

QUIZ:

Is your advice office up to standard?

Do the following quiz to find out how well your advice office is established. In each instance, choose the scenario (a, b or c) that best describes your office. Then calculate your score below.

- 1 a) The advice office is situated close to the community that it serves and close to other resources such as welfare services, magistrate's courts, etc.
b) The office is situated close to the community that it serves, but not close to other resources.
c) It is not close to the community that it serves.
- 2 a) A management committee, chairperson, vice-chairperson and secretary have been appointed for the advice office.
b) Only some of the above-mentioned positions have been filled.
c) None of the positions mentioned above have been filled.
- 3 a) The advice office has a constitution.
b) The office has a draft constitution.
c) It does not have a constitution.
- 4 a) The advice office is registered as a non-profit organisation.
b) The office is in the process of registering as an NPO.
c) The process of registering as an NPO has not been started.
- 5 a) Everyone working at the advice office knows their roles and tasks and it is documented.
b) Not everyone knows their roles and tasks and it is not documented.
c) No one knows their roles and tasks.
- 6 a) The paralegals have basic office skills and knowledge of the law and they have had accredited training.
b) The paralegals have knowledge in only one of these areas and don't have accredited training.
c) The paralegals don't have the necessary knowledge at all.

- 7 a) The advice office has a budget and keeps to it.
b) There is a budget but the advice office does not keep to it.
c) The office does not have a budget.
- 8 a) A case referral system is in place with the help of law firms or clinics.
b) A case referral system is in place, but it is not working well.
c) There is no case referral system.
- 9 a) The advice office has a telephone, fax machine and computer.
b) The office has some of these resources and can access the others facilities from the local municipality or other partner.
c) You don't have any of these facilities.
- 10 a) People know about the advice office, what it does and they visit regularly.
b) People have heard about the advice office but they don't really know what it does.
c) It is not known that there is an advice office in the community.
- 11 a) The effectiveness of the advice office is evaluated regularly.
b) Evaluation happens irregularly.
c) The advice office is not evaluated.
- 12 a) The advice office communicates with the provincial forum and NADCAO.
b) The office knows about the provincial forum and NADCAO, but does not communicate with them.
c) It does not know about the provincial forum or NADCAO.



Mostly A: Well-established

Congratulations, your advice office is operating well and is making its mark in the community it is situated in. Try to perhaps reach out to other advice offices that are not so well-established.

Mostly B: Nearly there

You are doing well, but there is still room for improvement in your advice office. Use the scenarios above as a check-list and try to improve the office, so that you will choose "a" every time.

Mostly C: A lot of work to be done

You are struggling, but there is still hope. Draw on resources in the community and from the provincial forum and find the help you need to truly get your office up-and-running.



NATIONAL ALLIANCE FOR THE DEVELOPMENT OF COMMUNITY ADVICE OFFICES



Paralegals from Limpopo Province considering carefully the principles, which should guide possible new regulations at a workshop held by NADCAO.

Opportunity for advice offices to stake a claim for recognition

NADCAO is one step closer to achieving the vision of securing recognition and state support for the community advice office sector.

Official recognition of the sector as an imperative part of the justice system could be in reach much sooner than expected with an amazing opportunity for advice offices to determine the legislation and regulations that govern their sector themselves.

NADCAO had envisaged that by 2010 the sector, which used to be fragmented, would be consolidated and organised with provincial forums established to make communication with the 230 advice offices easier. The vision for 2013 would be to gain state recognition and funding and ensure the sustainability of the sector.

Recognition and the possibility of funding is now finally on the cards with the Department of Justice and Constitutional Development's public recognition of the unique and important role of paralegals in providing access to justice for all. The DOJ&CD has determined that separate legislation and regulations should be drafted for this unique sector. And community-based paralegals will have the opportunity to input on these regulations.

NADCAO, as part of the mandate given by the community advice office sector, will facilitate the process to develop new regulations with the DOJ&CD. NADCAO wants the advice offices themselves to be involved, every step of the way. They have held workshops with advice offices in all the provinces to define the principles on

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which the position paper for community-based paralegals and community advice offices will be developed.

BACKGROUND

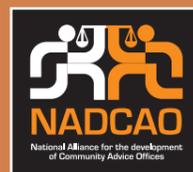
This follows from the DOJ&CD's announcement that paralegals will no longer be included in the Legal Practice Bill, as the Department recognises that the interests of various service providers in the justice system, such as lawyers, advocates and paralegals are too diverse to be lumped together in one Bill. In the Department's

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INSTITUTIONALISATION

NADCAO's vision for institutionalisation by 2013 includes:

- The establishment of the National Advice Office Association
- Defined institutional funding and training arrangements
- Enforced regulations
- State recognition and funding
- Annual impact report



NATIONAL ALLIANCE FOR THE DEVELOPMENT OF COMMUNITY ADVICE OFFICES

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opinion, access to justice is provided by different practitioners and one is not more important than the other.

The DOJ&CD therefore proposed that the Legal Practice Bill will only apply to attorneys and advocates and that separate legislation and regulations will be drafted for the paralegals working in different spheres.

There are paralegals based at trade unions, human rights NGOs, law firms, within the state and in law clinics. Some also work for the state in courts, police stations and legal aid clinics. DOJ&CD wishes to determine how each of these sectors can be regulated, including the paralegals working in community advice offices.

PARALEGALS AT ADVICE OFFICES ARE UNIQUE

Community-based paralegals working in community advice offices are the backbone in the provision of Access to Justice in South Africa. They are active on the ground in the communities, understand the context in which people live and work and can advise people in their own language. They are prepared to explain difficult concepts in an easily understandable manner.

These paralegals have moved from a purely legal sphere to also dealing with social issues in these communities, such as labour relations, land disputes, immigrants, refugees, domestic violence, etc.

In workshops held by NADCAO during June and July this year, which were attended by 233 paralegals representing 200 advice offices, the following was agreed on:

- Community-based paralegals operate from within community advice offices
- They provide a range of free services to the community (including basic legal services).
- They are organised provincially as members of provincial advice office forums
- The sector will move to establishing its own national association of community advice offices
- Community-advice offices should be eligible for an annual core minimum funding grant to subsidise operations.

ABOUT MORE THAN JUST RECOGNITION

NADCAO argues that it is not enough to simply recognise the valuable contribution of community advice offices, but that there should be financial support provided to the sector to ensure its long-term sustainability and ongoing contribution to access to justice.

For recognition to be achieved it is also important that the community advice office sector is

formally organised. The provincial forums have been established, but advice offices must make sure that they are members of these organisations. The forums are affiliated with the national structure, NADCAO, which makes recognition on a national level easier.

If the sector can show that it is unified and the standard of service is uniform and of an excellent quality, it will be recognised for this. Advice offices need to make government and other stakeholders aware of the good work they are doing by communicating the impact of their work.

They need to, for instance, share the difference they have made by helping people to access grants, receive identity documents, curb domestic violence and resolve disputes. The Case Management System that NADCAO is busy implementing could be useful in collecting statistics to support the impact an office is making.

Recognition and sustainability is no longer a dream for 2013 – it is becoming a reality today. NADCAO will be doing everything within its capacity to ensure that community advice offices and the paralegals who work within them are able to realise these dual objectives.

Pat Maqubela, Phumla Yeki, Greg Erasmus and Joe Japhta of NADCAO ran the workshops.



Brian Nair, National Operations Executive for Legal Aid South Africa

TIMELINES

5 MAY 2010

Minister of Justice and Constitutional Development gives separate recognition to paralegals within the wider justice system and announces a new policy and legislative process.

MAY – JUNE 2010

Agree on key principals e.g. definition of paralegals; regulations for each paralegal sector; categories of services provided by paralegals; how to promote and protect access to justice for the poor.

