org.za

Website www.ncr.org.za

THE INDUSTRY AND COMPETITION SMME

Tel 0861 843 384

SOUTH AFRICAN NATIONAL CONSUMER CONSUMER UNION (SANCU)

Tel 012 428 7122, *Fax* 012 086 672 8585

Postal address PO Box 27852, Sunnyside
0132, Pretoria

Chapter 14: Small business law

SOUTH AFRICAN REVENUE SERVICES (SARS)

Contact Centre (local callers) 0800 00
7277

Contact Centre (international callers)

+11 602 2093

Fraud and Anti-Corruption Hotline
0800 00 2870

Website www.sars.gov.za

National eFiling email address for
specific eFiling enquiries
eFilingAssist@sars.gov.za

Follow call-back options 1-6

Email or fax one of the four SARS
dedicated mail centres:

CENTRAL SOUTH AFRICA

Taxpayers residing in Gauteng South
(including Midrand, the greater
Johannesburg area, Kempton Park,
Boksburg, Vereeniging and Springs), the
Free State and Northern Cape, please
use:

email Contact.central@sars.gov.za *Fax*
010 208 5005

EASTERN SOUTH AFRICA

Taxpayers residing in KZN and the
northern parts of the Eastern Cape (up
to and including East London) please
use:

email Contact.east@sars.gov.za

Fax 031 328 6018

NORTHERN SOUTH AFRICA

Taxpayers residing in Gauteng north
(including Centurion and Pretoria),
North West, Mpumalanga and Limpopo,
please use:

email Contact.north@sars.gov.za *Fax*
012 670 6880

SOUTHERN SOUTH AFRICA

Taxpayers residing in the Eastern Cape
(south of East London) and the Western
Cape please use:

email Contact.south@sars.gov.za

Fax 021 413 8905

SARS Guide for VAT Vendors

Download the publication from the SARS
website www.sars.gov.za

Department of Employment and
Labour

Tel 012 309 4000 Fax 0866889835

Postal address Private Bag X117, Pretoria
0001

Street address Laboria House, 215
Francis Baard Street, Pretoria email
webmaster@labour.gov.za

Website www.labour.gov.za

MINISTER'S OFFICE CAPE TOWN

Tel 021 466 7160, Fax 021 462 2832

Postal address Private Bag X 9090, Cape
Town 8000

Street address Room 1207, 12th Flr, 120
Plein Street, Cape Town email
webmaster@labour.gov.za

MINISTER'S OFFICE PRETORIA

Tel 012 392 9620, Fax 012 320 1942

Postal address Private Bag X499,
Pretoria 0001

Street address Laboria Bldg, 215 Francis
Baard Street, Pretoria

email webmaster@labour.gov.za

For information on UIF, Compensation
and Skills Development Levy contact
your nearest Labour Centre. Visit
[www.labour.gov.za/contacts/
Labour%20Centres](http://www.labour.gov.za/contacts/Labour%20Centres)

ORGANISATIONS

THE SMALL ENTERPRISE DEVELOPMENT AGENCY (SEDA)

SEDA is the *Department of Trade and
Industry's* agency for supporting small
businesses in South Africa. They

provide information on microfinancing
and microlending.

Tel 012 441 1000

Business Information Centre 0860 103
703

Postal address P.O. Box 56714, Arcadia
0007

Street address The DTI Campus, Block
G, 77 Meintjies St, Sunnyside, Pretoria

email info@seda.org.za

Website www.seda.org.za

SMALL ENTERPRISE FUNDING AGENCY

Call centre 012 748 9600

Street address Eco Fusion 5, Building D,
1004 Teak Close, Witch Hazel Avenue,
Highveld, Centurion

