



Speech by Chairperson of the South African Board for Sheriffs, Mrs Charmaine Mabuza on the occasion of the Stakeholder Gala Dinner 17 October 2017 Emperors Palace

Deputy Minister of Justice and Constitutional Development,
Mr John Jefferey's

Esteemed members of the judiciary – Judge President D Mlambo.....

CEO and Commissioner of the Human Rights Commission -

Mr Bongani Majola

Director -General Department of Justice – Mr Vusi Madonsela and Deputy Director-General – Court Services,

Adv JB Skosana

From the Rules Board, Mr R Daya,

CEO LSSA, Mr Tony Pillay

The Chairperson of SASS – Mr Prince Maluleka

The Chairperson of SANAPS –

Banking forum members, Mr Roger Glover, Jacque Tarica

From the office of the Ministry of Justice and Const. Development, Mr Blendynn Williams

Mr Julian Marsh, Director from the Justice College

Our invited guest, Mr Justice Malala

Fellow Board Members, the Executive Manager led by Ms Sharon Snell and the Management of the South African Board for Sheriffs,

Sheriffs,

Stakeholders,

Members of the Media,

Programme Director,

Ladies and Gentlemen,

Good evening to you all,

To begin with, I wish to extend, on behalf of the South African Board for Sheriffs, our warmest greetings to all our guests here this evening. **Let me take this opportunity to introduce our Board members that are present here this evening – Deputy Chairperson, Adv Mohammed; Ms Petro Roodt, Ms Victoria Soga, Mr L Mashapa, Prof. L Fernandez, Mr Magida, our programme director, Ms M Lephadi, Mr Igna Klynsmith and Ms K Sigenu.**

The theme that we have chosen for this year is “**Doing the right thing and doing things right.**” The first part ‘*doing the right thing*’ serves to remind us that we must rise to the high

moral and ethical standards of conduct which we envisaged when you were appointed as the Office of the Court.

The second part '*doing things right*', speaks to our competency as sheriffs. One of our core values is professionalism, and for us this means that the sheriffs are viewed as skilled and knowledgeable professionals, who are reliable and keep to their promises.

At the beginning of our term in 2015, after consulting extensively with our stakeholders, the Board adopted a **3 Year Strategic Plan**. This we did to ensure that our strategy was relevant, responsive and addressed the key challenges that we faced as a Board at the time.

Our strategy is underpinned by the pressing need to enhance the image and improve the sustainability of the sheriffs' profession.

Valued stakeholders, as we approach the last 3 months of the term of the Board, I am pleased to report that the Board has met most of its performance objectives for the 3-year period. I will reflect on some of our performance highlights and the challenges that we experienced as the Board.

Our first programme focussed on the burning issue at the time which was the need to enforce compliance with the Sheriffs Act and the Code of Conduct.

The board wanted to arrest the *laz-zer faire* attitude some sheriffs approached compliance, service delivery, and most importantly the sanc-tity of their trust account.

A **zero-tolerance approach** was taken to discipline which saw the Board:

- Improve turnaround times for the investigation of complaints. I am happy to report that all DC backlogs were eliminated. Through ongoing process improvements, we hope to make further improvements in our turnaround times.
- The Board received **257** formal complaints against sheriffs of which our closure rate was 66.5%.
- Of the total of **772** informal complaints, of which no affidavits were received, the divisional staff resolved **551** of them for the period – a closure rate of 71,3%
- The Board finalised **10** disciplinary hearings whereby 8 sheriffs and 1 deputy were found guilty of various charges and **117** complaint files were finalised in hearings. The Chairpersons used for DC's are independent and legally qualified persons.
- The Board lodged criminal cases of alleged theft of trust monies against 3 sheriffs in the reporting period **viz ex Sheriff L Gertze of Bredasdorp, Ms Seti – Previous Sheriff for Alberton HL and Mr R Simelane – Previous Sheriff for Sasolburg HL**
- The Board was successful in obtaining interdicts against 3 sheriffs from using the trust account by 'Freezing' these accounts.

Programme Director, another key challenge for the profession is financial sustainability. Some sheriff's offices earn less than R100k. Concerns arise about these sheriffs being tempted to dip into their trust account to pay rent and salaries when their payments are delayed.

Non-payment and delayed payment of sheriff's fees is a huge challenge even to the bigger offices. As a result, we implemented a programme that focussed on the **Financial Sustainability of the Sheriff's Profession**.

Let me take this opportunity to thank the Deputy Minister for the role that he personally played in finding a solution for the non-payment of sheriffs fees, shining the spotlight on attorneys delaying or not paying sheriffs fees - and a great number of sheriffs have benefited from this.

And also, with his assistance, we were able to see that the sheriffs received outstanding payments from the State Attorney's Office, Legal Aid and the Magistrates Courts and a total of **25** sheriffs were assisted to become **tax compliant**.

– Thank You Deputy Minister.

I am pleased to report that the increase in the tariffs for sheriffs has recently been finalised and gazetted and hopefully this will go a long way to improving sustainability. I would also like to at this point thank our representative at the Cost Committee Rules Board, Mr Thaka Seboka for working tirelessly to ensure that this adjustment happens.

On the 29th September the Rules Board also finalised the new commission structure for Sales & Execution which will bring further relief to the sheriffs. I would like to thank those who have contributed to the banking forum for getting consensus and finding a way forward on this matter. The next task for this important stakeholder would be to find consensus and standardise the fees for vehicle repossessions, whilst on the same token ensuring that all vehicle repossession is done through the sheriff of the court.

Ladies and Gentlemen,

Another important programme is to **Enhance the Sheriffs profession** and our goal is to build capacity and up-skill sheriffs.

We do this by Implementing Training and Development Initiatives for sheriffs and deputy sheriffs. New sheriffs must pass the **Sheriff's Introductory Course (SIC)** which is an accredited skills programme with SAQA. The Board funds and runs the programme to assist new entrants into the profession.

Needs based training is conducted annually and focuses on topics like evictions, trust account management etc.

8 Sheriffs offices were supported by other experienced sheriffs in our **mentoring** programme in the last year.

We have developed the Sheriffs Guide and we're continuously updating this to reflect the development in the profession. We will soon be concluding the maritime handbook for sheriffs who practise maritime law.

Programme Director,

We believe that if the Board wants to hold sheriffs accountable, we must also be accountable and lead by example. Our term has been blessed with **clean and unqualified audits** for both the Board and the Fidelity Fund. Through prudent management, the Fund has grown on a year on year basis. The Board put in place austerity measures to curb expenditure and this has resulted in a reduction of budgeted expenditure.

Recognising the important and critical role that sheriffs play in the justice system, I am pleased to see representation here this evening from stakeholders across the judicial spectrum. We commit to working together to ensure justice for all.

In conclusion, the Board is cognisant of the work that lies ahead to ensure that our profession remains sustainably capacitated with skilled and well-trained sheriffs who are of the highest ethical and moral calibre.

Remember, doing the right thing and doing things right should always be paramount in our minds at all times.

May I invite you to enjoy the programme that we have put together and remember to network with your fellow colleagues.

I thank you.