JULY 2010

Present draft discussion document on paralegal sector
Establish team to finalise policy framework for paralegals

AUGUST 2010

Present draft policy framework to a consultative workshop

Establish task team to draft regulations or legislation

JANUARY 2011

Present final proposed regulations / legislation

Partnerships for Justice

While the process for recognition and funding from government is still in the pipeline, these partners of NADCAO have already recognised the important role of community advice offices in providing information, advice and services to especially poor and marginalised communities in South Africa. They support NADCAO's vision for 2013 to consolidate and strengthen the advice office sector and allocate resources to help achieve this.

The several major partnerships, which NADCAO has facilitated for the benefit of the sector will ensure long-term institutional relationships that will strengthen the delivery of services to the clients of the advice offices. NADCAO develops a national framework for the partnership, which must then be implemented in conjunction with the respective provincial forums.

Soul City

The Soul City Institute, an independent non-governmental organisation, has partnered with NADCAO as part of their Phuzza Wize (Drink Safe Live Safe) campaign. Phuzza Wize aims to prevent violence by reducing alcohol consumption and changing the way alcohol is served and drunk in South Africa.

Soul City is using its TV and radio series, community mobilisation, advocacy and lobbying, to achieve this.

"Because of NADCAO's successful work in communities around the country and the impact they have in those communities, Soul City wanted to include them in this project," Fikile Nkambule, campaign coordinator, said. "The advice offices will help people to understand how to take community action against alcohol-related violence and where to receive the necessary support."

ProBono.Org

Rule 79A of the Law Society of South Africa requires all private lawyers to do 24 hours of pro bono legal work a year. ProBono.Org uses this fact to bridge the gap between the (expensive) private legal sector and the legal needs of the poorer communities in this country.

They have established a volunteer panel of over 42 law firms (representing about 1200 attorneys) and are able to call on the 800 advocates that belong to the Johannesburg Bar Council.

Recently ProBono.Org secured funding from the Open Society Foundation of South Africa for a joint programme with

Many organisations have come out in support of NADCAO and community advice offices

NADCAO. The organisations aim to improve the legal services provided by 50 community advice offices by building relationships and referral systems between them and volunteer local private lawyers.

"ProBono.Org will rely on the credibility, relationships and advice of NADCAO to work effectively with the identified community advice offices. The primary objective of the project is to support the work of the community advice offices," said Miriam Wheeldon, advancement manager.

Legal Resource Centre

The Legal Resource Centre also works with NADCAO to improve the referral systems for advice offices, where cases need to be handled more formally, for instance in a court.

Furthermore, this human rights organisation partners with NADCAO to make sure that paralegals receive appropriate training. "We discuss training needs and make sure that the content of training programmes speak to these needs," Janet Love, LRC national director, said.

"We are working with NADCAO because we recognise that they are playing an important role in enabling advice offices to organise themselves and operate effectively."

NADCAO is coordinating with SASSETA to improve the necessary training for paralegals. Training is important for recognition.

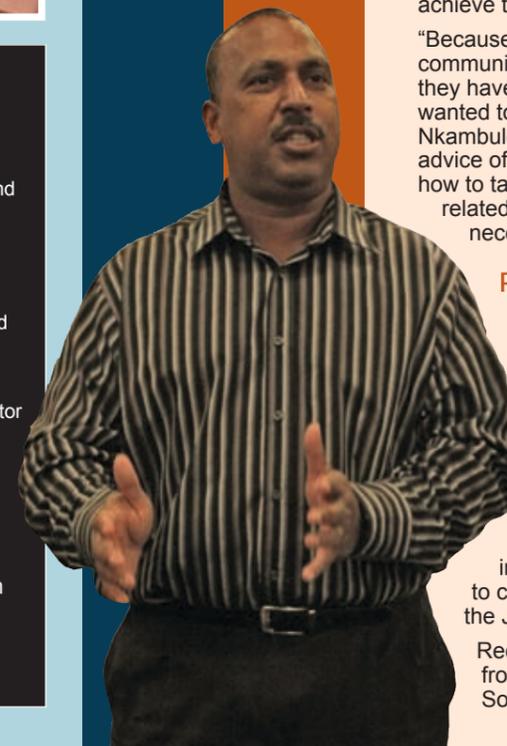
Legal Aid South Africa

A Memorandum of Understanding has recently been signed between NADCAO and Legal Aid South Africa.

The MOU defines the relationship of this autonomous body, established by the Legal Aid Act, with NADCAO on national, regional and local (advice office) level. Each advice office should be linked to one of the LASA justice centres that also operate on grassroots level. The justice centres can share their infrastructure, such as computers, with the advice offices and the offices can refer cases to the centres.

Because of the ever-increasing demand for help with criminal cases, justice centres have not been as involved in civil action. According to Brian Nair, the national operations executive of LASA, about 97% of their cases have been criminal. Now LASA plans to create 50 civil units in justice centres.

Nair stressed that LASA does not want to take over the work of advice offices, they want to work with them to improve access to justice. Advice offices can now refer more civil cases to justice centres, as they will have the capacity to handle it. But justice centres can also direct matters that do not require court proceedings to the offices. "The more you do, the less work we have," Nair said, addressing provincial coordinators at the NADCAO National Workshop.



Views from the Provinces

FREE STATE

"One advice office for every municipality."

That is the goal of the Free State Advice Office Association, according to its chairperson, Samuel Mosikili. The Association was formed in June 2009 and they have about nine advice offices in the province.



The offices help with service delivery, Mosikili says, because they deal with labour and consumer issues in the community. In return, municipalities can ensure the sustainability of advice offices by supporting them.

"People often strike and destroy property, because they are angry about service delivery," Mosikili says. "But it does not help them to destroy their own things. Advice offices can inform them of what municipalities need to do and what their rights are."

The Free State Advice Office Association partners with the Independent Electoral Commission to offer voter education; with the Department of Labour to run a programme on labour issues; and with the Department of Health to run health awareness campaigns.

To make sure that people are aware of the advice offices, they have a close relationship with the police and present a programme on the local community radio, giving advice and information and directing people to the offices.

MPUMALANGA

Ncedi ka Nkosi, chairperson of the Mpumalanga Paralegal Advice Office Consortium sees advice offices as vehicles for true public participation. "Advice offices can make the voice of the poorest of the poor heard."



Some of the issues that advice offices deal with in Mpumalanga include HIV and AIDS, home based care, labour rights, human rights, social security and domestic violence.

The recent NADCAO workshop was a very important learning experience for this

Consortium, which was established in December 2007. The discussion on how to sustain the 14 advice offices in the province was especially useful, Nkosi says.

"Firstly the provincial coordinators need to become self-reliant. They need to utilise the resources within their communities. Secondly funding and resources need to be found. Income generating projects can also help advice offices become sustainable."

He also acknowledges the importance of visibility. Advice offices in Mpumalanga are sometimes confused with social workers or government. "We want to be known for the work that we do, providing access to justice." They are thinking of getting youths to do artwork on the walls of advice offices, so that it will be recognisable.

NORTH WEST



"Advice offices actually change lives."

John Moerane, Provincial Coordinator of the North West Paralegal Advice Office Cluster says. This cluster was established in 2006 and

there are about 25 advice office in this province.

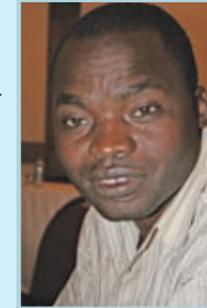
The North West province is largely rural and communities struggle to get access to information and justice. This is where the advice offices can help.

Partnerships are very important to this Cluster. "Our sustainability depends on being able to network and communicate with other provinces and stakeholders." They partner with the Departments of Labour, Health and Social Development, the South African Police Service, Justice centres, Law clinics, Legal Aid South Africa, the Public Protector, the Commission for Gender Equality, the Human Rights Commission and the Independent Electoral Commission.

"Every office in this province is also willing and eager to work with NADCAO," Moerane says. "It is a very relevant organisation, committed to supporting the advice offices and developing the forums to be able to stand on their own."

