



## CEO's message

*Communication campaign takes transformation to greater heights*

**B**e on the lookout for the April edition of Bona magazine, which will give extensive coverage on the transformation process.

Our public education campaign has taken off through the interviews we've conducted since the launch of our new image last year. Community radio stations, newspapers and magazines are helping us to keep the wheels turning to speed up transformation in the sheriffs' profession.

Our communication campaign was further boosted by more grassroots-focused 'commutaneet' (advertising in the transport industry) ads in buses, trains and taxis — our posters informing people about transformation in the sheriffs' profession are up in all kinds of public transport throughout the country. This national campaign has been supplemented by the distribution of more than 230 000 brochures at 20 of South Africa's busiest ranks. A further 270 000 brochures were distributed to sheriffs' offices countrywide.

Radio adverts, too, are being broadcast on our various radio stations.

The communication campaign has helped the Board to keep the public informed about the profession, in an attempt to both put the institution on the map and turn it into a force to be reckoned with.

The picture painted about the sheriffs has not always been the right one because people didn't have the right information about who the sheriff is and how he or she works. Now, however, our community is much more aware of the services we render and we rely on their unstinting support to assist the sheriffs when executing their duties.

Yours in delivering with dignity

Veliswa Baduza  
Chief Executive Officer

## A STAR IS BORN ...

*The South African Board for Sheriffs proudly unveils its hard-won achievements in the transformation of the sheriffs' profession, and acknowledges the groundwork done by the previous Board and the government*

**S**peaking at the launch of the Board's new image in October last year at the District Six Museum in Cape Town, chairperson Zodwa Nduna captured the essence of the occasion in one sentence: 'The Board for Sheriffs of old has gone; today we introduce the South African Board for Sheriffs.'

Nduna gave credit for various achievements to the previous Board members, the Ministry and the Department of Justice and Constitutional Development. 'Ours was an easy task,' she said, 'for it was simply building on the foundation they had laid. We especially want to thank them. They have gone the extra mile to enable us to reap the fruits of their labour.'

Giving their support at the launch were Deputy Minister of Justice and Constitutional Development Cheryl Gillwald, Judge Sandile Ngcobo (chairperson of the Rules Board for Courts of Law), Taswell Papier (president of the Law Society of South Africa), Markus Leitner (secretary of the Swiss Embassy), magistrates of Cape Town and Mitchells Plain, Board members and community leaders.

Nduna said that the new Board has a new mission and vision, seeking to achieve a transformed, professional, publicly accountable and credible sheriffs' institution reflecting the human rights culture of the Constitution.

The institution had identified training and communication as two of the most effective areas to be used to accelerate transformation in the profession, she said.

One of the training highlights was the registration of the Board in terms of the National Skills Authority Act within the POSLEC SETA. There was also the development of three phases of career training, with all courses accredited in line with the South African Qualifications Authority.

On the communications front, the Board identified trains, taxis and buses as the primary focus of its programme. This was supplemented by a national radio campaign carried on major African language stations of the SABC. In addition, 230 000



Deputy Minister Cheryl Gillwald and Judge Sandile Ngcobo at the launch

brochures printed in all 11 official languages were distributed at busy taxi ranks throughout the country, and more will be distributed by sheriffs and deputy sheriffs in the course of performing their normal duties.

The Board is holding discussions with various stakeholders to identify opportunities where it may make use of the organisations' existing communication vehicles to further expand and educate the public about the role of a sheriff. 'A better-informed public will have the dual benefit of ensuring that the rights of the individual are upheld while the work of the sheriff can be performed without undue blockages,' said Nduna.

Another communication tool, our quarterly newsletter, Siyanazisa, is in its second edition and covers issues of importance to sheriffs and allied stakeholders. A monthly faxed newsletter from the CEO of the Board to all sheriffs is already in place and has been warmly received, and a website has been unveiled. Finally, a new logo has been designed, adopted and implemented. Using flowing lines depicting human arms stretched out to help, the logo symbolises the Rainbow Nation working together in harmony with the yellow circle shining in pride and dignity.

