

SIMANGA MAMBA [TSC CHAIRPERSON] SHOULD SIMPLY RESIGN

The break of dawn on Tuesday, 27 October 2020 equalled hell as we woke to the heart-ripping news that Simanga Mamba, the Chairperson of the Teaching Service Commission [TSC], has been caught up in a fraud and corruption scandal in that he allegedly abused his powers and colluded with money-lenders to implement dubious garnishee orders by deducting owed monies from teachers without following the due process of the law.

Upon reading the entire article from Swaziland News, which we as the SNAT consider dependable and not fake news, I had a litany of thoughts pricking through my mind on what Simanga Mamba thinks of educators when he swings in his colossal chair at the air-conditioned Teaching Service Commission [TSC] Offices in Mbabane.

To get flooded with concrete confirmation from hordes of our members that indeed Mamba provides legal representation to various money-lending companies in his capacity as a Lawyer at SP Mamba Attorneys in Manzini and later facilitates the implementation of the garnishee orders for personal benefit in his capacity as the Chairman of the TSC, pierced my heart. As our members called and texted that such is a reality, not just seldom, I bet with my last coin that this was the last straw that broke the camel's back with regard to Simanga Mamba's reign of terror at the TSC. With all sincerity, we can't have such extensive corrupt tendencies embraced by individuals holding esteemed Offices such as the TSC Chairman yet be expected to bury our heads in the sand as if all is well.

It should be clear that we are not condoning the non-servicing of debts by our members to those micro-lenders they took monies from. We know that the system has plunged our members into

chronic poverty with an intent to exploit them and make them vulnerable to entities such as SP Mamba Attorneys who are opportunists with self-serving interests. We know that the employer has worsened our working conditions to the point that many an educator live from hand to mouth through loans. Regardless of same, it can never be right that a sitting Chair of an Employment Agent for the MoET is seen inflicting wretchedness of unmatched proportions to educators for personal gain. It can never be right that corruption is allowed to go on unabated with the powers-that-be quivering to act decisively at the mention of Simanga Mamba's name.

In any case, a Garnishee Order [GO] is an order made by a Magistrate's Court, whereby the creditor attaches a portion of a debt owed to the debtor by a third party ("garnishee"). The garnishee will deduct part of the debt or pay all of the debt, due to the debtor, directly to the creditor. A GO may be issued against any third party for the attachment of any debt owing to the debtor and not limited to one type of debt or one type of third party.

A garnishee order can allow the judgement creditor to recover debt from the debtor's wages and salary. This is the most common type of garnishee order. Once the court makes its judgement, the creditor serves the order to the debtor's employer. The employer then takes a sum of money from the creditor's wage to pay to the creditor. This wage withdrawal may continue until the entire debt has been repaid, or until the court otherwise stops the order.

One narrative, *inter alia*, given by our member is that he owed about E3000 to a certain money-lender in Manzini and at one point he discovered that a garnishee order was effected on his payslip without his knowledge. When he enquired about the

anomaly at the Treasury department, he was told the garnishee order was from SP Mamba Attorneys [a Law Firm owned by Simanga Mamba] and was effected to reclaim monies owed to the micro lender. The tragedy is that he ended up paying about E 10 000 through that garnishee order from an *ex parte* application [without his knowledge].

Sibusiso Nhlabatsi, the reputable Human Rights Lawyer was spot on that a garnishee order is the final stage in the event there is default of payment for a loan. The court issues summons first and the defaulter is given the chance to defend himself in a credible court of Law [Right to be Heard]. If one loses the case, he is then required to pay the money owed, failing which he is then garnished. It is Magistrates that issue Garnishee orders unless they are obtained fraudulently, a possibility in this case. Another feasible contingency is the total disregard of the provisions of the Consumer Credit Act No.7 of 2016.

From where I stand, I am not taken aback though considering the fact that Simanga Mamba represented Qhawe Mamba in the case where he allegedly stole E17 million from members of the public through the pyramid scheme called Channel S Club after he was dumped by his former Attorneys in 2012.

As I pondered on the shenanigans of the All-Mighty Simanga Mamba, my memory flipped into what happened to erstwhile Mduduzi Nkambule, October 23, 2013 when he was apprehended and charged with contravening Section 27 of the Prevention of Corruption Act No.3 of 2006 for his involvement in the employment of his wife. He was immediately suspended from work December 16, 2013. How now with SP Mamba Attorneys in a clear trajectory to make the lives of teachers out there hell simply because he is in close proximity with their payslips? Just because he thinks he is unrivalled; he presumes same to mean

that he can do willy-nilly on helpless educators? How weird! How pitiable!

There is no iota of question that SP Mamba's act amounts to conflict of interest. As a barrister himself, Simanga ought to be crystal clear that avoiding a conflict of interest is an ethical obligation, a breach of which can lead to serious disciplinary consequences or to a lawyer being restrained from acting.

It is true that if Swaziland was a people-centred establishment, all hell was going to break loose with Simanga Mamba on these damning allegations. Other governments out there have institutions that protect susceptible employees and citizens from abuse of power and office as is the case with Simanga Mamba. Domestically, in the absence of the Public Protector, we have the Commission on Human rights and Public Administration/Integrity. This entity, as recommended into Office by the Judiciary Service Commission [JSC], through Legal Notice No. 143/2009, is empowered to investigate complaints of injustice, corruption, abuse of power in office and unfair treatment of any person by a public officer in the exercise of official duties.

For this discourse, Chapter 14 of the July 26, 2005 National Constitution establishes a Leadership Code of Conduct that seeks to ensure that those in leadership, whether elective or appointed, are transparent in their activities and accountable to the people they represent or serve, are committed to the rule of law and administrative justice, adhere the principle of service for common goal, do not abuse office and do not engage in a conduct that is likely to lead corruption in public affairs. I wonder if Simanga Mamba is well acquainted with this supreme document of state or he is acting oblivious of same with impunity?

As I read the 20 October 2020 Memorandum from the TSC Executive Secretary to REOs, Schools Managers and Headteachers with the title ‘Submission of Declaration Forms and Temporary Contract Renewal Forms,’ I couldn’t stop thinking of how many thousands Simanga Mamba has made of these defenceless teachers who are plunged-in micro-lenders. At the same time, these comrades are eating at the palm of their cold-blooded supervisors who make the ultimate call on whether their equally lethal contracts of employment are renewed or not.

To set the record straight, the SNAT is entirely seized with all the mess at the TSC and we shall stop at nothing to ensure that our members receive justice from all the cases of corruption reported thereat [TSC]. What one awaits [with baited breath] is the resignation of the TSC Chairperson [Section 175 {3} of the National Constitution] with immediate effect considering the fact that he has put the Commission, MoET and the sector into disrepute. Without any indictment, Simanga’s dubious conduct as TSC’s Chairperson is a mortification to the Appointing Authority, which corroborates the thoughtful reservations we had as the SNAT in the manner his appointment came about thereat albeit the provision of Section 173 [4] of the National Constitution.

As I pen-off, I would like to echo the words of the 1st President of Ghana [Kwame Nkrumah]; that in defending and fighting for our members out there in their respective duty stations, “We face neither East nor West; We face forward.” We submit.