

Honourable Minister Jeff Radebe,

Judges invited and present here today, senior government officials, the leadership of our sheriffs profession, members of the Institute Mr Fanie Van Wyk and SANAPS Mr Makwetu, sheriffs, deputies and administrative and support staff of the Sheriffs offices, my colleagues from the Board and staff of the Board present here today, distinguished guests,

It is a privilege and honour for me to welcome you to this important event of the Board, especially here in Durban. Durban, because it is the first time that we are holding the Annual General Meeting of the Board in Durban. We will also be hosting our Training workshop here over the next two days and thereby giving credence to our commitment to a well trained, efficient and responsive sheriff profession. Most of all because it will be the first time that we will be holding our Annual General Meeting outside Cape Town where our offices are situated.

Minister, the year under which we are reporting was very momentous for the Board and has seen a number of remarkable events, some of which, no doubt, were happening for the first time and were challenging. Whilst I would have preferred to concentrate on the positive, however it is important that I must refer to some of the challenges that we have had to face as a Board in order to give you a full and clearer picture of the state of affairs of the Board and equally to inform our profession of some of these challenges.

I must acknowledge that the support we received from both you minister, and the Deputy Minister has kept us afloat, determined and focused and without which, some of us, I believe, could have thrown in the towel.

Before I give you the state of affairs, from the perspective of the Board, as the regulatory authority of the profession, it is important that I give you a broader picture of the shape and size of the Board and sequentially outline a flow of events as they unfolded during this financial year under review

At the beginning of the year we had to part ways with our Executive Manager (E.M.) Mr America. I must hasten to point out that this ought to have been under amicable conditions, since his contract had come to an end, and we deemed it necessary not to renew it, but instead, to appoint a new manager who would take the Board to new and higher levels. We did this conscious of our responsibility, to always give the profession and the Board the best that the market can offer. Whilst we appreciated that our previous EM had done his best for the Board and the profession from where they were then, we, however, believed that the situation had changed, and we were faced with new challenges that needed new approaches and a different mind-set. In every organisation from time to time, a period like this one dawns and when this happens it is always in the best interests of the organisation and the people to be affected by such decisions to seize the moment. It was regrettable that we finally had to settle this matter through intermediary agencies.

Three months after the termination of the contract with the EM we were faced with an unfortunate situation where our chairperson, Judge Nathan Erasmus tendered his resignation from the Board. Whilst, at the time, we were not privy to the reasons for

his resignation, I need to hasten, and to acknowledge, his contribution and advises to the Board. I was appointed to be the Acting Chairperson which position I currently hold. I continued to climb on the shoulders of the giants that passed before me, conscious of the fact that my appointment is temporal, and its end is well nigh. I can only plead that I too be given a space to make my contribution no matter how small, so that those coming behind can witness the legacy that all of us have contributed toward.

I think that it is also important to indicate that, very recently, we have had to part ways with our senior legal manager Ms Tandiswa Jacobs whose contract had ended, and the board made a decision not to renew the contract. Whilst the matter is still sub-judice, I can only reveal that it was as a result of complaints received that, matters of the public were not receiving the attention they deserved and on many occasions they took far too long to be attended to and resolved. We hold a strong view that our people out there deserve much better than they get and cannot be frustrated by a noncompliant sheriff and an unresponsive Board thereby becoming victims of double jeopardy.

Very recently, as we were preparing to host this event, we were confronted with various and serious allegations of maladministration and fraud within the ranks of the Board, by a Board member, which matter had never been tabled before the Board prior. We had to defend the integrity and position of the Board in order to ensure the success of this conference, which was threatened right up to the eleventh hour of its commencement date.

Whilst I do not want to be seen and misconstrued as condoning maladministration, fraud or any irregularity of whatever nature, these allegations remain wild, vague and currently untested. We are looking forward as the Board, to be given an opportunity to get to the bottom of all these allegations, to test them both within the policy frameworks of our Board and in the courts of law. I wish, not to challenge those allegedly with more credible information, but to invite them to come forward in order that we, together, address the root of corruption, maladministration, fraud within our ranks as a Board, and also necessarily within our profession as sheriffs.

I can assure you that, in my capacity as the current Acting Chairperson of the Board, I will do anything possible to defend the Board against any unjustified threat from any quarter, I will not tolerate any act/omission of misconduct by anybody within the Board, instead I will be asking the department to assist the Board to investigate all allegations of the recent past, no matter how small they may be, in order to lay this matter to rest, knowing that no stone has been left unturned.

Minister, kindly allow me to turn to what you have appointed us to do in the first place and move away from internal focus and address matters which relate to our mandate and responsibility to the people of South Africa.

For the first time after a long period of time, we crafted and adopted a strategic plan that informs the structure, operations and performances of the Board. This has seen

an increase in the staff compliment of the Board and we are now able to measure the overall performance of the organisation.

We continue to improve the communication strategy of the Board and raise awareness of what a sheriff is, and what the role of the Board is to the sheriffs and to the public. This public awareness has seen an increase in the number of complaints lodged against sheriffs, which is welcomed, and at the same time has helped us to identify shortcomings in the skills and capacity of sheriffs.

