



22 August 2013

Via e-mail: [mazwiogwaniCornelius.Phathela@labour.gov.za](mailto:mazwiogwaniCornelius.Phathela@labour.gov.za)

Advocate M C Phathela  
Unemployment Insurance Commissioner  
P O Box 1851  
Pretoria  
0001

Dear Sir

**UNEMPLOYMENT INSURANCE AMENDMENT BILL: PROPOSED AMENDMENTS TO THE UNEMPLOYMENT INSURANCE FUND ACT, 2001**

We refer to your request for comment as per Government Gazette number 36674 of 19 July 2013.

The Law Society of South Africa (LSSA) has considered the proposed amendments to the Unemployment Insurance Fund Act, 2001. We are also in possession of a copy of the letter from J Brewis Attorneys in this regard, attached hereto.

The LSSA aligns itself with the views expressed by J Brewis Attorneys, for the reasons stated in their letter dated 13 August 2013.

Kind regards

A handwritten signature in cursive script, appearing to read "Lizette Burger".

**Lizette Burger**  
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The Law Society of South Africa brings together the Black Lawyers Association, the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces and the National Association of Democratic Lawyers in representing the attorneys' profession in South Africa.

# J. BREWIS ATTORNEYS

**Attorneys, Notaries & Conveyancers**

In association with Rudolf Kuhn Attorney and Rautenbach Attorneys

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My ref: Mrs Brewis/J1064/dw  
Your ref:

Date: 13 August 2013

The Director General of the Department of Labour  
Laboria House  
215 Schoeman Street  
PRETORIA

ATTENTION: ADV M.C. PHATHELA

PER EMAIL: MazwiogwaniCornelius.Phathele@labour.gov.za

AND PER FACSIMILE: 086 270 6457

Dear Sir

PROPOSED AMENDMENTS TO THE UNEMPLOYMENT INSURANCE FUND  
ACT, 2001  
GOVERNMENT GAZETTE PUBLICATION NO 36674 DATED 19 JULY 2013

We refer to the above publication and the notice given to all interested parties to submit comments and objections against the above proposed amendment of the Unemployment Insurance Fund Act, 2011 by 19 August 2013.

As practicing attorneys and legal professionals entitled to rendering professional services against payment of our fees to the public, we herewith formally lodge an objection against the insertion of the proposed sub-section (3) to section 33 of the Act, which reads as follows:

*“When processing any application for benefits neither the fund nor any agency or person purporting to act on behalf of the applicant may levy any charge against the applicant.”*

Our interpretation of the wording "*any agency or person purporting to act on behalf of the applicant*" is that such wording inter alia affects our position as attorneys and "agents" vis-à-vis our clients (applicants) and our right to charges fees for our services.

To the extend the proposed amendment intends to limit our right to charge any fees, it is our submission that the provisions of Section 22 of the Constitution of the Republic of South Africa, 1996, as amended, read with Section 36 thereof are violated with the above proposed amendment.

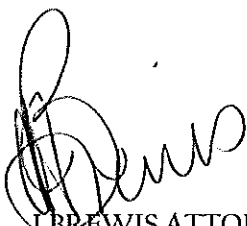
It is our further submission that if the intention with the proposed insertion of sub-section (3) to Section 33 of the Act, is to eradicate corruption and bribery within the Department, the Fund and by employees of the Department and/or the Fund, the wording of the proposed sub-section (3) should clearly state that "no employee of the Department or Fund whilst employed by the Department or Fund is entitled to levy any charges while in the employ of the State".

We further submit that insofar as the right of any private person, agent or business is concerned in rendering services to the public in preparing, submitting and assisting during the processing of the claims to the Fund is concerned, such private individuals, agencies and businesses cannot be prohibited from charging fees for their services either.

Similarly Section 22 of the Constitution protects the rights of such persons to choose their trade, profession or occupation freely. It follows that members of the public also have the right to choose and use any form of services available to them and to pay for such services.

Your reply hereto is awaited.

Yours faithfully,



J BREWIS ATTORNEYS

Per: