

Siyazanazisa

June 2020
Quarterly Newsletter

1 WE WELCOME OUR NEW EXECUTIVE MANAGER – JODY VAN WYK

As Chairperson, on behalf of the full Board and our staff, I welcome Jody van Wyk to our sheriffs's profession. We have great confidence in her skills, experience and abilities and trust that she will embrace our environment with her energy and self-determination to achieve.

We wish to share her personal biography with you as she presented it to us...

On 01 April 2020 I was appointed as the Executive Manager for the SABFS.

I completed my BA LLB at the University of the Western Cape and was admitted as an attorney in 2000. I subsequently furthered my studies in 2001 by completing a Postgraduate Diploma in Company Law with the University of Stellenbosch. After a brief sabbatical in academia, I completed a Management Development Program at the Gordon Institute of Business Science, University of Pretoria in 2007. This program was the basis for me to commence my Executive Masters in Business Administration (EMBA) majoring in Systems Thinking at the Graduate School of Business, University of Cape Town in 2010, which degree I attained in 2013. In 2019 this course received global recognition, named the best in Africa and rated in the top 50 worldwide in the 2019 Quacquarelli Symonds (QS) Global EMBA Rankings.

I commenced my career with the State Attorney's office as an Assistant State Attorney. From there I moved to the South African Police Service (SAPS) as Head of Legal Services for the Eastern Metropole. After two years with the South African Police Service, I was approached by the Airports Company South Africa (ACSA) to head up their Security division, and so began my journey in Aviation. I managed the Aviation Security portfolio before moving to Aviation Safety and finally to the Compliance portfolio. I was privileged during my tenure with ACSA to work at the Sao Paulo International Airport for a period of two years, ensuring compliance to the Brazilian Civil Aviation Authority's regulatory frameworks while assisting the aerodrome with their terminal construction.

Subsequently after my return to South Africa and having spent a further two years in aviation, I moved to the City of Cape Town to manage compliance in the transport division. After spending just over three years in the municipal sector, I took up the challenge to work for the South African Board for Sheriffs as the Executive Manager for the Board.

Cumulatively, I have over 15 years of Senior Manager experience of



which 12 focused on governance, compliance & risk management both nationally and internationally.

In the short space of time that I have been employed with the SABFS, I have had an opportunity to engage with various Board committees and have worked closely with Charmaine Mabuza, the Chairperson of the SABFS.

I share the same vision as the Board in respect of providing state of the art facilities, equipment, technology, systems and processes, to incorporate the 4th industrial revolution, into our workplace and the profession. All sheriffs are therefore urged to remain aligned to this vision so that we may engage and achieve this goal together, without any fear of leaving individuals behind.

At the Office of the Board we should endeavor to strengthen staff relationships, foster professionalism, build trust and provide excellent customer service, particularly to our sheriffs.

I see the sheriffs' profession as vital to the functioning of the civil justice system and would advocate that further advances should be considered when embarking on the recruitment and selection, training and promoting sheriffs. We must be encouraged to foster partnerships with stakeholders such as courts and communities, to innovative ideas regarding the digital service of documents and to review and input into legislation for best results.

I am looking forward to meeting our sheriffs and deputies and to explore the future of the sheriffs' profession with you. I will take guidance from our esteemed Board members and will undertake to be supportive to all who engage the Executive Office of the SABFS.

SABFS ON SOCIAL MEDIA

The South African Board for Sheriffs can be found on Facebook and Twitter using these handles:

 The South African Board for Sheriffs
 Sheriffs (SABFS) @Sheriffs_SA

2 CHAIRPERSON'S NOTE

As a sheriff, I can relate to all of the anxieties you have had to endure during the COVID-19 lockdown period. We are concerned about our staff, our families and our business. Since this pandemic started we have had to endure stress, isolation and financial difficulties.

However, we experience this lockdown as individuals and therefore we are affected differently, despite being part of the collective sheriffs' profession. For this reason, the Board has persistently engaged our Ministry over these past few months, to approve our intervention to bring financial relief to sheriffs and deputies during the COVID-19 lockdown period.

We have always been aware of your concerns to provide financial support to your staff and that you were concerned about honouring overheads while not being able to operate but we could not provide you with the desired outcomes of our efforts, until now. Herewith please find an extract of communication received from the Office of the Deputy Minister.

