

Nompilo Kholeka Gcaleka

Curriculum Vitae

PROFILE

- ❖ Board member of the International Ombudsman Institute (IOI)
- ❖ Acting Chairperson of the African Ombudsman Research Centre (AORC)
- ❖ Co-author of the Africa Peer Review Mechanism South Africa, Charter of the National General Council
- ❖ Experienced Legal Adviser and Senior State Advocate
- ❖ Former Senior Deputy Director of Public Prosecutions
- ❖ Admitted Advocate of the High Court of South Africa
- ❖ Former National Chairperson of the Society of State Advocates of South Africa
- ❖ Member of the Black Lawyers Association
- ❖ Member of the South African Women's Lawyers Association

VISION

To utilize my legal acumen and experience in the advancement of good governance, ethical and sound legal strategy. To ensure efficiency in strategic human resources management, training development and knowledge management, and development in ICT for the improvement of the organization in form and substance.

EXECUTIVE SUMMARY

I am an enterprising and astute legal professional with a combined 19 years of legal advisory, leadership executive, and public prosecutions experience. I began my journey at the Public Protector South African as the Deputy Public Protector and as of 09 June 2022, I have been the Acting Public Protector of the Republic of South Africa.

I've been a Special Adviser to the Minister at the Department of Public Service and Administration where I advised on administration; legal, policy, strategy, compliance and governance. Prior to this, I was the Special Adviser to the Minister in the Ministry of Home Affairs with the same duties including advising on shareholder oversight on all SOCs under the Department of Public Administration and Service.

I've been a Special Adviser to the Minister at the Department of Home Affairs where I advised on administration; legal, policy, strategy, compliance and governance. Prior to this, I was the Special Adviser to the Minister in the Ministry of Finance with the same duties including advising on shareholder oversight on all SOCs under the Department of Finance.

I have a strong acumen in providing litigation and legal advisory services to the Executive, senior government officials, departments, and organizations. I have strong public prosecutions experience having worked at the NPA for over 12 years.

PERSONAL DETAILS

Female
South African
IsiXhosa, IsiZulu, Setswana, Sesotho, English & Afrikaans
Driver's License: Code B

EDUCATION

Masters in Cyber Security Governance
LLM: Commercial Law
University of Johannesburg
LLB: University of KwaZulu-Natal
Matriculated. Little Flower High School IXOPO

COURSES/CERTIFICATION

Media & Publicity (writing, advertising, news reading, presenting) — 2000
Communication and the Media — 2001
Business Development in the Community TV station 2001
Child Law — 2005
Sexual offenders — 2005
Psychology and the Law — 2006
DNA testing and analysis — 2006
Fraud and Corruption — 2007
Human Trafficking (including Immigration Laws) organized by SADC — 2007
Employee Wellness and HIV & Aids - 2007 & 2008
forensic Investigation — 2008
Extraditions and Mutual Legal Assistance — 2008
Coaching and Mentoring — 2012
Investigating Cases of Sexual and Gender-Based Violence as International Crimes, including conducting Commissions of Enquiry (crimes of Genocide\war crimes) — 2013
Labour Relations — 2012
Diversity Management — 2013 and 2015
Child Pornography and Cybercrime — 2015

PROFESSIONAL SKILLS

Negotiation/Mediation
Legal Writing and Drafting Expertise
Litigation
Public Prosecutions
Legal Structuring
Stakeholder Relationship Management
Communication
Strategic Leadership

I have been involved in the law and strategic development, governance, and planning environment.

I have an excellent track record and competencies in criminal, civil, labour and commercial law. My acumen extends to legal compliance, governance, legal writing, drafting of contracts, fiduciary, and risk management.

I have solid strategy formulation, and organisational management skills with the unique ability to work with stakeholders in the design and implementation of legal solutions as well as the ability to execute through people.