email helpline@sefa.org.za

THUSONG SERVICE CENTRES

A one-stop service centre providing
information and services to
communities

Website www.thusong.gov.za

Eastern Cape 043 722 2602

Free State 051 448 4504

Gauteng 011 834 3560

KwaZulu-Natal 031 301 6787

Limpopo 015 291 4689

Mpumalanga 013 753 2397

Northern Cape 053 832 1378/9

North West 021 421 5070

Western Cape 0800 007 081

Chapter 15: Education and schools

DEPARTMENT OF BASIC EDUCATION

NATIONAL

Tel 012 357 4026/4036, Fax 012 323 5989

Postal address Private Bag X603, Pretoria 0001

Street address Room TF1062, Sol Plaatjie House, 222 Struben Street, Pretoria

Website www.education.gov.za

Provincial

EASTERN CAPE

Tel 040 608 4200

Postal address Superintendent General: Education, Private Bag X 0032, Bisho 5605

Street address Steve Vukile Tshwete Education Complex, Zone 6, Zwelitsha

Website www.ecdoe.gov.za

FREE STATE

Tel 051 404 8000

Postal address

Superintendent General: Education, Private Bag X 20565, Bloemfontein 9300

Street address 55 Elizabeth St, FS Provincial Government Building,

Bloemfontein

Website www.fsdoe.fs.gov.za

GAUTENG

Tel 011 355 0000

Postal address

Superintendent General: Education, Private Bag X 7710, Johannesburg 2000

Street address

111 Commissioner Street,

Johannesburg Website

www.education.gpg.gov.za

KWAZULU-NATAL

Tel 033 846 5000

Postal address

Superintendent General: Education, Private Bag X 9137, Pietermaritzburg 3200

Street address 247 Burger Street, Pietermaritzburg

Website www.kzneducation.gov.za

LIMPOPO

Tel 015 290 7611

Postal address Superintendent General:

Education, Private Bag X 9489, Polokwane 0700

Street address cnr 113 Biccard & 24
Excelsior Streets, Polokwane *Website*
www.edu.limpopo.gov.za

MPUMALANGA

Tel 013 766 5000

Postal address Superintendent General:
Education, Private Bag X 11341, Nelspruit
1200

Street address Building No. 5, Government
Boulevard, Riverside Park, Mbombela

Website
www.mpumalanga.gov.za/education

Northern Cape

Tel 063 839 6500

Postal address Superintendent General:
Education, Private Bag X 15029, Kimberley
8300

Street address 09 Hayston Road,
Harrison Park

Website ncedu.ncape.gov.za

NORTH WEST

Tel 018 388 2562 / 2564

Postal address Superintendent General:
Education, Private Bag X 15029, Kimberley
8300

Street address 2nd Flr Executive
Block, Garona Building,
Mmabatho

Website www.nwdesd.gov.za

WESTERN CAPE

Tel 021 467 2000

Postal address Superintendent
General: Education, Private Bag X
15029, Kimberley 8300

Street address Grand Central
Towers, cnr Darling and
Lower Plein Streets, Cape
Town

Website <http://wced.pgwc.gov.za/>

EDUCATION RIGHTS PROJECT (ERP)

A project of the WITS Education
Policy Unit

ERP booklets available online on the
rights of learners and educators.

Tel 011 717 3076, *Fax* 011 717 3029

Postal address Private Bag X 3, Wits
University 2050 *Website*
www.erp.org.za

EDUCATION LAW PROJECT (ELP)

ELP booklet: School fees: Your
Rights available online on the
website

Tel 011 717 8600, *Fax* 011 717 1702

Postal address Centre for Applied
Legal Studies (CALS), Private Bag 3,
Wits University 2050

Website www.law.wits.ac.za/cals

Chapter 17: Paralegal skills and establishing an advice centre

ORGANISATIONS

BLACK SASH

National Office

Tel 021 686 6952

Helpline 072 663 3739 or

063 610 1865

Street address 189 Imam Haron Road,
Claremont, Cape Town 7708

email info@blacksash.org.za

Website www.blacksash.org.za

Regional offices

Western Cape

Tel 021 686 6952

Street address 189 Imam Haron Road,
Claremont, Cape Town, 7708

Kwa-Zulu Natal

Tel 031 301 9215

Street address Diakonia Center, 20
Diakonia St, Durban 4001

email kznro@blacksash.org.za

Eastern Cape

Tel 041 487 3288

Street address 105 Main Road, Walmer,
Gqeberha, 6070

email ecro@blacksash.org.za

Gauteng

Tel 011 834 8361

Street address 62 Marshall Street, 8th
Floor, Khotoso House, Johannesburg,
2001

email gro@blacksash.org.za

LEGAL AID BOARD

See Legal Aid Board

LEGAL AID JUSTICE CENTRES

See Legal Aid Justice Centres

LEGAL RESOURCES CENTRE

See Legal Resources Centre

LEGAL SUPPORT SERVICES

FOR NON-PROFIT ORGANISATIONS

This project provides support to non-profit organisations on how to establish, register, and administer nonprofit organisations.

It also provides legal support services to community-based advice offices.

Tel 011 810 238 5651

Street address 16th Flr, Bram Fischer
Towers, 20 Albert St, Marshalltown
Johannesburg 2001

email info@mott.org

Website www.lrc.org.za

To register under the NPO Act

Send your application for voluntary registration under the NPO Act to:

Postal address NPO Directorate,
Department of Social Development,
Private Bag X901, Pretoria 0001

Street address HSRC Bldg,134 Pretorius
St, Pretoria 0001

Tel 012 312 7500

email Npoenquiry@dsd.gov.za

Website www.dsd.gov.za/npo

REGISTRAR OF COMPANIES

Tel 012 310 9791

Postal address Companies Registration
Office, PO Box 429, Pretoria 0001

Website www.ciproza.co.za

THE CENTRE FOR CONFLICT RESOLUTION

For training in conflict resolution

WESTERN CAPE

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Publications

*Community Organisers Toolbox.
Education and Training Unit
www.etu.org.za:*

*Non-profit Organisations Law and
Practice Manual. Legal Resources
Centre*

LEGAL DICTIONARY

This is a list of words that will be useful for you as a paralegal. We have tried to choose words that you may generally come across in working with the law, and words that are used a lot in this manual. So you will not find all the difficult words that are used in the manual in this dictionary. Words that you can find elsewhere in this dictionary are in *italics*.