"It gives me pleasure to inform you that after careful consideration of your above correspondence and agreement by the Minister, your request has been approved in terms of section 16 (h) of the Sheriffs Act, 1986 (Act 90 of 1989), as set out in your letter dated 14 May 2020.

In summary. The relief to the 102 sheriffs where the turnover for the 2018/19 gross income was less than one million rand, will receive R 10 000.00 each in the form of a rebate to the levies due by the sheriff. If the levy is less than the rebate then the sheriff will receive the difference in the form of cash and where



Mrs. Charmaine Mabuza, Chairperson of the SABFS

the levy is more than R10 000.00 then the sheriff will pay the difference.

The above relief to the said sheriffs will amount to R 1 020 000.00. The 740 deputy sheriffs will receive a once of amount of R 2 000.00 each, totalling R 1 480 000.00: Grand total Covid-Relief R 2 500 000.00.

You have further indicated that the above amount will be from the funds of the SABFS. It would be appreciated if you could in due course provide me with a report (spreadsheet) indicating the amount give to each of the sheriffs and the deputy sheriffs, together with their names and offices." (Signed by the Deputy Minister of Justice on 9/6/2020)

Further information with regards to the plan of distribution and financial relief will follow from our office soonest. We thank you for your support, understanding and for your patience during this time.

3 EXPECTATIONS OF THE BOARD WITH REGARDS TO INSPECTIONS

Sheriffs are custodians of trust funds and as such are expected to handle such funds with the utmost care and diligence. As a measure to ensure that these funds are protected at all times, the Board has undertaken inspections at sheriffs' offices on an intensive scale. These inspections does not only ensure that trust funds are protected but also serves as an identifying mechanism for lack of controls within a sheriff's office on the manner in which a trust account and trust monies are being managed and to ensure that these loopholes are addressed in any training that is provided by the Board.

Sheriffs are to note that Investigators, internal to the Board or external, are representatives of the Board and as such, sheriffs are requested to co-operate with the investigations whether it is a physical investigation of trust funds or on a complaint received by the Board and to ensure that the Inspectors are met with respect as Board representatives, which respect shall be mutual.

Should the sheriff feel that he/she was treated in a disrespectful manner by the Investigator, the sheriff has a right to lodge a formal complaint, specifying the manner in which such investigation was conducted.

4 CYBERCRIME - ALERT TO ALL SHERIFFS

CYBER CRIME

ISSUED : MARCH 2020, 19

The South African Board for Sheriffs would like to alert the sheriffs' profession about the increasing levels of e-mail frauds and the fact that cybercrime is not covered by the policy provided by the Professional Indemnity Insurance Fund.

INTRODUCTION

Cybercrime, also called computer crime, the use of a computer as an instrument to further illegal ends, such as committing fraud, trafficking in child pornography and intellectual property, stealing identities, or violating privacy. Cybercrime, especially through the Internet, has grown in importance as the computer has become central to commerce, entertainment, and government.

Although the attacks do not take place on a physical body, they do take place on the personal or corporate virtual body, which is the set of informational attributes that define people and institutions on the Internet. In other words, in the digital age our virtual identities are essential elements of everyday life: we are a bundle of numbers and identifiers in multiple computer databases owned by governments and corporations. Cybercrime highlights the centrality of networked computers in our lives, as well as the fragility of such seemingly solid facts as individual identity. cybercrime of one sort or another.

TYPES OF CYBERCRIME

Cybercrime ranges across a spectrum of activities. At one end are crimes that involve fundamental breaches of personal or corporate privacy, such as assaults on

the integrity of information held in digital depositories and the use of illegally obtained digital information to blackmail a firm or individual. Also at this end of the spectrum is the growing crime of identity theft. Midway along the spectrum lie transaction-based crimes such as fraud, trafficking in child pornography, digital piracy, money laundering, and counterfeiting. These are specific crimes with specific victims, but the criminal hides in the relative anonymity provided by the Internet. Another part of this type of crime involves individuals within corporations or government bureaucracies' deliberately altering data for either profit or political objectives. At the other end of the spectrum are those crimes that involve attempts to disrupt the actual workings of the Internet. These range from spam, hacking, and denial of service attacks against specific sites to acts of cyberterrorism—that is, the use of the Internet to cause public disturbances and even death. Cyberterrorism focuses upon the use of the Internet by nonstate actors to affect a nation's economic and technological infrastructure. Since the September 11 attacks of 2001, public awareness of the threat of cyberterrorism has grown dramatically.