PROFESSIONAL EXPERIENCE

Position: Acting Public Protector
Institution: Public Protector South Africa
Period: January 2021 – March 2021
9 June 2021 to date

Scope of Work Done:

- Performed my functions as the Acting Public Protector, as entrusted to me by the Constitution and National Legislation
- Account to the National Assembly
- To investigation, manage, control and direct and/or facilitate the resolution of complaints pertaining to the Public Protector's mandate areas as envisaged in terms of sections 6(4) (a), 6(4) (b), and 6(5) of the Act as well as additional legislation informing the Public Protector's mandate as envisaged in section 182(1) of the Constitution.
- Acting as the Executive Authority and Accounting Authority of Public Protector South Africa in terms of the Public Protector Act read with the Treasury Regulations for Departments, Trading Entities, Constitutional Institutions and Public Entities.
- Ensuring access to the Public Protector in terms of s182 of the Constitution as well as consistently striving to act in the Public Interest and ensuring public interest.
- Evaluate the performance of the PPSA against the strategic plan.

Position: Deputy Public Protector
Institution: Public Protector South Africa
Period: February 2020 to date

Scope of Work Done:

- Provide strategic advice on policy issues and programme decisions.
- Provide options for action, including potential risks and consequences, to ensure an informed decision by the Public Protector.
- Establish positive and effective relationships and collaborating with stakeholders and civil society.
- Develop business plans and strategies for office that support the Institutional agenda over the long term.

PUBLIC PROTECTOR SOUTH AFRICA PROJECTS

In 2021, established internal Technical Committee on Legislation and Policies from members of the Investigations- Legal Services and Knowledge Management and Legal Research Units and Branches, in my capacity as the Deputy Public Protector, to amongst others,

- Review and draft proposals for the amendment of the Public Protector Act;
- Revise and finalise the standards operating procedures for Investigation processes of the Public Protector;
- Develop and guidelines for the exercise of the Public Protector's powers to conduct search and seizure of evidence;
- Revise internal template documents, including the Public Protector allegations letter, formatting of formal -closing – and advisory reports as well as intervention letters.
- Led the legal research and drafting of amendments to the Public Protector Act which are intended to improve the Act by enhancing the operations of the Office Public Protector overall, while supporting the ability of the Public Protector to pursue his/ her Constitutional mandate to its fullest and to better serve the interests of the people of South Africa. The motivated submission on the legal analysis and proposals for amendments, as well as a draft Public Protector Amendment Bill have been signed off, and is currently with the Minister of Justice and Correctional Services for processing by the Department of Justice in accordance with the legislative process map.
- Establishment of a Case Management System (Self Service Portal) and development of the Remedial Action portal.
- Establishment of the Change Management Board Committee.
- Establishment of the Enterprise Resource Planning (ERP) Business case.
- Establishment of the E-Library
- Policy for Reviews on Investigations.

LEADERSHIP ROLES

- Board member of the International Ombudsman Institute (IOI) a member of the United Nations Working Group of the IOI
- Acting Chairperson of the African Ombudsman Research Centre (AORC)
- Non-Executive Board Director of Charlotte Maxeke Academic Hospital: 2011-2014
- National Chairperson of the Society of State Advocates of South Africa 2010 - 2012

- Champion and participate in corporate strategic initiatives.
- Implement Public Protector SA policies and decisions, leading and directing staff, and ensuring activities are aligned with the Public Protector's strategic agenda.
- Ensure the PPSA's structure, systems and processes under my control, enable staff to effectively and efficiently implement programs and services.
- Ensuring the human, fiscal, information and program resources under my control, are maximized and effectively managed to meet goals.
- Modelling sound Constitutional service delivery values.
- Foster leadership skills throughout the organisation and ensuring that human resource management plans meet future resource needs
- Ensure international and regional co-operation
- Oversee the operations of the Complaints and Stakeholder Management Branch including provincial standardisation (i.e. intake, proper assessment tool, referral and early resolution, and customer services).
- Oversee designated Investigation Branch operations, business and governance processes in all offices of Public Protector South Africa.
- Chair Alternative Dispute Resolution and signing of Settlement Agreements and Compliance thereto

Position: Special Adviser to Minister
Department: Department of Public Service and Administration
Period: 01 October 2019 to 31 January 2020

Scope of Work Done:

- Advising the Minister on administration; legal, policy, compliance, strategy and governance
- Advising the Minister on the Modernization of Public Service and Administration Advising on the Digitization business case of Public Service and Administration Stakeholder interactions
- Advising on oversight over the Government printing works and its restructuring.