Accessible - open, available, easy to get to

Accrual system - this applies to marriages after November 1984 that are out of *community of property*; all income and assets that are gained during the marriage will be shared equally if there is a divorce

Accused - a person charged with a crime

Act - a law made by parliament

Acting for - representing, a lawyer taking on a case for you

Action, civil - a case made by someone against another person or institution to claim money for damages or losses; also called *civil claim* or *suing*

Action, criminal - a case made by the state to punish someone who has committed a crime; also called a *criminal charge/case* or *prosecution*

Acquitted - found not guilty

Ad hoc - committee (or decision) for this purpose only

Admissible - allowed as *evidence* in a court case

Admission - saying you did something or you know something without admitting guilt

Admission of guilt - admitting guilt for a small crime and paying a fine instead of going to court e.g. traffic fine

Advocate - a lawyer who specialises in court work; also called counsel

Affidavit - a written statement that is sworn to be the truth in front of a *commissioner of oaths*; can be used as *evidence* in court

Affirm - swear in court that you will speak the truth, without swearing to God in the usual way

Agent - a person who is *authorised* to represent someone else

Aggravating factors - things that will cause you to get a heavier sentence, e.g. *previous convictions*, causing bad injuries

Albeit - if

Alibi - your witness who can say you were doing something else at the time of the crime

Alien - a person who is not a citizen of the Republic of South Africa

Alleged / Allegation - when something has not yet been proved in court

Alternatively - or

Annuity - what you pay to an insurance company every year

Ante-nuptial contract - a *contract* made before marriage to say what will happen to the property and possessions of the couple if they divorce

Anticipate - expect

Appeal - asking a higher court or authority to overrule the judgment, sentence or decision of a lower court or authority

Appear - be in court

Appellant - the person or institution making an appeal

Applicant - a person, a CC, a company or an institution who applies for something. For example, a person or institution that applies to the court for an *interdict* or *court order*. If a CC fills in a form to be registered for VAT, it is applying to be registered and is called the applicant. If you apply for a disability grant, you are called the applicant.

Apropos - to do with

Arbitration - people who have a disagreement agree to use a third person to hear the case and to make a decision

Argument - summing up at the end of a case, done by *prosecutor* and *defence* to state the strength of their case

Articled clerk - see *candidate attorney*

Assessor (court) - someone who helps a judge in the High Court

Assessor (property) - a person who is registered to decide what something is worth

Assets - property that you own, for example houses, cars, furniture, linen, books, money in the bank and insurance policies, that can be used to pay your debts

Assurance - making payments as insurance on your life

Attach property - to seize someone's property when they owe money, after getting a court order

Attorney - a lawyer who works in a law firm

Attorney-client privilege - whatever a *client* tells an *attorney* is secret and cannot be told to anyone else without the client's permission

Attorney-General - see *Director of Public Prosecutions*

Authorise / Authority - to give/have permission or power to do something

Awaiting trial prisoner - being held in a police station or a prison between the time of arrest and the court case or bail hearing

Bail - money paid by the *accused* to the court so s/he can go free until the trial which will decide whether they are guilty or not

Balance of probabilities - the amount of proof that you need to win a *civil action*; when you weigh up the two sides in the civil action, you have to show that your story is stronger than the other side's story on a balance of probabilities

Bar Council - you can make a complaint to this body that controls advocates

Bargaining Council - a body in an industry where workers and employers make agreements on wages and working conditions

Beneficiary - someone who gets money or property in a will as an *heir* or *legatee*

Benefit society - a society that offers *insurance* against illness, unemployment, etc.