Anthony Makwetu, the Board's deputy chairperson, also took the podium at the launch. He thanked the Ministry and the Department of Justice and Constitutional Development (DOJCD), donor agency the Swiss Agency for Development and Cooperation (SDC) and the South African Institute for Sheriffs (SAIS). Makwetu also acknowledged the role played by Dr Penuell Maduna, the Minister of Justice and Constitutional Development, and his deputy, Ms Gillwald, for the leading part she played in transforming the sheriffs' profession. Special thanks were also extended to Advocate Blendynn Williams, the reliable link between the Board and the Ministry, the DOJCD, the SAIS and the Portfolio Committee on Justice.

## ... and then a new identity

**S**heriffs and their deputies have new identity cards. These stylish laminated cards portray the new corporate image of the Board and clearly show the official's name, identity number and card expiry date.

These renewable cards replace the previous life-time cards and are a step forward in reducing the chances of fraud.

Sheriffs and their deputies are required by law to carry the new identity card at all times when serving court documents and the Board is encouraging members of the public to ask for current identification when approached by a sheriff.

The handy smaller cards are more user-friendly and come complete with a branded lanyard — making their display even easier.

Another example of the practical improvements brought to you by the South African Board for Sheriffs.



# ARE SHERIFFS SERVING MAINTENANCE COMPLAINANTS EFFECTIVELY?

Comment by Diane Smart, Director: People's Family Law Centre

The sheriffs' profession serves people from a number of diverse sectors. Part of the campaign to transform the profession is no doubt aimed at countering the perception that some people have of sheriffs. For example, some might think that the sheriffs are assisting Goliath against David in the struggle of big corporations to recover money from debtors. In this light, there is a need to assure debtors and their communities that they will be treated with fairness and dignity by the sheriffs' profession.

In the arena of maintenance, the complainant is more often the David and the debtor the Goliath. More often than not, he may not have earned this position through deviousness and having learnt how to manipulate and find loop-holes in the maintenance system. In short, we have a culture of non-payment of maintenance in this country. Through the eyes of those mothers who battle for lengthy periods to get the fathers to pay their due for their children, the maintenance system and all its role players are failing them.

The Department of Justice and Constitutional Development agrees that significant resources are needed from their side to improve the implementation of the Maintenance Act. The profession too needs to look at how it can better serve the needs of maintenance complainants. There are

two main ways in which it impacts on what happens to maintenance complainants. Firstly, by serving subpoenas for maintenance enquiries. Secondly by serving process for civil enforcement of maintenance orders, including warrants of execution, emoluments, attachment orders and warrants for attachment of debt.

A major frustration experienced by maintenance complainants is the difficulty of getting the respondent to court for the maintenance enquiry. The Maintenance Act No 99 of 1998 introduced some new measures to help those who return to court time after time, only to find that the other party hasn't showed up. It gives maintenance courts the power to make a maintenance order in the absence of a respondent, if the court is satisfied that the respondent had knowledge of the subpoena but failed to appear at court on the specified date. The effective and timeous serving of subpoenas is therefore very important.

Subpoenas could be served more effectively by sheriffs by requesting identification from any person at the given address who denies that they are the respondent and/or denies knowledge of the whereabouts of the respondent. Subpoenas could be served more timeously if we re-examine the current arrangement between the sheriffs and the

courts. Where the respondent is to be served in a different magisterial district from that where the subpoena is issued, it is existing practice for the document to be sent from the issuing court to the court in the district in which it is to be served and from there to the sheriff. An alternative would be for the subpoena rather to be sent directly from the issuing court to the sheriff.

The current arrangement may well be more convenient for the sheriffs, as it probably simplifies accounting and the collection of payments. However, it has a negative impact on maintenance complainants because it significantly delays the service of subpoenas.