To read the full circular, please click on the following link:

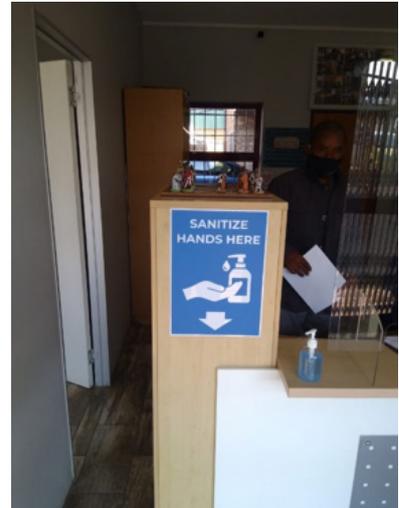
<https://www.sheriffs.org.za/wp-content/uploads/2020/06/Alert-on-Cyber-Crime.pdf>



5 MRS SE DHLAMINI - SHERIFF FOR CENTURION EAST PREPARES HER OFFICE

The SABFS applauds Mrs Dhlamini for the effort she has made to prepare her office for reopening. She has ensured that both her staff and the public will be safe from being infected by COVID-19 by putting in place various protective measures at her office.

We are also very encouraged by the fact that she has adopted the Workplace Policy template we shared with all sheriffs.



6 COVID-19 WORKPLACE POLICY



PURPOSE

This policy is prepared pursuant to the provisions of the COVID-19 Occupational Health and Safety Measures in Workplaces Regulations published under government notice 43257 on 29 April 2020 (“the Regulations”).

OBJECTIVE

The objective of this policy is to provide and maintain, as far as is reasonably practicable, a working environment that is safe and without risks to staff and clients, and to take such steps as may be reasonably practicable to eliminate or mitigate the hazards and potential hazards associated with COVID-19.

SCOPE

This policy shall be implemented for existing and emergent infectious diseases which can be transmitted by air, object or through casual contact.

HAZARD IDENTIFICATION AND RISK ASSESSMENT

The employer has undertaken a comprehensive assessment and identification of the hazards, and associated risks, inherent in the services rendered by the employer as well as those as posed by working in the workplace. The following hazards, as related to COVID-19 contamination and transmission, have been identified:

1. Point of access to the workplace;
2. Interactions with fellow staff members, clients and the general public;
3. Contamination of surfaces and office equipment;
4. Gatherings of people.

Each employee is obliged, on a continuous basis, to undertake a risk assessment as related to potential hazards for contracting and transmitting COVID-19, and immediately notify the manager of any such risk and hazard as may be identified.

ENTERING AND EXITING THE WORKPLACE

1. For so long as the regulations are in effect, the procedures as set out in this policy will apply to entering and exiting the workplace.
2. At the start of each workday and once during each day the receptionist shall screen each member of staff for observable symptoms associated with COVID-19. Upon arrival the receptionist, shall take

the temperature of each employee (as part of the screening measures adopted) and ensure that they properly utilise the hand sanitisers provided.

3. Upon entering the office, each staff member will also be requested to report whether they suffer from any of the following additional symptoms: body aches, loss of smell or loss of taste, nausea, vomiting, diarrhoea, fatigue, weakness or tiredness.
4. Any member of staff with a fever or symptoms will not be permitted to enter the workplace or report for work.
5. Any member of staff who presents a fever or symptoms while at work will immediately be isolated, provided with a suitable surgical mask and transported in a suitable manner to either be self-isolated to for a medical examination or appropriate COVID-19 testing (as may be determined by the employer in conjunction with the employer’s health and safety committee). The employer will further assess the risk of transmission and, immediately, disinfect the area and the relevant employees workstation.
6. If allowed into the workplace, each employee must immediately go to his or her workstation to commence work for the day. Thereafter, should any employee exit and re-enter the workplace, for a suitable reason, during the course of the day, he or she will, prior to exiting and immediately upon re-entering, make use of the hand sanitiser dispenser provided at the relevant exit. No employee may exit or re-enter the workplace without first properly sanitising their hands.

SOCIAL DISTANCING

1. It is by now well known that maintaining social distancing limits the spread of COVID-19. All employees will be expected to adhere to these well-establishing and published social distancing measures.
2. For the avoidance of doubt each employee must, as far as reasonably practicable, maintain 1.5 meters for other employees, clients, persons or members of the public.
3. In order to do so, the employer will limit the number of employees allowed at the workplace on any workday. In this regard, a rotational schedule will be prepared.



6 COVID-19 WORKPLACE POLICY



CLIENTS / PUBLIC

1. Clients who enter the workplace will be screened in the same manner as employees. Any client who displays symptoms will not be allowed to enter the workplace.
2. At all times during any consultation, or general interactions with the public, employees and clients / public are required to wear face masks (either cloth or plastic face screens).
3. Any client or member of the public who fails to wear the required face mask and adhere to the screening and sanitising procedures will immediately be ejected from the workplace.

PROVISION OF PPE, SANITIZERS, DISINFECTANTS ETC.

1. In addition to the provision of sanitizer's and disinfectants as referred to above (including cleaning material in the consultation rooms) the employer will provide each employee who returns to the workplace with a suitable cloth face mask (should any employee so require).
2. Each of the sheriff vehicles will have hand sanitizer in it. Any employee utilising the vehicle (whether as driver or passenger) will, immediately prior to climbing into the vehicle, use the provided hand sanitiser. Similarly, each occupant of the vehicle will use the hand sanitiser immediately prior to alighting from the vehicle. The same process shall be applied for each time that any person enters or exits any vehicle.
3. The employer will provide each employee who works away from the workplace, other than at home, with an adequate supply of hand sanitizer.
4. Small bottles of hand sanitizer will be provided to each employee who consults with clients or interactions with members of the public.
5. Cloth (or other suitable) masks must always be worn by each employee when in the workplace. The only time that any face mask may be removed is when an employee is sitting at his or her designated workstation and provided that such workstation is either suitably partitioned (as most are) or isolated.
6. No person, including clients, will be entitled to wear any gloves (barring any employee or supplier who wears same to protect their hands whilst cleaning and disinfecting the office).

DISINFECTING THE WORKPLACE

1. The employer has secured the services of a supplier who will disinfect the workplace each afternoon. Such cleaning and disinfecting will be finalized after the workday ends.
2. Additionally, a designated employee will continually, through the course of the workday, disinfect the workplace.
3. Each employee must, immediately upon accessing his or her relevant workstation, at the start of the day and during the course of the day, properly and suitably disinfect such workstation with the materials provided by the employer.
4. Any member of staff making use of shared office equipment (staplers, printers etc.) are to disinfect their hands and the relevant office equipment prior to using same and immediately thereafter.
5. The measures contained in this paragraph are in addition to the workplace disinfecting measures as referred to elsewhere in this policy.

AT RISK PERSONS AND ILLNESS

Any employee showing symptoms (which also includes body aches, loss of smell or loss of taste, nausea, vomiting, diarrhoea, fatigue, weakness or tiredness) should not report to work and must immediately notify the employee thereof. Such employee will be entitled to take paid sick leave in accordance with the provisions of section 22 of the Basic Conditions of Employment Act. Any such employee will only be entitled to return to work after the symptoms have cleared, upon presentation of a medical certificate clearing the employee of returning to work or after having conducted a COVID-19 test and same having confirmed that the employee is negative of the virus.

For the full policy, please click on the following link:

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<https://www.sheriffs.org.za/wp-content/uploads/2020/06/COVID-19-WORKPLACE-POLICY-template.pdf>



7 SHERIFFS INTRODUCTORY COURSE 100 - UPDATE

The SABFS and in particular, the Training and Development Committee – Chaired by Allan Murugan, wish to thank the 103 learners that took the opportunity and participated in this learning initiative. We know that it was only through great determination and commitment that you, as learners, were able to complete the large amount of work in such a short space of time. For this, we applaud you!

We are also very grateful to our facilitators and assessors for their dedication to the project and for their support to the Training Division. We are also aware that the impeccable high standards set for the SIC, cannot be achieved without the collective efforts of our training team, who contract with Justice College (training provider) as facilitators, assessors and moderators.

To date we have completed the following elements of the project;

1. Planning, funding, printing and distribution
2. Preparation workshop
3. Facilitation
4. Assessments
5. Moderation

We are waiting a date to be confirmed by the SASSETA for verification. Once completed, certification will be administered by the SASSETA. Please note that neither Justice College nor the SABFS has any influence over this last phase of the project.

8 LEGAL PRACTICE BOOKKEEPING COURSE FOR SHERIFFS

As previously reported (February Siyanazisa), the Training and Development Committee of the South African Board for Sheriffs has resolved to embark on a national COMPULSORY Legal Practice Bookkeeping Course for Sheriffs in 2020. This three-day classroom session with assessments, would have replaced the Needs Based Training sessions this year.

Now, due to the lockdown, we are unsure when we can resume with classroom sessions for the planned three-day Course. We will not initiate this endeavour until we can be assured of your safety, to attend classes.

As promised, we have established a reference group to assist and advise the Gawie le Roux Institute for Law (our training provider), to develop the content in line with the financial administration of the sheriffs' profession.

To date, the members of the reference group, which include members from SASS and SANAPS, have been able to workshop the material development component of the project via a virtual platform. We have made great progress and expect the first draft of the work by 14 July 2020.

9 FRAUD HOTLINE

SOUTH AFRICAN BOARD FOR SHERIFFS HAS OPENED LINES OF COMMUNICATION FOR YOU TO REPORT FRAUD WITHIN THE ORGANISATION.

The hotline can be used to report unethical behaviour, theft, fraud and other related activities of staff and boards member of the South African Board of Sheriffs by simply dialing this toll free number 0800 000 628 from a Telkom line.

The Board has established a fraud hotline to help maintain the culture of ethical behaviour. The hotline is aimed at enhancing an honest work ethic. We therefore want to provide internal and external stakeholders with a mechanism to bring any unethical business practices to the attention of management.

This is a safe and result guaranteed method of blowing the whistle on unethical behaviour in the organisation for the following reasons:



0800 000 628

- All calls are recorded
- The caller may remain anonymous
- Confidentiality is guaranteed
- The caller's details will not be revealed to anyone
- A reference number is provided for the complaint
- All matters are handed over to SABFS senior management for investigation
- Feedback is provided to the complainant on request

The SABFS is appealing to you to make use of the hotline. Do not be a silent observer of practices that erode the values we wish to uphold.

If you have any queries, complaints or compliments please contact us
SOUTH AFRICAN BOARD FOR SHERIFFS - 88 LOOP STREET, CAPE TOWN 8000
T: 021-426 0577, F: 021-426 2598, SABFS Fraud Hotline: 0800 000 628
E: contact@sheriffs.org.za, W: www.sheriffs.org.za

10 REGIONAL COORDINATING COMMITTEE [RCC]

THE RATIONALISATION OF MAGISTERIAL DISTRICTS

The Court Rationalisation Process is a policy and legislative process that involves the re-organisation, restructuring and re-alignment of courts with a view to establish a judicial system suited to the requirements of the Constitution. This process aims to redress the inequitable and racially biased locality of courts and demarcation of magisterial district boundaries under the pre-1994 political dispensation and is premised on the constitutional imperative of Access to Justice as expressed in Section 34 of the Constitution.

The Task Team consists of Messrs Vernon Weitz, Makena Moagi and Victor Knoop who have been appointed till end September 2020. The National Steering Committee, consisting of Advocates Skosana, Williams, Mesdames Mabuza and Singh, Mr Mthimunye has oversight of the project and reports to the Deputy Minister. Mr Weitz reports to his manager Mr Nel and Mr Murugan, the chair of the Training and Development Committee [T&DC] of the Board.

It is important that the maps and point-to-point descriptions (P2P) in respect of the sheriff's service areas for the rationalised provinces be based on the consultation outcomes with the affected sheriffs. Prior to the consultation process, sheriffs would be informed about the purpose of this exercise.

The ultimate goal is for the sheriffs' service area boundaries to align as far as possible to the rationalised Magisterial District boundaries with the view to enhance access to justice for the communities that are being served. Sheriffs are advised in line with the following points:

- Any sheriff who was appointed for a particular service area prior to the rationalisation process shall continue to be a sheriff of any part of or the portion excised and added into another sheriff's area;
- The Minister may, in the interest of justice, allocate to any sheriff an area as described as a result of the rationalisation process;
- A sheriff may voluntarily decide to relinquish the part or portion that has been excised from his/her service area, in terms of which the excised portion may be added to an adjacent sheriff or may be described as a separate service area for which a new sheriff may be appointed, and that;

- A sheriff may, however, decide to retain the area excised. If the excised area is a sub-district or a large populated area in another Magisterial District the appointed sheriff must establish a service point within the other Magisterial District or sub-district. In that scenario a separate point-to-point description of that portion needs to be defined for which the sheriff will be appointed in the adjacent Magisterial District to serve that portion which he/she opted to retain until such time as he/she vacates the office in terms of the Sheriffs Act 90 of 1986. The acceptance is subject to the understanding that the sheriff charges travel and other related fees from the court in the adjacent Magisterial District;
- A new Fidelity Fund Certificate for that area, together with the list of the affected areas, suburbs or farms will have to accompany the new Fidelity Fund Certificate. The sheriff will retain this area until he/she resigns, retires or dies, in which case the area so excised automatically falls due for occupation by the adjacent sheriff.

GAUTENG

This province is at the most advanced stage. The magisterial districts and applicable courts have been Gazetted. Consultations have been held with sheriffs to re-align their current boundaries, where applicable.

NORTH WEST

The rationalised magisterial districts and applicable courts have been Gazetted. Consultations have been held with sheriffs to re-align their current boundaries, where applicable. The report to be signed off by the Minister towards the end of July 2020.

LIMPOPO

Negotiations with sheriffs in respect of agreed alignment of service areas were postponed, partly due, among other, to the process of filling sheriff vacancies in 2019 and 2020. The attachment of vacant posts illustrates the detailed considerations required when decisions are made in this regard. In addition, interviewing provincial committees have to be briefed in detail about point-to-point descriptions and the provision of maps of sheriffs' service areas.

MPUMALANGA

Consultations with sheriffs postponed.

10 REGIONAL COORDINATING COMMITTEE [RCC]

NORTHERN CAPE

Consultations with sheriffs postponed.

FREE STATE

The Ministerial memorandum in respect of the Free State Province's magisterial rationalization process is prepared and will be submitted for the Minister's approval.

KZN AND WESTERN CAPE

A cabinet Memorandum on the recommendations in respect of the rationalisation of magisterial districts in the Western Cape and the Kwa-Zulu Natal Provinces was presented to the JCPS DGs Cluster on the 3rd December 2019. The submission in this regard was supported by the JCPs DGs Cluster for submission to Cabinet.

EASTERN CAPE

The final report in respect of the Eastern Cape is awaited and the outcomes of the process will be presented at the next DEVCOM sitting.

In conclusion we would like to share the following information with you;

- The complexity of re-configuring the geo-political landscape of the rationalisation process is a real challenge for stakeholders. This process to draft for example, the Eastern Cape P2P descriptions, are even more problematic than KZN due to limited cadastral data of the former Ciskei and Transkei. Areas that were affected by previous Homeland boundaries in particular, further complicate the demarcation process. As mentioned, only five provinces have been Gazetted in respect of the demarcation process.

A lot of time and effort is going into the magisterial rationalisation process which needs finalisation prior to describing the sheriff's service areas, and by implication, the appointment of the sheriffs. A big challenge is the compilation of the Point-to-Point [P2P] descriptions of the rationalised magisterial districts, which is a tedious, time consuming and technical process.

- The information gathered from the RCC process adds value to the development and accuracy of the database of the Board. The demarcation or rationalisation of magisterial districts has created confusion in the public domain about the exact boundaries of judicial areas of sheriffs. The office of the SABFS has been inundated with calls, mainly from attorneys, to give guidance on this matter. The website of the SABFS to locate the sheriff will be updated, informative and accurately displayed to the public. The current changes happening at RCC level [demarcation process] will incrementally be phased into the current database. Administratively, this project is time consuming and demands focussed attention.
- A policy on the demarcation process is being developed.
- Negotiations with sheriffs in respect of delineating sheriffs' service areas have been very successful.

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PO Box 15223, Vlaeberg, 8018

T: 021-426 0577
F: 021-426 2598

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www.sheriffs.org.za

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-  Sheriffs (SABFS) @Sheriffs_SA