Bequest - a *legacy*, something left to someone in a will

Beyond reasonable doubt - the amount of *proof* needed for someone to be guilty in a criminal trial; the case has to be proved beyond reasonable doubt - there must be no doubt at all

Bill of Rights - a list of rights and freedoms for all people living in a country, which is

part of the law of that country; South Africa has a Bill of Rights in our Constitution

Bona fide - in good faith, believing that you are doing something you have a right to do

Breach of contract - breaking the terms agreed on in a *contract*

By-law - law made by a local authority

Candidate attorney - someone with a law degree who works for a law firm for two years before qualifying as an *attorney*; used to be called an *articled clerk*

Capacity - see *legal capacity*

Case-docket - file opened by police when investigating a crime

c.f. - compare with

Chambers - the offices where advocates work

Charge-sheet - the document in the Magistrate's Court that lists all the crimes that someone is charged with

Children's Court - special court at Magistrate's Court that decides cases affecting the welfare of children

Citizen's arrest - when you arrest someone that you see committing a serious crime or you have a good reason for thinking was involved in a serious crime, e.g. murder, rape, theft

Civil action/claim - claiming money through the civil court from a person who caused you harm

Civil union - legal recognition of a marriage or civil partnership between two persons regardless of their sexual orientation or gender identity but may only be registered by two civil union partners who would not otherwise be allowed by law to marry each other under the Marriage Act or Recognition of Customary Marriages Act

Clerk of the Court - official in Magistrate's Court who receives and *issues* legal papers

Client - the person you give advice to or act for as a *paralegal* or *attorney*

Commission of Enquiry - government- appointed investigation, often headed by a judge

Commissioner - person who decides cases in the *Small Claims Court*; also used as abbreviation for Commissioner of Oaths, Commissioner of Inland Revenue, Compensation Commissioner, and so on

Commissioner of Oaths - person in front of whom an affidavit can be sworn, e.g. police, ministers, postmasters, bank managers

Common cause - what is agreed by all parties

Common law - laws not made by parliament that have been around for centuries, for things like murder, theft, assault, etc.

Community of property - all the possessions of a married couple are shared between them

Community Service Order - doing a sentence of community service in the community instead of going to prison

Compensation - money that a court orders you must be paid for damages or losses you suffered; money paid from the Compensation for Occupational Injuries and Diseases Fund

Complainant - a person who makes a *criminal charge* against someone else at a police station

Comprehensive Insurance - general *insurance* covering matters like personal injuries, fire, theft and damage to property

Confession - admitting that you committed a crime

Consensus - agreement which everyone is satisfied with

Consent - giving your permission or agreement to something

Consultation - meeting between lawyer and client

Contempt of Court - breaking a *court order* or showing disrespect for the court, e.g. swearing at the magistrate

Contract - written or verbal agreement between people

Conveyancer - lawyer specialising in property transfers

Conviction - found guilty of a crime by a court

Correctional supervision - a conditional release from prison, similar to *parole* and *probation*, where you are released and monitored by someone called a Correctional Official

Correspondent - local lawyer used by law firm from another town

Costs / Legal costs - expenses of a legal action

Counsel - *advocate*, lawyer who appears in court

Court order - an official order by a judge telling someone to do something or to stop doing something

Credit - when someone is allowed to buy things and pay them off later

Credit agreement - a written *contract* about how money owed will be paid off

Creditor - person money is owed to

Criminal charge / case / action - court case against someone who committed a crime

Criminal record - list of all the crimes you have been found guilty of; also called *previous convictions*

Cross-examination - chance for the other side in a court case to ask you questions about your evidence

Custody (arrest) - being held in police or prison cells

Custody (of children) - day-to-day care and control of a child who lives with you

Customary African law - the indigenous laws of African tradition

Customary union / marriage - marriage according to African customary law

Damages - money claimed for loss, harm or pain suffered

Debt - money which one person or institution owes another; for example, *Sarah owes Petrus R100 and she owes Thandi R200, so she has debts of R300*

Debt collection - collecting of money owed

Debt counsellor - a person who is trained and registered to assist consumers who may have become over-indebted as a result of entering into credit agreements

Debtor - person who owes money

Deed of sale - written sale agreement for the sale of land or houses

Deed of transfer - certificate of the transfer (handing over) of land or houses; proof of ownership of the land or house

Deeds office - government office where ownership of land is recorded

De facto - real or actual

De novo - new

Default judgment - judgment given against someone in a civil claim when they do not come to defend themselves

Defective goods - goods that have something wrong with them

Defence - legal reason to explain or excuse what you did, e.g. you hit someone because you were provoked

Defence / Defence counsel - lawyer or team of lawyers defending someone in a criminal case

Defendant - the person against whom a *civil claim* is made

Delict - a civil wrong done by one person against another, which might lead to a *civil action*

Demarcation - setting a limit, drawing a line between

Dependant - someone who is financially dependent on another person, e.g. a child on a parent

Deponent - person who makes an *affidavit*

Deposit - money paid when you buy something on credit

Deputy-Sheriff - court official who delivers legal *documents* in a High Court case

Deregulation - removing labour laws and regulations to make it easier to work or set up a business in an area or sector

Derogate - take away from

Detainee - person held in prison or police cells

Determine - decide

Desist - stop

Director of Public Prosecutions - boss of all the *state prosecutors* in a region, who decides about who should be charged in criminal cases

Disburse - pay or pay out

Discharge - court case being stopped because of a lack of *evidence*

Discovery - a legal procedure to get someone to show you what documents they have in their possession

District Courts - ordinary Magistrate's Courts in each big town

District Surgeon - doctor employed by the state to gather medical *evidence* for court cases, to treat prisoners, to give the public injections, etc

Divorce Courts - courts where people can go to have divorce cases resolved more cheaply and quicker

Documents / Documentary evidence - legal papers which could also be used as *evidence* in court

Domiciled - living somewhere permanently

Duress - force or pressure

Estate - all the things and money that belonged to a person who has died

Evidence - information, including *statements* and *documents*, that is used as proof in a court case

Ex officio - arising out of or by virtue of a job or position, e.g. all police are *ex officio peace officers*

Ex parte application - a very urgent court *application* that is done verbally without written papers or without going through all the usual procedures (e.g. giving the other side a chance to get to court)

Ex post facto - afterwards or later

Excess - the first part of the claim that an insured person has to pay; for example, *out of a R1 000 claim, the insured pays R200 and the insurance company the other R800*

Exculpatory statement - a *statement* to the police where you state your innocence or you don't make any *admissions*

Executor - the person who sorts out the affairs of a dead person

Expert / Expert witness - someone who has specialist knowledge of something and who could be called to court to give evidence on this

Express terms - things written down or spoken in a contract

Expropriate - the state taking over land and paying the owner for the loss

Final order - when the court makes a final order, it replaces any previous (interim) *court orders*

Finance charges - payments made for using someone else's money, e.g. interest

Finding - decision of a court or a *Commission of Enquiry*

Foreclose - selling property to get back a loan made under a mortgage

Foster grant - money to pay for things like food, clothes and education for a child that has been entrusted to you by the state because her/his own parents do not look after the child

Fraud - the crime of lying or deceiving in a way that causes harm to someone else

Fraudulent misrepresentation - lying on purpose

Freehold - the right to buy and own property (land, house or buildings)

Friendly society - a society for insurance against sickness, etc.

Further particulars - asking the other side to give you more details about the charge or the allegations in a criminal or civil case

Garnishee order - when the court orders people who owe the consumer money to pay the credit provider who is owed money, instead of the consumer. A garnishee order also allows the credit provider to take money that the consumer expects to receive from, for example, an inheritance

Guarantee - a promise that things bought are in good condition

Guardian - a person who has legal *authority* over a child

Hearsay evidence - something you heard from someone else

Heir - a person who inherits from a will

High Court - higher court than Magistrate's Court, for serious cases or cases involving large amounts of money

Hire purchase agreement - see *Instalment Sales Agreement*

Identity parade - where you try to point out someone to be charged in a criminal case

Illegal - against the law, breaking the law

Immoveable property - property that you cannot move like land, houses and other buildings

Implied terms - things in a *contract* that are understood between the two sides even though they are not written down or spoken

In-camera - a hearing or court case without members of the public present

In lieu of - instead of or in the place of

Income tax - tax on the money you get from employment or property

Indemnity - when the law says you cannot make a case against someone even though they have done something wrong

Indictment - the paper in the High Court listing all the crimes someone is charged with

Inquest - *judicial* investigation into whether any person or group of people was responsible for the death of someone who did not die of natural causes

Insolvency - bankruptcy, when you owe more money than you have in money or possessions; when a person does not have enough assets to pay their *debts*, the court will say that the person is insolvent and appoint someone to manage the insolvent person's affairs

Instalment - money paid by a buyer each week or month

Instalment Sales Agreement - a *contract* where the buyer pays off the price of something in instalments, and the seller usually stays the owner until the last instalment has been made

Instruct / Instructions - telling someone, e.g. a lawyer, what to do

Insurance - protecting yourself against loss by making certain payments

Inter alia - among other things

Interdict - a *court order* to protect someone or to force someone to do something

Interest - money charged to you when you borrow money; money you earn when you lend money e.g. when you keep your money in a bank account you are lending the bank the money

Interim order - a *court order* that is temporary (for the time being) and not final

Intestate - dying without a will

Invoice - a paper saying what was sold and what it cost

Ipso facto - by / through that fact

Issue / Issuing - when the court official puts the official stamp on a document

Judgment - decision made by judge or magistrate

Judicial - to do with the courts

Junior counsel - an ordinary or junior *advocate*, who assists a senior, more

experienced advocate in a court case

Jurisdiction - the powers and functions of a court or other institution

Justices of the Peace - senior public officials who are given powers by the government to keep the peace and to perform certain tasks in an area, e.g. magistrates, *state advocates*, lieutenants or higher ranks in the SAPS or SANDF

