

Second Reading Debate : Legal Practice Bill

UCDP : Hon IS Mfundisi

Tuesday, November 12, 2013

National Assembly

I am not a member of the Justice and Constitutional Portfolio Committee but as they say *fa o fitlhela banna ba bua kgomo o ntshe thipa ya gago le wena o bue (when you find men skinning an ox you just take out your knife and get down to business too.)* I participate in this debate on those grounds

Concrete steps towards a transformed legal profession are long overdue; as such the necessity of this Bill cannot be argued. The instructive tone in the Bill is understandable as well, even though understandable does not translate to it being correct nor right.

If the status quo is to continue, we are likely to take a century before we see substantial transformation in the legal profession, and we should not and cannot allow that. We welcome the leveling of the playing field in the legal playground. We hope it will make all to feel their South Africanness.

There is a mechanism in place should the Minister lose confidence in the ability of the Council to perform its functions effectively and efficiently. In line with due process there are steps to follow and observe and even involve the Ombud to investigate and make recommendations. Should the Minister still have a lump he will be at liberty to approach the High Court and should the court give him the benefit of the doubt only then, may the Minister appoint an interim Council within 21 days of dissolution whose tenure may not exceed six months.

As the late former Chief Justice Arthur Chaskalson commented when the Bill was introduced, it would serve all concerned and affected well, if there were to be a concerted effort towards reaching a consensus in these matters instead of dictating what must be done.

The Republic, being a unitary state, has to ensure that justice is meted out evenly. That the legal profession is not representative of the demographics of South Africa cannot be denied and so there is need to ameliorate and regulate the different laws which apply in different parts of this country.

We note and appreciate that this bill strives to ensure that access to legal services should not be the privilege of the high and mighty only; the poor also have a right to be heard without compromising the independence of the legal profession.

We in the UCDP hope that this is one step towards ensuring that the third arm of government, the office of the Chief Justice, will sooner than later be afforded the opportunity to handle their budget as is the case with the Electoral Commission.

The UCDP supports the Legal Practice Bill