

Transcript of:

**(a) question by Justice and Constitutional Portfolio Committee member John Jeffrey MP on impact litigation, answered by LASA Legal Development Executive Patrick Hundermark; and,
(b) Chief Executive Officer Vidhu Vedalankar on LASA's budget and its implications for recruitment**

at the presentation of LASA's annual report 2010/11 to the National Assembly on 11 October 2011

(Audio recording online at <http://www.pmg.org.za/node/28680>)

John Jeffrey MP

(56 minutes, 10 seconds into the recording)

I just have a question on the impact litigation. I see there was a booklet in the bag you gave us on impact litigation, and I think it's a good concept, but the booklet refers to a number of cases, I sort of just wanted to find out: was LASA involved in these cases referred to in the booklet, but that's from 6.1 on page 14 of the booklet, I mean in terms of, in what way, was it LASA employees or was it Judicare effectively because I see that the, if I'm understanding it correctly on page 101 of your report, you don't seem to be spending the money allocated to impact litigation, so if you can give clarity on that, thanks Chair.

Patrick Hundermark, LASA Legal Development Executive

(82 minutes, 43 seconds into the recording)

Thank you Chair, I think in terms of impact litigation, in terms of the matters in which Legal Aid is specifically involved, there are three ways in which we can do impact litigation, firstly, err, and obviously the initial stages were that we would be funding, err, whether it was NGOs or private law firms to be involved in the impact litigation, so firstly it would be a model in terms of where we fund specific cases where they come and motivate for a budget in terms of litigation in certain cases. In other instances we can then, our justice centres or high court units, that's specifically our senior litigators, themselves can do the impact litigation and then the unit itself in terms of that can be involved in the impact litigation. So there are different ways in

which we can render the services, so then in terms of the booklet some of the cases we would have done ourselves, some of it was funded NGOs or private practitioners to render those specific services. In terms of us spending the money the one real problem we have in each case we require a budget so sometimes litigation doesn't always happen as we anticipated and not all, the full budget is not always used in some of the instances, so that's difficult, you've got to try and manage the case and the progression of the case to understand where the funds are allocated to a specific case but we don't overspend on the overall budget that we manage involving it, so we try and do, see if we can, err, if they are not going to spend the whole budget, reallocate it, but we don't always have new and other impact cases to which to allocate it at quite short notice, so that's the problem in terms of the spending of the budget and the money issues and you very often find lawyers are not very good in terms of budgeting so we do find ourselves scrutinising the budgets that come and cutting them significantly because we are not always then able to use the money.

Vidhu Vedalankar, LASA CEO
(68 minutes, 7 seconds into the recording)

As far as the budget cut is concerned what we did do and I think that you're right it was across all departments but that we what we did do and respect in the 2012 financial year for everything in the operational expenditure which was not contractual we clearly did the only thing, so that in effect is a budget cut, if it's below inflation it's anyway a budget cut but this is clearly one, and so that wasn't adequate. Now we run quite a tight operation as you can see and it's very hard for us and what we will do is so that we don't jeopardise our service delivery we won't cut in [inaudible] all we do is manage our recruitment level so that we don't overspend in terms of what we have, so that is where we, we hold recruitment levels until we can get some additional funds [inaudible] as you can see our recruitment levels are high at 96%, we were intending to increase it to 98% because we are able to recruit but now that we have this we will probably keep it at around 97%, so that is one way just of managing it without, without jeopardising the service delivery, but in terms of our discussions with treasury and the rest of what else we can do, let's start with that because that's one sector with Jerry [inaudible. (She hands over to COO Jerry Makokoane.)]