Position: Special Adviser to Minister
Department: Department of Finance
Period: 1 April 2017 – 28 February 2018

Scope of Work Done:

- Advise the Minister on Legal, Administration, Governance, Strategy, Policy, Legislation and Compliance
- Advise on the Regulations to the Financial Intelligence Centre Act
- Advise on oversight on the State-Owned Companies and Government agencies
- Legislative interventions on Financial policy and Taxation
- Advised on drafting of the Twin Peaks Regulations on Financial Services Board and the South African Reserve Bank
- Advised on drafting of Shareholder Compacts
- Advise the Deputy Minister on his delegated duties

CONFERENCES PREPARED FOR, ATTENDED AND PARTICIPATED

- The Black Business Council Summit - Is South Africa governed through the courts? - 29 – 30 June 2023
- Annual meeting of the IOI Board of Directors Vienna, Austria on 7 – 11 May 2023
- Annual BHF Conference- The Constitution and how it empowers the health eco-system to protect the interests of the health citizen - 15 May 2023
- National Press Club discussion evening - The Public Protector a vanguard of South Africa's Constitutional Democracy 27 Years on 27 March 2023
- Strategic Planning of the NHTL and Khoisan Leaders – establishment and catalysing stakeholder partnerships for the benefit of traditional communities- 23-26 January 2023
- Financial Fiscal Commission Strategy session- The impact of the FFC as a constitutional institution in South Africa - 24-25 January 2023
- International Conference - The Future of Human Rights in the 21st Century - 11-12 January 2023, Ankara, Turkey
- Public Service Commission - International anti-corruption Day- Creating Institutional Checks and balances to hold political leaders and public officials to account to the citizens for their actions - 8 December 2022
- GIBS whistle-blower protection week –The Indicators of a Holistic Whistle-blowers support and ecosystem- Whistleblowing as an anti-corruption tool - 5 -9 December 2022
- Gauteng Ethics Advisory Council – Proposed Interventions to ensure Executive Accountability regarding the Allegations of Corruption within the GCR - 2 December 2022
- Department of Economic Development , Tourism and Environmental Affairs- 26 November 2022
- Department of Public Service and Administration – The Capacity Status and Impact of Oversight bodies in enhancing government performance and service delivery 7-9 November 2022
- Umlambo Foundation – Ethical Integrity and Good Governance in SA public Schools 31 October 2022
- Conference on the United Nations Convention against Corruption,
- Africa Prosecutors Association Annual General Meeting held in Mozambique 2010 Combating Corruption in Africa by Africa Prosecutors Association held in South Africa 2016 — Facilitator of all sessions

Position: Special Adviser to Minister
Department: Department of Home Affairs
Period: 01 November 2016 – 31 March 2017

Scope of Work Done:

- Advise the Minister on Legal, Administration, Governance, Strategy, Policy, Legislation and Compliance
- Involved in drafting the Border Management Authority Bill
- Advising on the Repositioning of Home Affairs into a security department.
- Advise on oversight on the State-Owned Companies and Government agencies

Position: Senior Deputy Director of Public Prosecutions
(Deputy Head of South Gauteng Division)
Institution: National Prosecuting Authority
Period: June 2011 - 31 October 2016

Scope of Work Done:

- Perform all duties in line with duties of Senior Managers within the public service;
- Decision making in Prosecutorial Decisions within the South Gauteng Division;
- Prosecute on behalf of the state;
- Head of Specialized Prosecutions in the South Gauteng Division
- Represented NPA in the Law Reform Commission on Cyber Crimes and Cyber Security, Child Pornography and Trafficking in Persons
- Member of the NPA National Sexual Offences Task Team;
- Member of the NPA National Anti - Trafficking in Persons task team;
- Member of the Gauteng Provincial Ministerial Advisory Task Team on Sexual Offences and Human Trafficking;
- Responsible for the operations of the High court and Lower courts in the South Gauteng Division;
- Assisted in the Establishment of Palmridge Magistrates Court
- Assisted Establishment of Designated Sexual Offences Courts in South Gauteng
- Managed the Innes Chambers Building Construction Project
- Member of the Bid evaluation committee of Innes Chambers Building Project
- Project Manager for the Justice Missing Records in South Gauteng
- Managed the project on the Transfer of Appeal Records from Lower Courts to High Courts
- Chairperson of the North West Province Performance Moderation Committee (national intervention team)
- Litigated on Civil matters deriving from criminal proceedings where the NPA and Minister of Justice are cited;
- Participate in Court efficiency meeting and Provincial Stakeholder meetings;
- Educating Communities on Sexual and Gender Based Violence and Abuse and access to justice;
- Doing awareness of the functioning of the criminal justice system;

- Attend to Appeals and Representations;
- Conducting Training in the Division of Prosecutors, members of the SAPS, Doctors and Justice;
- All Children and Vulnerable groups related matters and Substance abuse;
- Child Pornography and Cybercrime;
- Trafficking in person, Human smuggling, including Immigration crimes;
- Mutual Legal Assistance and Extraditions (highly involved with other countries) Appeals;
- Review Opinions;
- Drafting Legal Opinions to the Director of Public Prosecutions;
- Chairperson of the Rapid Response Task team and Gauteng
- Provincial task team on Anti Trafficking in Persons;

Position: Senior State Advocate
Institution: National Prosecuting Authority
Period: August 2008 - May 2011

Scope of Work Done:

- Prosecuting Criminal Offences;
- Attending to motion court
- Extensive Exposure to High Profile cases;
- Writing Legal Opinions;
- Writing heads of arguments;
- Arguing Criminal Appeals in High Court;
- Handling representations from the public and from the office of the Minister of Justice;
- Decision making and drafting of Indictments and other
- Legal documents;
- Guiding investigations;
- Training Police on organized crime;
- Extraditions;
- Mutual Legal Assistance and Extraditions;
- Mental Cases (mentally ill\defected);
- Guide and Assist Junior Advocates;
- Extensive Exposure to Senior Management duties

Position: Junior State Advocate
Institution: National Prosecuting Authority
Period: October 2006 - July 2008

Scope of Work Done:

- Prosecuting Criminal Offences;
- Writing Legal Opinions;
- Writing heads of arguments;
- Arguing Criminal Appeals in High Court;
- Handling representations from the public and from the office of the Minister of Justice;
- Decision making and drafting of Indictments and other Legal documents;

- Giving instructions to investigating Officers;
- Attending to motion court
- Extraditions;
- Mutual Legal Assistance;
- Mental cases (mentally ill\defected);

EARLIER WORKING EXPERIENCE

Position: Specialist Prosecutor in Sexual Offences
Institution: National Prosecuting Authority
Period: January 2005 - September 2006

Position: Aspirant Prosecutor / District Court Prosecutor
Institution: National Prosecuting Authority
Period: July 2004 - December 2004

Position: Legal Secretary
Company: L R Gcaleka and Co.
Period: 2000 – 2001

REFERENCES

1. Professor Bongani Christopher Majola
 Chairperson of the South African Human Rights Commission
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 Email: cmajola@hrcc.org.za
2. Prof Managay Reddi
 Acting Deputy Vice-Chancellor and
 Acting Head: College of Law and Management Studies
 University of KwaZulu-Natal
 Member of AORC Board
 Contact: +27 31 260 1111
 Email: managayr@ukzn.ac.za
3. Mr Chris Field
 Ombudsman: Western Australia
 President: International Ombudsman Institute
 Contact: +61 8 9441 1111
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