Maintenance clerks factor in additional time when allocating a date for a hearing when the respondent is to be served in another district. In addition, even more court days are lost when subpoenas are not served in time.

There are probably other ways sheriffs could improve the effectiveness and time involved in the service of subpoenas. Maintenance complainants, and the children on behalf of whom they are claiming maintenance, are reliant on your commitment to tackling these issues, as key role players in the maintenance system.

## Keeping the ball rolling

*The Legal Administration Division of the South African Board for Sheriffs is one of the most important components of the institution.*

*What exactly does it do?*



Xolile Ngesi's team is made up of Pumzo Tofile, paralegal; Nombulelo Silo, registration clerk; Elizabeth Miller, administrative assistant; and Cecilia McGlen, senior administrative clerk.

The Division is tasked with, among other things, the appointment of sheriffs and their deputies, and any preparation for disciplinary measures.

Not an easy job, it's carefully carried out under the watchful eye of division manager Xolile Ngesi.

The team ensures the correct procedures are followed in the appointment of sheriffs and their deputies, and that the correct disciplinary measures are adhered to in the process of punishing transgressing sheriffs.

The division also ensures that the right people are chosen for the job. Before a sheriff is appointed, they advise the South African Institute for Sheriffs when a vacancy exists.

They then conduct a credit-clearance check for the applicants and make sure they don't have a criminal record. They then make recommendations to the Chief Executive Officer of the Board who, in turn, forwards these recommendations to the Executive Committee.

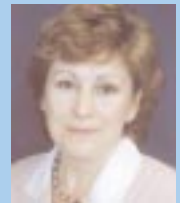
The staff informs the Department of Justice and Constitutional Development about decisions taken by the Executive Committee and sends the information package to the successful applicant. They're also responsible for ensuring that the successful applicant is registered as a sheriff.

When handling acting appointments, the division communicates with the magistrate in that particular area for a suitable candidate. They advise the magistrate about the transformation policy that he/she must consider when identifying a candidate for the position.

The office also handles requests for ad-hoc appointments, which are normally received from attorneys. As is the case with the appointment of sheriffs, the office sees to it that deputy sheriffs are appointed according to the procedures stipulated in the Sheriffs' Act. This includes credit clearance, communicating with the sheriff seeking appointment and authorising the appointment. They also oversee the procedures for removing a deputy sheriff from office.

The division's other duties relate to the legal obligations of trust accounts, annual levy returns, applications for Fidelity Fund Certificates, ensuring Professional Liability Insurance is in place and following up on outstanding legal matters. They also handle complaints against sheriffs.

## One tough cookie



*Hester Potgieter is a sheriff in KwaZulu-Natal - but man, who loves her job!*

What do you do when there are people denying a farmer access to his farm by putting big boulders in the way of his car? If you're Hester Potgieter, a sheriff working in the Dannhauser magisterial district of KwaZulu-Natal, you never give up!

Potgieter says that when, in response to the legal action the farmer took, she went to serve an eviction order to the group of people - former employees on the farm, who left for other jobs and then returned to stay - they were hostile and threatened her. But this didn't stop her.

Potgieter, who is a former sheriff's daughter and has herself been a sheriff for 10 years, says that she nonetheless works well with the predominantly Zulu-speaking farm and rural communities of Dannhauser and Glencoe near Dundee. But one of the challenges of working in those communities, she says, is that she can't attract any deputy sheriffs to work for her because she doesn't have a financially viable office. She trains them from scratch and then, once they get other lucrative offers, they leave.

Another challenge Potgieter faces constantly is not getting emotionally involved with the defendants when performing her duties. 'Don't let the quality of your work suffer to the detriment of the applicant,' she advises. Still, she says, there has been less hostility recently, due mainly to the better distribution of public information about what sheriffs actually do.

This devoted Christian mother of three, office administrator, accountant and typist, speaks Zulu fairly well - but, she says, the inability to communicate in all the different languages is an important challenge in the transforming profession.

Potgieter feels very positive about transformation. 'It empowers people who were previously disadvantaged and enhances professionalism,' she says.

## Want to get ahead? Catch the training train!

*This year, 90 learners will enrol for the UNISA (previously Technikon SA) training programme to improve the skills of sheriffs and the quality of service delivery*



The 30 first new entrants will enroll from 23 to 27 February, followed by another 30 from 15 to 19 March and the last batch from 19 to 23 April. This is the continuation of an introductory course, consisting of a one-week contact session followed by a three-month distance-learning programme, which began with 30 learners in October last year. The Board sends forms to sheriff offices to encourage sheriffs and their staff members to apply. When the forms are returned the Board selects people eligible for the course.

The South African Board for Sheriffs takes its commitment to training seriously - between February and April this year, 90 learners will be enrolled in the UNISA training programme initiated by the Board last year. This educational initiative is one of the Board's programmes geared at training sheriffs towards career-path enhancement and professionalism.

Due to the popularity of the course, an overwhelming response was received from sheriffs and staff members, enabling the Board to compile an extensive database for the upcoming courses.



## More than just lip service

*It's important that transformation in the sheriffs' context encompasses both the profession itself and the greater public says Kempton Park North sheriff Geoffrey Mogane.*

He began his sheriff's career as a deputy sheriff in the Kempton Park South office with Mr Malan. After ten years of loyal service his present post became available and he felt compelled to apply. The rest, as they say, is history.

"In the beginning it was very tough," recalls Geoffrey. "The transition from deputy to full-blown sheriff was a quantum leap. I'm not sure I would have made it without the help of many people particularly Mr Malan, my former boss. In fact he has served as mentor for several aspirant sheriffs in the region."

In the early days Geoffrey made use of Sheriff Malan's offices, administration and storage facilities. And, of course, unlimited experience! Also worthy of a very special thank-you is the Gauteng Sheriffs' Association; particularly Messrs Vlok, Ismail and Mrs De Kock.

"There needs to be a formal assistance programme for new

entrants to the profession," says Geoffrey. "Apart from the complexities of the legal aspects – and there are now several worthy initiatives from the SA Board for Sheriffs to help with that – the financial requirements are extremely onerous, particularly for candidates from historically disadvantage backgrounds."

"And that's not to say we're looking for handouts. A helping hand – under strict supervision of the Board - could likely prove to be the catalyst that speeds up the transformation process."

Geoffrey cites an open communication policy within the office as one of the cornerstones of his success. A stint as a merchandiser early in his working life showed him the importance of communication, motivation and incentives; qualities he tries to bring to the everyday management of his office.

"Use social gatherings to break down any communication barriers that may exist among your staff," advises Geoffrey. "It's amazing how much we all have in common when we take the time to relax and chat among ourselves. Two bits of advice though: keep politics out of the office and remember that a little humility goes a long way!"

Well done to Sheriff Geoffrey Mogane and his team for an office the entire profession can be proud of.

Geoffrey can talk from a position of knowledge; he was appointed in 1995 as the first black sheriff in Gauteng!

"There has been a slow but encouraging change to the face of the profession over the past few years but we also have a responsibility to ensuring that the communities we serve understand the role of the sheriff and how we add value," says Geoffrey. "Large sections of our communities still find the legal system difficult to understand and costly to try and work with. We can help to make it accessible and cost effective."

On the transformation side, Geoffrey lives what he preaches. A visit to his office shows a complete mix of white, black, male and female personnel.

## First prize for women (and trees!)

*The South African Board for Sheriffs ended last year on a high note when it donated its prize-winning Christmas tree to a shelter for abused women*

Violence against women and children is a real problem in South Africa, and the South African Board for Sheriffs knows this. That's why it donated its award-winning Christmas tree, decorated with red and white ribbons and inscribed with messages of hope for the festive season, to The Carpenter's Shop, a place of refuge in Cape Town where victims of abuse are empowered with life skills to earn a living by learning to make furniture and create various arts and crafts.