LIMPOPO

The Limpopo Community Based Advice Office Consortium is now up and running, after it was established at the end of 2009. Next, the Consortium will focus on visibility and marketing the 18 advice offices in the province, Albert Makwela, the coordinator says.



"We need to introduce ourselves to potential partners such as Government departments." Sustainability to him is not only about "finding a loan". To ensure the continued existence of advice offices Makwela says they need to be institutionalised. "Government and the community should know about us."

Training for paralegals are also very important. "Even basic training on taking statements and conducting interviews is needed to ensure that advice offices deliver services of a high quality".

Currently the advice offices in Limpopo are working with the Department of Health, educating home based care givers on HIV/AIDS and the law. There are also many migrant labourers and refugees in Limpopo that receive legal advice from the offices, so a partnership with the Department of Home Affairs might be on the cards.

Advice offices in the province are often located next to farms and they strive to inform farm labourers of their rights.

WESTERN CAPE

Paralegals at advice offices in the Western Cape are extremely dedicated, according to Ben van Rooy, chairperson of the Western Cape Paralegal Advice Office Forum, and the communities know them.



"You might be at your house over the weekend and someone will phone you because they have been fired from their job on a farm. Then you get up and help them," Van Rooy says.

The Forum has been in existence since December 2007 and there are 43 advice offices in the province.

Evictions and dismissals of farm labourers are some of the problems that advice offices in the Western Cape often deal with. Housing, alcohol and drug abuse, domestic violence and the legal issues surrounding these challenges are also addressed by the offices.

"We are helping to further Government's goals on grassroots level, so we need them to buy into what the advice offices are doing." They are busy building relationships with various departments.

Their relationship with NADCAO is very valuable to the Forum. "They are taking the sector in a new direction, towards recognition. It is something I've wanted for years," Van Rooy says.

NADCAO has started to implement the Case Management System in some of the regions of the Western Cape and it is reported to be working well.

GAUTENG

The Gauteng Paralegal Advice Office Forum wants to strengthen communication between the more or less 20 advice offices in the province, says Seth Mnuguni, the chairperson.



The Forum was established in November last year. For the first half of 2010 they will focus on getting advice offices to work together, sharing their resources, best practice, and, so-doing, increasing their impact.

Very few of the offices in Gauteng have computers, internet, telephones and fax machines. Part of improving communication will be addressing these needs.

"Advice offices are located in townships and rural areas, and thus it is the first point of contact for people who do not have the money to travel to town and see a lawyer", Mnuguni says.

In Gauteng, matters regarding labour, domestic violence, and debt are often brought to the advice offices. The Forum also wants to initiate a programme to target the youth. Becoming a paralegal should be shown to be a viable career option.

The Gauteng Forum partners with Legal Aid South Africa, Probono.org, Black Sash, Legal Resource Centre, the Department of Justice and the Department of Home Affairs.

Views from the Provinces *continued*

KWAZULU NATAL

Njabulo Khumalo, deputy chair of the KwaZulu Natal Paralegal Coalition says the value of advice offices lies in the fact that they give poor people a knowledge of the law. "They speak the language of the people in the community and they have time to explain complex issues."



The Coalition, established in 2008, wants to compile an accurate directory of advice offices in the province. Currently it is thought that there are about 50 offices.

Advice offices in this province often deal with cases relating to unfair dismissals, unemployment insurance, injuries at work, private pension, retirement benefit, domestic violence, divorce and debt.

In this task they are supported by many partners, such as Ithembalabantu, Black Sash, Centre for Criminal Justice, KwaZulu Natal CBO Coalition and private law firms.

"Our relationship with NADCAO is very good," Njabulo says. KwaZulu Natal is looking forward to the implementation of the case management system, because: "It will enable us to pick up trends that can be used for advocacy. In that way more people can actually be helped with a particular issue, even if they did not come to the advice offices themselves".

EASTERN CAPE

The Eastern Cape has a great number of advice offices. According to Lungile Kwaza, the secretary of the Eastern Cape Advice Office Forum, there are about 65 advice offices in this province. "They are the pillars of the communities," Kwaza says.



Many people in the rural areas of Eastern Cape do not know their rights and they lack information as they do not always have access to media. That is why Kwaza says

advice offices are so important: "They address the needs of the community, share information with them and help them to understand it."

Five or ten years ago advice offices in the province were associated with political parties, Kwaza explains. "Now that mindset has changed. People know that advice offices are a place where you get assistance, regardless of your political affiliation." According to him, advice offices are quite visible in the provinces and almost everyone knows where to go for help.

What is needed now, says Kwaza, is for advice offices to be recognised by law.

NORTHERN CAPE

The Northern Cape Coalition of Community Development Agencies has just been established in April this year.

For this reason, Eileen Karsten, acting coordinator, found the recent NADCAO National Workshop extremely insightful. "It is interesting to see how the other provinces have established and organised themselves."



Advice offices are very much needed in the Northern Cape. "Employment used to mostly be provided by mines, but many have closed down, leaving people jobless. Advice offices have to make sure that former employees receive retrenchment packages."

The province is vast and because of the unemployment and poverty people in rural areas do not have the money to travel to Springbok to find a lawyer. The (more or less) 20 advice offices are located where they are most needed. According to Karsten they are very visible and are visited every day.

The Coalition wants to now build partnerships between the offices. "We already work well together," Karsten says. They are also trying to get the support of the Consumer Protector and the Premier's Office.

"And of course we want to keep on building our relationship with NADCAO," Karsten added.

How to effectively communicate and input on policy change

Over the next few months, discussions will be held to determine the legislation and regulations to govern paralegals. NADCAO is encouraging advice offices to participate in this process and to make their thoughts known.

Paralegals working in advice offices are in the unique position of truly understanding the situation in marginalised communities and they can bring this knowledge to the discussions.

"Advice offices need to be proactive. They should not simply wait for the Provincial Forums to tell them what is happening in the process.

They have to make sure that they are informed about developments," Greg Erasmus, National Coordinator of NADCAO says. NADCAO is advising the offices to effectively communicate their own thoughts on the matter to the Provincial Forums, in order to have a say in the regulations that will govern them.

Here are a few tips on ensuring effective communication:

Ensure that the provincial forum representatives have your correct contact details so that they are able to send documents, messages or call you when required. At the same time, make sure that you have the contact details for your provincial representatives. It is your responsibility to ensure that you inform them when your details change.

Keep an eye out for notices in the newspapers, on the internet, or via radio or television to ensure that you are aware of developments related to your sector.

Do not be afraid or intimidated to ask for information from anyone who you believe is able to assist you. This is your right and if they cannot help you, they may be able to refer you to someone who can.

Communication is only effective when the person conveying the message and the one receiving it, understand it in more or less the same way, owing to the way that it was communicated.

If you are the one listening to a message (e.g. information given to you about the policy change process by the provincial forums):

- Do not let yourself get distracted by what is going on around you.
- Do not start forming counter arguments in your head while the person is still speaking.
- Acknowledge that you are listening to what the person is saying by nodding your head, smiling or using other facial expressions.
- Do not interrupt the speaker before he/she has finished.

If you are the one conveying a message (e.g. expressing your views on the regulations that should govern community-based paralegals):

- You should have a clear idea in your own mind what it is that you want to convey.
- Consider the culture and background of your audience, because this will impact on the way they understand your message.
- Keep your message clear and concise.
- If it is too long and complicated, you might be misunderstood.
- Do not speak too fast.

The next step in determining legislation and regulations will be defining paralegals (including community-based paralegals), drawing up regulations for the respective paralegal sectors, determining the categories of services provided by paralegals and giving suggestions as to how access to justice for the poor can be promoted (See *timeline on page 2 for the rest of the process*).

"Advice offices need to be proactive. They should not simply wait for the Provincial Forums to tell them what is happening in the process. They have to make sure that they are informed about developments,"

Lucille February, Nobuzwe Mofokeng and Ben van Rooy communicate their ideas at the NADCAO national workshop