Juvenile - under the age of 18

Juvenile Courts - special courts at the Magistrate's Court which decide cases where the accused is a juvenile

Labour Court - court where workers can make a case against their employers or employers can make a case against workers

Latent defects - problems or faults in things that you buy that the eye cannot see

Law Society - you can make a complaint to this body that controls the work of *attorneys*

Lawful - done with power given by the law

Lawyer - general name for someone who has a law degree

Lease - *contract* that allows someone to rent the property of another person

Leasehold - the right to rent property for a certain length of time

Legacy - a bequest, something left to someone in a will

Legal - something that the law allows, not breaking the law

Legal aid - state assistance to someone who can't afford a lawyer

Legal Aid Board - you can appeal or make a complaint to this body about legal aid

Legal capacity - ability in law to take legal *action* or to have action taken against you

Legatee - someone who benefits from a *legacy (bequest)* in a will

Legislation - laws passed by parliament

Lessee - a person who rents something from someone else

Lessor - a person who rents something to someone else

Letter of demand - letter demanding payment in a civil claim

Levy - a tax

Liable / Liability - when by law you are responsible for something or owe money; if a person or a company owes someone money, then they are *liable* for paying that money and can be taken to court if they don't pay; if the person owes R1 000, then their *liability* is R1 000

Lien - the right to keep something you have repaired until the owner pays you for the work

Lieu / in lieu of - instead of, in the place of, e.g. salary in lieu of notice

Life policy - *insurance* that gets paid out when someone dies

Liquidation - declaring a company bankrupt

Litigant - a person who takes legal action Litigation - legal action

Lockout - employers keeping workers out of the workplace to force them to come to an agreement

Locus standi - legal standing, the right to bring a case to court, e.g. a child does not have locus standi

Magistrate's Courts - lower courts run by a magistrate

Maintenance - money paid by a parent to the person looking after his/her children e.g. by the father to mother if he does not live with her and his children; also money paid to a divorced wife by her ex-husband

Maintenance Court / Officer - place and person for sorting out maintenance problems at the Magistrate's Court

Mala fide - something done in bad faith, not in the way or in the spirit it should be done

Malicious - when someone causes harm or damage on purpose

Marriage (civil) - registered marriage that took place in front of a magistrate or a minister of certain religions

Marriage (common law) - living together without being legally married

Matter - case or legal problem

Means test - test used to decide whether someone is poor enough to get *legal aid* or state grants

Mediation - using a go-between to help sort out a disagreement between people

Messenger of the Court - court official who delivers court papers in the Magistrate's Court

Minor - person under 18

Misrepresentation - making a false or incorrect statement

Mitigation / Mitigating factors - reasons why someone who has been found guilty of a crime should get a light sentence

Mortgage / Mortgage bond - signing away part of your house as *security* for a loan; if you do not pay back the loan, the house can be sold to pay back the money

Mutatis mutandis - with the necessary changes

Negligent / Negligence - not being careful enough

Negotiation - when people who have a disagreement talk to each other to try and sort it out

No-claim bonus - a discount given in insurance payment if no claims have been made for a long time

Nolle prosequi - the certificate that the *Director of Public Prosecutions* writes when he/she decides not to prosecute someone

Notary public - an *attorney* who specialises in certifying or drawing up legal documents

Notice (civil claim) - special kind of *letter of demand*, e.g. in cases against the police, where you demand payment by a certain date

Notice (work) - period of advance warning that someone gets before being dismissed from work

Notice of intention to defend - after a *summons* is served on someone in a *civil claim*, they can send back a paper to say they will defend themselves against the claim

Notice of motion - a paper sent by the *applicant* in an interdict or other court *application* to the person against whom the case is made, to let them know

Oath - swearing that something is the truth

Offence - crime

Oral evidence - telling your story in court

Order of court - see *court order*

Ordinance - law made by a provincial council

Out-of-court settlement - see *settlement*

Paralegal - a person without a law degree who has legal skills, knowledge and experience

Parole - being released from prison on condition that you do not misbehave

Particulars of claim - a *document* in which the legal grounds for a *civil claim* are set out

Party - one of the sides or people involved in a court case or legal dispute

Peace Officers - public officials who through their job have certain powers to keep the public peace, e.g. the power of all members of the SAPS to arrest or search you

Peace Order - an official letter from a magistrate to someone warning them that if they do not stop certain behaviour, they will be arrested and charged, e.g. to a man who is beating a woman

Pending - being held over or waiting for, e.g. pending a decision

Pension fund - fund which usually when you retire immediately pays you out one third of what you have paid in and two thirds over the rest of your life