As a result, we continue to strengthen the capacity of our training division and in this regard we have initiated a number of intervention strategies, to ensure that we train and upskill our sheriffs to better serve our people and the public, with more efficiency and accountability. For the first time, we have introduced a training programme on Auctioneering training which was conducted by Tirhana Auctioneers Institute and this has included the requirements as stipulated by the CPA and have entered into an MOU with the Justice College. We have also trained a number of sheriffs as facilitators which has resulted in the establishment of a data base of well experienced and qualified sheriffs, and trainers to be ready to respond to any area identified as needing intervention.

As said above, the number of complaints lodged with the Board has not matched the turnaround time within which these complaints should have been attended to, resolved and finally signed off. If we want to retain credibility with the public and our clients, it is of utmost importance that they be content that their complaints will be swiftly attended to and resolved. But more importantly, they must know that sheriffs are capable of handling their matters with the necessary skill, care and confidentially without exposing them to unnecessary grinding mills of rumours.

A disturbing factor that we have had to face in the recent past was the infiltration of syndicates in our fixed property portfolio which saw some of the sheriffs' offices being raided by the police. It is important to note that, this property portfolio is very crucial to the economy of our country and any dishonesty in handling it, distorts our property market and the economic barometer which has a bearing in our national Gross Domestic Product. I am happy to announce that we have been able to nip this in the bud and have adopted a vigilant stance to make sure that this does not re-occur. This has led to the Board recommending the removal of the sheriffs involved.

This bad experience has however had its spinoffs in that it led to an establishment of an open line between us, as a Board and the banking sector. Necessarily so, we also roped in the professional organisation of sheriffs, and this has led to on-going discussions with the banks which led to an establishment of a Joint Task Team. We are even more pleased that all the major banks are now part of this initiative.

Of even more significance to us is the fact that we are all addressing Conditions relating to the sale of fixed properties. I am optimistic that the final outcome of these discussions will lead to the banks recognising sheriffs as the proper vehicle through which these properties can be disposed of an adequate incentives and rewards being extended to the sheriffs for their work. I am also optimistic that this will lead to other relevant work from the banks being extended to the sheriffs.

Minister, in our attempt to be more representative and transparent, we have established a Consultative Forum representative of the two sheriff's organisations, SANAPS and the INSTITUTE, the DEPARTMENT and the Board. I personally believe that there is still room for other interest groups to be represented in the Forum. At our last meeting I proposed that we should consider including the representation from deputies, they are the face and foot soldiers of the profession. We have shared with the Forum, the Strategy of the Board, and other important matters of policy and operations of the Board. Whilst I believe that the Consultative Forum is not intended to replace the Board, we must see it more as a strategic partner that will not only be a sounding board but will add value to the development of the profession.

I will be failing in my duty if I don't acknowledge the assistance and support from the Dept through its representative in the Board. This support has led to a number of joint initiatives such as:

1. the re-demarcation of magisterial district and the transformation of the courts and the implications on the sheriffs
2. the Civil Justice reform project
3. the joint submissions in the review of the Rules of courts in terms of which we operate as sheriffs
4. other matters of legislation and the amendment thereof.

It is important to mention that we continue to strengthen our inspectorate arm in order to ensure that those sheriffs who do not comply with the Act and the Code of Conduct are brought to book and made to account for their failures. I must appeal to you all as sheriffs to co-operate with the inspectors when they come to your offices for inspection. It is these failures that invite the onslaught on the profession and damage our image. It is amongst others, these failures that contributes to the demise of our profession and calls for the total review of our profession... We need to continuously be open to new ideas and ways of doing things in order to improve our mandate as sheriffs and to be in line with other transformation imperatives since we are the face of the civil justice administration in our country. This also calls for a review of our Service Charter and the introduction of a Service Level Agreement between the Department, the Board and the sheriff's.

It is alarming to note as indicated in our Annual Report that, the nature and cause of the complaints we receive as a Board, most of which, relate to the delays and failure to execute Warrants timeously, failure to tender a Return of Service in a prescribed manner, overreaching and misuse of Trust Funds.

As said above, because of the challenges outlined, our financials contain the following disclosures:

- i. The resignation of the former Chairperson, Nathan Erasmus
- ii. The court action by Mr. Mahier Tayob

iii. The uncertainty whether the PFMA should apply to the Board.

However I would like to share some of the highlights in our financials without going into detail, as they are included in our annual report.

Increase from 2,5 to 5.6
Income 5.5 to 8.3
Exp 5.9 to 8.2
Investment revenue 3.2 to 5
FF is at 98M

After this AGM the Board is going to, satisfactorily, deal with each and every one of the above mentioned disclosures and furnish a report to the Minister.

Minister, the Board stands ready for new Sheriff Appointees. We have developed Induction Programmes and have identified and trained mentors to accommodate these new appointees. I hope that this will contribute in the transformation objectives of the Department which we, as the Board, fully support and share.

I want to assure you that I lead a well motivated team of Board members who have gone beyond their call of duty in ensuring that our Board functions with a singular mind of purpose. We are stable as a Board. We are robust and we have refused to fail to take action where necessary. Our decisions might have displeased some people but we believe that we are facing the end of our term of office satisfied that, all we did was in the best interest of our organisation and our profession.

Once again, I wish to extend my gratitude to our staff in the Board, Board members for their sacrifices, the Department for its support, SASSETA for its financial contributions and all of you who took time to share this moment with us.