

CONSTITUTION: KWAZULU-NATAL PUBLIC SECTOR LAWYERS' FORUM

1. INTERPRETATION

In this Constitution, unless the context otherwise indicates –

1.1 “**Cabinet**” means the Executive Council of the Province of KwaZulu-Natal;

1.2 “**Department**” means a department in the KwaZulu-Natal Provincial Government;

1.3 “**Forum**” means the KwaZulu-Natal ZN Public Sector Lawyers' Forum as contemplated in clause 2;

1.4 “**member**” means a member of the Forum as contemplated in clause 4.1;

1.5 “**MEXCO**” means the Management Executive Committee of the KwaZulu-Natal Provincial Government comprising all Heads of Department and chaired by the Director-General in the Office of the Premier;

1.6 “**Secretariat**” means the person or persons designated in terms of clause 8.1 to render the required administrative and secretarial support to the Forum;
and

1.7 words importing the singular shall include the plural; words importing the masculine, feminine or neuter shall include the others of such genders; and words importing persons shall include bodies corporate and incorporate; and *vice versa* in each instance.

2. NAME

The name of the Forum is the KwaZulu-Natal Public Sector Lawyers' Forum.

3. OBJECTS

The objects of the Forum are –

3.1 to promote co-ordination of transversal legal issues within the public sector in the Province of KwaZulu-Natal;

3.2 to promote uniformity of public law legal practice in Departments and the Provincial Legislature;

3.3 to promote increased co-operation between public sector lawyers, especially lawyers in the employ, and on the establishment, of Departments and the Provincial Legislature;

3.4 to facilitate networking amongst public sector lawyers;

3.5 to promote interest in all aspects of public law and practice in the Province of KwaZulu-Natal;

3.6 to provide a focus and forum for the exchange of information and ideas;

3.7 to support public sector lawyers in the carrying out of their professional duties and functions;

3.8 to facilitate and promote training, formal and informal, for public sector lawyers in the employ, and on the establishment, of Departments and the Provincial Legislature;

3.9 to facilitate and promote skills development for public sector lawyers in KwaZulu-Natal;

3.10 to promote greater collaboration and co-operation between public and private sector lawyers and other bodies in respect of legal matters of mutual importance; and

3.11 to engage in any activity relevant to and calculated to implement and foster all or any of the preceding objects to the benefit of –

3.11.1 the Forum and its members; or

3.11.2 public sector law and lawyers.

4. COMPOSITION AND MEMBERSHIP

4.1 Every public sector lawyer in the employ, and on the establishment, of –

4.1.1 a Department;

4.1.2 the KwaZulu-Natal Provincial Legislature; and

4.1.3 a “provincial public entity”, as defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), in the Province of KwaZulu-Natal, and every officer with the rank of Deputy Director or higher in the employ, and on the establishment, of the Central Policy Unit (CPU) and the Directorate: Inter-governmental Relations (IGR) in the Office of the Premier, is a member of the Forum.

4.2 The Provincial Chief State Law Advisor is, *ex officio*, the Chairperson of the Forum.

5. POWERS AND FUNCTIONS

The Forum may –

5.1 advise MEXCO or Cabinet on legal matters of a transversal nature and any other matter referred to it by either body;

5.2 render assistance to its members on legal matters referred to the Forum:
Provided that –

5.2.1 any referral to the Forum must be in writing and signed by both the Head of the legal component of the Department and the Head of Department; and

5.2.2 any referral or assistance does not absolve the Department or the legal component of the Department from responsibility and accountability in respect of the matter referred;

5.3 canvass issues of mutual importance with public sector lawyers in the employ, and on the establishment, of the National Government or a Provincial Government;

5.4 manage any project of a legal nature of transversal application referred to it by MEXCO or Cabinet; and

5.5 co-ordinate liaison between the KwaZulu-Natal Provincial Government and other bodies on legal matters of mutual importance.

6. RIGHTS AND OBLIGATIONS OF MEMBERS

6.1 Without limiting the generality hereof and subject to the rights of membership as might be prescribed in this Constitution, membership shall confer upon each member the following rights –

6.1.1 to participate in all meetings and activities of the Forum;

6.1.2 to elect other members to any committee of the Forum; and

6.1.3 to timely receipt of notices, agendas and minutes of meetings.

6.2 Members of the Forum must:–

6.2.1 attend all meetings; and

6.2.2 participate meaningfully in any activity which promotes any objective, of the Forum.

6.3 Apologies must be directed to the Chairperson in writing before a meeting of the Forum.

6.4 The Secretariat must inform the relevant Head of Department in writing where a member does not attend three consecutive meetings of the Forum with or without a prior apology.

7. FREQUENCY OF, AND PROCEDURE AT, MEETINGS

7.1 Ordinary meetings of the Forum take place on the last Friday of each month excluding the month of December. Members must keep their diaries open and not arrange other meetings to clash with meetings of the Forum. The Secretariat must distribute agendas for ordinary meetings at least 5 working days before the meeting.

7.2 The Chairperson may call a special meeting of the Forum. A notice calling a special meeting must be in writing and must set out the date (which must be a date at least 3 working days prior to the special meeting), time and place thereof and an agenda for the special meeting must accompany the notice.

7.3 In the absence of the Provincial Chief State Law Advisor or Acting Chief State Law Advisor, the members present must elect a member to chair a meeting of the Forum.

7.4 The Forum may determine its own meeting procedures and may establish a committee or committees of the Forum.

7.5 A decision of the Forum must, as far as possible or practicable, be taken by *consensus*.

8. SECRETARIAT

8.1 The Chairperson must designate a person or persons in the employ and on the establishment of a Department to render the required administrative and secretarial support to the Forum.

8.2 Subject to clauses 7.1 and 7.2, the Secretariat must notify each member of each meeting in writing and the notification must include an agenda for the proposed meeting.

8.3 The Secretariat must circulate copies of minutes of meetings to all members within 14 days of the date of the meeting.

8.4 The Secretariat must maintain a record of all minutes and agendas of meetings of the Forum in electronic and hard copy format.

9. BUDGET FOR, AND COSTS OF, MEETING

9.1 The Chief Directorate: State Law Advisory Services is responsible for the cost of meetings (venue hire and catering).

9.2 Each Department is responsible for the subsistence, travel and accommodation costs of members in the employ, and on the establishment of, that Department in respect of each meeting of the Forum actually attended by that member.

10. AMENDMENT OF CONSTITUTION

This Constitution may be amended by resolution of a meeting of the Forum.