The Board's tree was one of many entered in the Corporate Christmas Tree Competition, a charitable initiative by the Central City Improvement District. Pick 'n Pay,

First National Bank and a score of other companies took part in the competition.

The project proved to be great fun, but also served to bring joy to the city's orphanages and shelters, the recipients of the decorated trees. The Board scooped first prize for its unselfish concept highlighting the plight of abused women and children at a time when others were enjoying the festive season.

The tree was decorated by the Board's Yvonne Olivier, Nombulelo Silo and Bongiwwe Masinda, and Imbongi Communications' Jacki Sands.

The Board used the opportunity to reiterate its stand and support for the AIDS Awareness Campaign and the 16 Days of Activism for No Violence Against Women and Children.



Barend van Niekerk (middle) and Ralph Talliard (far right) from The Carpenter's Shop accept the winning tree from the South African Board for Sheriffs all-women team.

## Finding out about the Fidelity Fund

*The South African Board for Sheriffs is sticking to its mandate of transparency by lifting the lid on how the Fidelity Fund functions*

The Fidelity Fund for sheriffs was established in terms of Section 26 of the Sheriff Act 90 of 1986 and is administered and controlled by the South African Board for Sheriffs.

### THE FUND CONSTITUTES:

- Interest occurred in the sheriff's trust account as stipulated in Section 22(4) of the Act. The contribution paid by the acting sheriffs to the Board in terms of Section 30(1)(i) and a contribution paid by Sheriffs when submitting an application for a Fidelity Fund Certificate.
- Interest derived from investments of monies of the Fund.
- Monies recovered by the Board, when the Board settles any claim or judgment against the Fund in accordance with Chapter III of the Act, section 39.

The Fidelity Fund among other things, compensates any person who has suffered loss or damage in certain circumstances as a result of dealings with the sheriffs. The objective of the Fund is to safeguard the interests of the execution creditor when the sheriff misappropriates money from his trust account.

So where does the Fund get its money? Every sheriff runs the account in which he/she keeps monies recovered from the debtor on behalf of the creditor. The account is audited at the end of each financial year and an audited report is sent to the Board, which administers the Fund. The interest accrued in the account each year and the bank charges incurred by sheriffs are also recorded. All the bank charges and a certain percentage of the audit fees are deducted

from the interest earned in this account and the rest is paid into the Fund.

Contribution for the renewal of Fidelity Fund Certificates, which sheriffs are required by the Act to have before performing their functions, is another source of income for the Fund. During October each year, sheriffs apply for the renewal of their Certificates and pay a contribution of R50.00 for themselves and an amount of R100.00 for each deputy sheriff in their employ as on 30 September of each year.

The proceeds of the Fund are invested by the Board in low-risk investment portfolios.

### HOW DOES IT WORK?

When the creditor makes a claim against the Fund, the Board takes all the necessary legal steps to recover the money owed by the sheriff. Sheriffs sometimes even lose their property and job if found to be at fault.

Before claiming, the creditors or their attorneys should satisfy the Board that they took all the necessary steps to recover the money owed.

When the claim is made, the Board conducts its own investigation to recover the money. If it fails in its attempts, the Board pays out the claimant, and applies to the Minister of Justice and Constitutional Development to have the sheriff removed from office if he/she is found to have misused the money. By misusing funds, says Veliswa Baduza, the Board's CEO, sheriffs betray the trust put in them.

### INSURANCE

Professional Liability Insurance is a prerequisite for sheriffs who want certificates to perform their duties. The insurance safeguards sheriffs only in cases of loss or damage to property suffered by the debtor in the course of sheriffs executing their duties.



## Our loss, the Bench's gain

*Rosheni Allie is appointed High Court Judge*

Rosheni Allie, who previously represented the Board for the legal fraternity through the South African Law Society, was appointed as a High Court Judge at the Cape of Good Hope Provincial Division with effect from 1 January 2004.