Per se - in itself

Perjury - lying under *oath* in court or in a sworn *statement*

Place of Safety - a home for children who have no-one to look after them

Plaintiff - the person who makes a civil claim

Plea / Plead - saying 'guilty' or 'not guilty' to charges in a criminal case; also stating your *defence* in a *civil action*

Pleadings - *documents* in *civil actions* where the *parties* set out their cases

Pointing out - showing the police some place, person or thing; a kind of *evidence* that can be used against you in court

Post-mortem - medical examination of dead body to find cause of death

Power-of-attorney - a legal *document* you sign giving someone else the right to do certain things for you, e.g. collect your wages

Precedent - example or standard that can be used or followed in future

Premium - amount paid each year for *insurance*

Prescribe / Prescription period - time limit before a case falls away

Previous convictions - see *criminal record*

Prima facie - at first sight, as it looks at first

Prisoner's Friend - Magistrate's Court official who can help you with matters like getting money to pay for *bail* or fines

Private prosecution - a special kind of *criminal case* you can make when the *Director of Public Prosecutions* decides not to *prosecute* someone

Privatisation - where the government sells public services to private owners, e.g. telephone and electricity supplies

Pro deo counsel - see *Public Defenders*

Probation - a trial period where people, often *juveniles*, have a chance to prove that they can behave

Probation Officer - person, usually a social worker, who has to make sure that someone on probation behaves themselves

Procedural - to do with procedures and process rather than the content of something

Professional Assistant - fully qualified *attorney* who works in a law firm, but who is not a partner in the firm

Profit - all the money a business gets in minus all the money the business spends on costs; for example, *Busy Bees pre-school looks after 30 children. The parents each pay R50 per month to Busy Bee. The pre-school therefore gets 30 times R50, which is R1 500 (the turnover). There are two teachers, who are paid R450 each per month. Other monthly costs are electricity and water - R10; cooldrink and bread for the children - R200; and crayons and paper - R100. All the costs together add up to R1 210. The profit is worked out by taking the R1 500 turnover and subtracting the R1 210 costs. The profit is therefore R290 per month.*

Proof - enough *evidence* to win or at least to make a good case

Prosecute / Prosecution - bringing a case against someone accused of breaking the law

Prosecutor - see *state prosecutor*

Provident fund - a fund which usually pays you out all your pension money immediately as a lump sum

Provisional taxpayer - someone who owns a business or earns more than R1 000 profit every year must register as a provisional taxpayer with the South African Revenue Services; this means that you pay all your tax 2 or 3 times a year

Provisions - rules made by a law

Public Defender - government-employed lawyers who have the job of defending people who can't afford lawyers in *criminal cases*

Public Protector - a public official appointed by the government to investigate complaints of corruption and *unlawful* actions by government officials or civil servants

Quid pro quo - one thing for another, exchange

Rebates - amounts taken off the tax you have to pay

Re-examination - the time after *cross-examination* in a court case when your lawyer gets a chance to ask you some more questions

Receipt - paper to prove money was paid or to claim back things taken away from you

Recognition agreement - a *document* signed by employers saying that a union is allowed to organise their employees; also contains agreements on *retrenchments*, disciplinary procedure, etc.

Reformatory - a special kind of prison for *juveniles*

Regional Courts - higher Magistrate's Courts in large towns or cities that have more powers than *District (Magistrate's) Courts*

Registrar - court official at the High Court, responsible for *issuing* documents and setting dates for cases

Regulation - a law made by a government minister who is given the *authority* to do so

Reinstatement - re-employing a dismissed worker

Retrenchment - an employer cutting down on his/her workforce by paying off workers

Remand - postpone

Remission - time taken off a prison sentence for good behaviour

Repossession - taking back goods sold on credit if instalments are not paid on time

Respondent - person against whom an *application* (including an interdict), or an *appeal*, is made

Restrain - to stop

Return day - the date when a court *application* (including an *interdict*) will come back to court for a decision or for the next step to be taken; also called a *rule nisi*

Review - higher court looking at decisions made by lower courts or authorities, to see if anything was done wrongly, e.g. correct procedures were not followed

Roadworthy certificate - a *document* saying a vehicle is fit to be driven

Rule nisi - see *return day*

Sectional title - ownership of part of a building or block of flats

Security - being a *surety* or cover for someone, especially to pay money

Self-incrimination /Right against self-incrimination - the right to stay silent and not to say things that can be used against you in court

Senior Counsel - a senior *advocate* who will work with a junior advocate in a court case

Sequestration - the process for declaring someone bankrupt or *insolvent*

Serve / Service - when official court documents are delivered to you and you have to sign to say you have received them

Servitude - right to use land that belongs to someone else without paying rent

Set aside - to cancel

Settlement - an agreement between *parties* in a *civil claim* to accept what is offered and to stop the court case

Sine die - without a date; when an *application* is postponed without a fixed date being set for when the case will carry on

Sine qua non - essential part or requirement

Small Claims Court - court for civil claims up to R20 000

Solvent - able to pay *debts*

Specific performance - when a court orders someone to do exactly what they promised under a *contract*

Spoilation order - special *court order* to immediately get back something that was taken away from you

Stamp duty - a tax you have to pay on *freehold* property

State advocate - advocate who works in the *Director of Public Prosecutions'* office and who represents the state in court

State prosecutor - person who presents the case against the accused in a *criminal case*; lawyer for the state

State witness - witness used by the *prosecutor* to prove the case against the accused

Statement - a written or verbal account of what happened, which could be used as *evidence* in court

Status quo - the position or situation as it is now, without any change

Statutes - laws passed by parliament; also called *Acts*

Sub judice - being heard in court (usually used to say the media cannot comment on a case because it is still being heard)

Submit / Submission - stating something which is an opinion or *allegation*

Subpoena - official paper used to tell witnesses they must come to court to give *evidence*

Subsidy - a hand-out of money for purchases like housing, usually from the government or an employer

Substantive - to do with the content or substance of something, not the procedures involved

Succession - law dealing with what happens to people's property after they die

Sue / Suing - to claim money through a *civil action* from someone who caused you damage

Summary dismissal - being sacked without notice or notice pay

Summons (civil) - a *document* that contains a demand for money and starts a *civil action*

Summons (criminal) - a *document* calling a person to come to court to stand trial for breaking the law

Supreme Court of Appeal - the highest court in the country (except for the Constitutional Court)

Surety - being a *security* for someone, by paying or being in a position to pay money, e.g. helping with bail; If one person signs a piece of paper saying that they will pay

another person's debt if that person cannot pay the debt, they have stood surety for that person. For example: **STANDING SURETY** - Vuyiswa owes Paul R500. Nolita signs a piece of paper that says *if Vuyiswa cannot pay Paul the money she owes him, then Nolita will pay Paul the money. Nolita has stood surety for Vuyiswa. If Nolita refuses to pay Paul, he can take her to court.*

Suspended sentence - part of a prison sentence or fine is put off or postponed and will only be imposed if the same crime is committed within a stated time

Sworn statement - a *statement* sworn under *oath*, which is strong *evidence* in court; also called affidavit

Tariff - the lists of what to charge for different kinds of legal work, which lawyers are meant to follow

Tenant - a person who rents property from a landlord/lady

Tenure - way of possessing or occupying, e.g. land tenure

Testate - having a *valid* will

Testator - a person who makes a *valid* will

Testify - give evidence in court

Third-party - someone other than the two *parties* who make an agreement

Third-party insurance - automatic *insurance* for all cars to pay people who are injured in car accidents

Title deed - the legal *document* which shows who owns a property

Transfer duty - the tax you have to pay when land is transferred

Trespass - to go onto or stay on a property without the permission of the owner

Trial - court case

Trial-within-a-trial - a trial held as part of another trial to decide whether certain evidence will be allowed

Turnover - all the money that comes into the business from sales and services, without subtracting the money that is spent on the business, such as wages, materials, and so on. For example: **TURNOVER** - Busy Bees preschool *looks after 30 children and the parents each pay R50 per month to Busy Bee, so the turnover is 30 times R50, which is R1 500.* (Turnover is different from *profit*. To work out the profit, you subtract the costs from the turnover.)

Vires - beyond the *authority* given by law

Unfair dismissal - where an employer unlawfully fires a worker

Unfair labour practice - employers doing something that the law or the courts say is unfair

Unlawful - outside the powers given by law

Urgent application - applying to the High Court for an urgent *court order* or *interdict*

Usufruct - the right to use and enjoy the fruits of land that belongs to someone else

Valid - well-based or good in law, e.g. a valid claim

Visa - permit to enter a country

Vis-a-vis - to do with *Viz.* - namely

Voetstoots - just as it is

Wage determination - *regulations* for wages and working conditions in a specific industry or area

Warning / Released on warning - released without *bail* and warned to *appear* on a certain date

Warrant - a *document* issued by a magistrate (or sometimes a police officer of the rank of lieutenant or higher) that permits things like arrests, searches, and evictions

Warrant of Execution - a *document* giving court officials the right to take away certain property to cover your debts

Warranty - see *guarantee*

Will - a signed *document* saying how a person's possessions should be disposed of after they die

Wind up - collect all possessions and money that belong to an estate and pay all the *debts*

Witness - person who saw something and may give *evidence* in a court case

Witness's friend - a person at the Magistrate's Court who *explains* witnesses' rights and pays their transport costs