



SHERIFF'S INTRODUCTORY COURSE

ADDRESS BY A BOARD MEMBER

5 November 2012

Mr Master of Ceremonies

Good morning to you all, to a new dawn, to the beginning of a new career ... How exciting!

Let me first start by thanking the Deputy Minister for having set aside this morning in his very busy schedule to be with us when we launch our training programme and Introductory Course to Sheriffing. I believe this is an indication of how serious the Deputy Minister and the Department take our role and function as sheriffs. Deputy Minister, I should also thank you for always being there for us – every time we knock at your door, no matter how big or small the challenge. Thank you.

We have also invited other dignitaries from within the Justice cluster. I see Ms Emily Dlamini, the Regional Head for Justice in Gauteng - welcome!

I also see the Chairperson of the PAC (Provincial Advisory Committee) of Gauteng, Chief Magistrate Nair – welcome Sir! If Jb Sikhosane and Ms Stella Maphosa are around, welcome!

Blendynn Williams, welcome to you too. My co-board members: Mr. Abel Mawela and Thaka Seboka and the facilitators, Hendrick Tau, Ashraf Dawood and Christel Fouche.

If I have left out some names, and I think I might indeed have, please feel very welcome!

A special and very warm welcome to all the newly appointed sheriffs, especially those who are entering the sheriffing profession for the first time. I wish to pose this question to you: Are you ready for what lies ahead? We are very happy to have you join the Civil Justice Administration System of our country, which, by the way, is a part of the law enforcement agencies. As you may know, the launch of this induction and training is being kick-started today throughout the country in various provinces with an estimated 120 sheriffs participating!

Having assembled here, we come from various walks of life, with varying degrees of experience, skills and knowledge. Some may have vast or little knowledge of what the profession is all about, hence the design of this course which is underpinned by the following three motivating factors:

*To familiarise you with the operations and day-to-day business of the sheriff's office.

*To set a uniform standard of practice and performance to assist in the minimisation of complaints.

* To empower you through training and mentoring, thus ensuring that you meet the minimum standard of requirements as stipulated by the Board.

Prior to the appointment of this latest round of sheriffs, the sheriff's profession was made up of 71,3% of our white counterparts. The gender element was 83,76% male and 16,23% female. Some people might say that the profession is excessively obsessed with numbers but the reality is that with these appointments the profession had no option but to ensure that they had the effect of reducing the imbalances in the professional demographics, resulting in a more fair and representative profession. In dealing with this question, I always emphasise that our white compatriots must understand where we are coming from. Some cynics always want to portray the picture that there is no room for our white colleagues in this profession or the new SA going forward. However when one looks at the way in which the latest appointments have been handled one will notice that a fair number of other races have been appointed. However, the fact that the imbalances in the profession persists even after these appointments, is greatly lamentable.

Deputy Minister, when those who had been tasked with the responsibility of coming up with the criteria for the appointment of new sheriffs, carried out their duty, they were not oblivious of the fact that some of those who would be appointed, would have to be guided and assisted in many ways in order for them to settle well into the profession. For this reason you were requested to allow us a three months phase-in, phase-out period to enable the new sheriffs to come in and be assisted to understand the nooks and corners of the sheriff's business while the outgoing sheriffs are afforded ample time to wind up their affairs. I once again call upon the new sheriffs to take great advantage of this opportunity and maximise their understanding of this profession, and to work closely with the outgoing sheriffs. Similarly, I call upon the retiring (outgoing) sheriffs to assist the new sheriffs with no restraint. This is in the best interest of the profession and service delivery to our clients.

On behalf of the profession and myself I would like to direct my heartfelt gratitude to all the outgoing sheriffs for their sterling work during their term of office, especially those who are engaged in assisting the incoming sheriffs, whether as monometers or simply by offering their assistance in anyway whatsoever. Your role, cooperation and assistance are highly appreciated and acknowledged.

There are a number of key areas that I regard as crucial in assisting our new sheriffs to obtain a broader understanding and overview of the profession and I want to draw your attention to some of them.

Let me start by discussing the Constitution of South Africa.

The Constitution is the bedrock of our interaction with one another in our daily lives. Every institution, every person, every state organ in South Africa is subject to the Constitution. Section 2 of the Constitution of the Republic of South Africa Act, 1996 (Act 108 of 1996) provides as follows:

'This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled.'

This means, among others, that sheriffs must comply with the Bill of Rights in the execution of their duties and that their employment practices must comply with the Constitution and any other applicable law.