The Board's CEO, Veliswa Baduza, said Allie would be sorely missed, as she had provided invaluable assistance around legal matters. 'She ably led the Legal Advisory Committee of the Board, guiding the organisation with utmost wisdom, especially when confronted with legal issues,' she said.

She paid tribute to Allie as a champion of transformation who passionately ensured that the Board's mandate of transforming the sheriffs' profession was executed successfully.

Allie thanked the Board for its cooperation and support during her term as member and wished them well with future management.

## Sheriffs take to the AIRWAVES!

An important element of the Board's communication campaign has been the flying of more than 500 radio spots across SABC's African Language Stations, Metro FM and Goodhope FM.

The thirty second commercials – all recorded in the relevant station's vernacular – have been aired from the middle of December and will continue through to 12th March. The March schedule appears below.

The mix of stations were selected on their ability to target the audience deemed to fit in with the communication objectives of the Board and cover the entire country. Also, the frequency of adverts is estimated to reach more than half of South Africa's population – an incredible 15 million adults!

Stay tuned to radio, the Sheriffs are burning up the airwaves!

*Be sure to watch out for the editorial set to appear in the April issue of Bona magazine and the advert in the March issue of De Rebus!*



Radio Spot Schedule March 2004

Date	Metro	Ukhozi	Goodhope	Umhlobo	Thobela	Lesedi	Motsweding
02/03/04	18:10	18:10		20:10	15:40 18:50	16:20 18:40	15:10 20:20
04/03/04	18:50	20:20		18:40	15:20 18:10	19:50	16:10 18:40
06/03/04	16:40	17:20	12:10 15:40	16:20	14:20 17:20	13:50 15:40	16:40
07/03/04	16:20	15:10	15:40	17:10	14:10 16:10	17:50	15:50
08/03/04	18:50	20:20	16:20 18:10	17:20 18:50	16:50 18:50	15:10 18:20	18:10 21:40
10/03/04	18:10	20:40	16:20 18:10 18:50	18:10 19:20	15:10 19:10 20:50	18:10 20:10	19:10 19:20
12/03/04	18:40	20:50	16:20 18:10	15:10 18:40	15:50 19:40	16:10 20:20	18:40 20:50

## Party, party, party!

*Fun was the order of the evening at the launch of the Board's new identity*

It was a new name and a new game when the South African Board for Sheriffs launched its new logo and unveiled its new website at a festive function last October at the District Six Museum in Cape Town. Staff of the Board and media experts Imbongi Communications welcomed the high-profile guests, among whom were tough-talking Deputy Minister of Justice and Constitutional Development Cheryl Gillwald and esteemed Judge Sandile Ngcobo.

After chairperson Zodwa Nduna had spelled out the Board's vision and mission (the public would be served with empathy and dignity, and transgressing sheriffs would be rapped over the knuckles!), and other dignitaries had had their say, guests were treated to a splendid rendition of African jazz on marimba, steel band and drum played by Cape Whalers Field Band. The wood-paneled interior of the hall with its clear acoustics was the ideal venue for this magical musical feast.

Then came a highly entertaining demonstration by Gazebo Promotions, which clearly tickled the funny bone of the audience. Guests were asked simple questions, like 'Who is the sheriff?' and 'What must you do when a sheriff calls?' Those who got the answers right were given T-shirts or comutane music cassettes featuring advertisements about the sheriffs.

A delicious finger supper and drinks rounded off a warm, wonderful evening.



*Mrs Christiane Duval, Mrs Zodwa Nduna & Mr Anthony Makwetu*



*Mr Clive Barrows & Mrs Zodwa Nduna*



*Mr Philip Phiri & Mr Prince Maluleke*



*Mr Punza Tofile, Mrs Veliswa Baduza & Mr Xolile Ngesi*

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