Suffice to say that, in order to provide context to the spirit and letter of the Constitution, it is pivotal that institutions such as the sheriff's profession be transformed to effect and serve the

course and desired pace for change. It is not difficult to understand why it seems as if the sheriff's profession as an institution was in the past moulded to attain the opposite of what the present democratic order intends to achieve. Consequently, it is critical that the entire culture, composition and management style of this profession be changed to reflect the constitutional ideals and serve South Africans accordingly. If you ask me, what are we doing to ensure that our offices are responsive to the service delivery imperatives? We as a Board will soon be introducing a service level agreement, we will be relaunching our service charter in 2013 while the code of conduct is currently under review and will shortly be finalised. Again, all these efforts are meant to ensure that our sheriff offices are responsive to the public's needs and we can become more service-oriented!

May I take this opportunity to introduce to you the various organisations in this profession that you should become familiar with.

The Board

The South African Board for Sheriffs is a statutory body created in terms of an Act of Parliament to regulate the sheriff's profession. Its members are appointed by the Minister for Justice and Constitutional Development in terms of section 7 of the Sheriff's Act, Act 90 of 1986. Its objectives include the maintenance of the esteem of, the enhancement of the status of, and the improvement of the standard of training and functions performed by sheriffs. It also plays an indirect role in the appointment of sheriffs through its control over the issuing of fidelity fund certificates, without which a person is not entitled to function as a sheriff.

The core business of the South African Board for Sheriffs is:

Transformation of the sheriff's profession

- To review all relevant legislation, among others the Sheriff's Act, Act 90 of 1986, and if necessary lobby for reform in a manner that protects the interests of the sheriffs and the public
- To discipline sheriffs
- To monitor the conduct of sheriffs
- To promote professionalism
- To set standards for the training of persons who are participating or intend to participate in the sheriff's profession
- To set up the necessary training programmes
- To manage the fidelity fund and consider any claims that might be lodged against the fidelity fund

The Office of the Board with its 23 employees is situated in Cape Town. The duties of the Office are divided into four areas of importance, being:

- Executive Manager's Office: Hoosian Kagee
- Legal and Compliance: Lindiwe Mthunzi
- Finance, HR and IT: Bongsi Luthuli
- Training and Communication: Vincent Nel
- The Inspectorate Division: Mbuso Maseko

You are most welcome to call our Office if you need any assistance. As a matter of fact, we have established a helpdesk with a tollfree number to assist and guide you, should you call and seek our guidance on any matter.

The Board has established the following subcommittees for advice on its regulatory function:

- Fidelity Fund, chaired by Mrs Petro Roodt
- Legal and Compliance, chaired by Mr Thami Tenbe (Standing Disciplinary)

- Liaison and Appointments, chaired by Mr Seboka (who is our master of ceremonies today and who chairs the Consultative Forum)
- Finance, HR and IT, chaired by Mr Abel Mawela
- Training and Communication, chaired by Mrs Laura Best

I wish to share with you some of the functions of two or three of these committees to give you an idea of the Board's operations.

THE FIDELITY FUND

The Fidelity Fund was established in terms of Section 26 of the Sheriff's Act. Its primary function is to be used as a source of revenue to compensate those who have suffered any prejudice as a result of misconduct or omissions by a sheriff.

The Fidelity Fund Committee is tasked with ensuring that the fund is:

- Administered efficiently and effectively
- Always in a sound financial state in order to meet its obligations
- Responsive and accountable

It considers all claims that are lodged against the fund.

STANDING DISCIPLINARY COMMITTEE

The Legal and Compliance Committee also doubles as our Standing Disciplinary Committee, which was formed in terms of Section 18 of the Sheriff's Act to deal with sheriffs' misconduct. You must make sure that you do not have to appear in front of this committee. It has the power to impose fines of up to R25 000 and may refer a matter to a formal disciplinary committee. Let me explain: Sanctions such as the removal of sheriffs are known to have been imposed and criminal charges have been instituted by this committee.

The two most common transgressions are:

- 1) Delay in service
- 2) Misuse of trust accounts

I plead with you to treat the trust account as sacrosanct and never, I mean never, be tempted to use it for personal benefit. I must warn you that some of our colleagues who were caught with their hands in the jar, lost their positions which have affected their livelihood. The Board has adopted a vigilant approach on the overseeing of trust account accountability and will recover all monies at all costs.

I wish to emphasise that the decisions of the Board are binding on all sheriffs and must always be complied with without any delay. Failure to do so may lead to a sheriff being disciplined by the Board.

CONSULTATIVE FORUM

Another important development has been the establishment of a Consultative Forum comprising members of the Board, the Department of Justice and voluntary sheriff's organisations. Through this structure we interact with various stakeholders on all matters pertaining to the profession.

The two voluntary organisations, South African Sheriff's Society (SASS) and South African National Association for Progressive Sheriffs (SANAPS), are represented in this structure. This is our soundboard. Most recently we have been dealing with a number of important issues such as how best can we ensure stability and viability in the sheriff's office, the demarcation of boundaries and the alignment of the magisterial and municipal boundaries to name but a few!

Department of Justice and Constitutional Development

By now, you should know that the Minister for Justice and Constitutional Development appoints all sheriffs and acting sheriffs as well as Board members and the Chairperson of the South African Board for Sheriffs. The department has the ultimate oversight role.

We encourage a very open relationship with the Department and the Ministry and will support every effort to ensure that an effective, professional and transformed service is delivered to all our stakeholders, especially the public that we serve.

I further encourage you to work very closely with the magistrates in your respective areas. I hope you have already introduced yourself!

Introduction to the voluntary associations representing sheriffs

There are two voluntary sheriff's associations, namely SASS and SANAPS. You are encouraged to join an association that would provide you with the best support. I tend to liken them to your union or lobby group!

Justice College

The Justice College is a division of the Department of Justice and Constitutional Development. It is an accredited training service provider and has therefore partnered with us to deliver the Sheriff's Introductory Course. As a Board, we wish to extend gratitude for this partnership. I am not sure if representatives from the Justice College are here today?

SASSETA

The South African Safety and Security Sector and Training Authority, SASSETA, has been very instrumental in the development of skills within the sheriffing sector by funding various training initiatives undertaken by the Board over the past five years.

We are thankful to the SASSETA and its Board for supporting us and enabling us to realise our training vision.

SIC resource material

Although not all of you will attend the entire Sheriffs Introductory Course, we thought it prudent to provide each person with the course material. We hope that you will use the Learner Guide as a source of information and that you would share the information with your staff.

Sheriff's Guide

We have distributed a "Guide on how to start a Sheriff's Office" in a soft CD version over these past few weeks and trust that the information published has assisted you to date. This book is a step-by-step guide on setting up and starting a sheriff's office. If you require additional copies, please speak to our officials and they will gladly assist you.

Various acts

You will find a bound copy of various acts in the bag provided. The acts include the Sheriff's Act and Regulations, Magistrate's Court Act and the Supreme Court Act. Do note that the duties of the sheriff go beyond these acts. You should familiarise yourself with all other acts pertaining to the functions of the sheriff.

List of mentors

A list of our mentors has been posted to you to ensure that you have the necessary support during the initial stages of your appointment. Do remember that our mentors are not paid for their time and effort and they should be recognised and applauded for their commitment to the sheriffing sector. Please establish solid open relationships with mentors. They are trained to assist you. Nothing is too minor not to enquire. I have met most of these mentors and they are willing to assist and mentor. You will be required to spend time in their offices and they will spend time in your offices. Most importantly, keep them abreast of the developments while you're establishing your office. They will be required to evaluate your state of readiness to start on 1 December and will have to submit a report on this issue. We do not want surprises on the first of December!

Legal obligations

You will have noticed that you have to complete many forms in order to apply for a Fidelity Fund Certificate each year. Please note that you must attend to these legal obligations within the timeframes specified to avoid being fined. The Board will not issue you with your certificate unless you have fully complied. Our staff at the Office of the Board will be most willing to assist you if you require assistance with the completion of the forms.

Website

We are very proud of the fact that we could launch a new website in time for the new appointments and would like to encourage you to use the website to your benefit.

All the legal obligation forms are posted on the site, ready to be downloaded or printed along with an array of other resource material including the Sheriff's Guide or Annual Report.

The JUTA Law library and JUTA Stat are available to you as an added benefit so that you may view the Jones and Buckle law reports.

Also, please note that we have an auctioneering function available to you to ensure that you increase the amount of bidders you may attract to your sales in execution.

In conclusion, I wish to extend the Board's congratulations to you all and trust that you will embrace all the challenges that you may experience, knowing that we are there to support you. Please take your appointment as an opportunity that gives you a space to serve the people of South Africa and to earn a living at the same time. Use it responsibly and conduct your affairs with dignity. The Board is here to support you and your office. Use its officials as a source of help if you are in doubt.

I hope the rest of the training period will be of great benefit to you all.

Thank you, and once again thank you to the Deputy Minister for being here with us. Good luck on your new adventure. It is interesting and every day brings with it a new challenge. Just when you think you know it all, a new curve ball is thrown your way!

THANK YOU