



WESTERN CAPE REGIONAL MEETING 1/2015

MINUTES of the meeting held on 16 March 2015 at Sanlam Investment Management, Tygervalley

1.	OPENING																																														
1.1.	<p>The Chairman, Gerrie Vosser (standing in for Chris Murphy), welcomed all members present. It was noted that several members who had accepted, were not in attendance, probably due to confusion regarding the venue for the meeting.</p> <p><u>Attendees</u></p> <table border="1"> <tr><td>Alfie Bester</td><td>Morag Naylor</td></tr> <tr><td>Paula Bongers</td><td>Kim Nokwaza</td></tr> <tr><td>Solomon Daniels</td><td>Johann Pheiffer</td></tr> <tr><td>Johann de Vos</td><td>Bok Pretorius</td></tr> <tr><td>Elmarene Erasmus</td><td>Marius Potgieter</td></tr> <tr><td>Charles Evison</td><td>Janine Steenekamp</td></tr> <tr><td>Mohamed Farook Jeewa</td><td>Fiona Store</td></tr> <tr><td>Ulrich Hoffmann</td><td>Carien Strauss</td></tr> <tr><td>David Knott</td><td>Trevor Toll</td></tr> <tr><td>Deon Labuschagne</td><td>Frederick Troost</td></tr> <tr><td>Tanya Lochner</td><td>Franscois van Gijsen</td></tr> <tr><td>Gerhard Lourens</td><td>Anna-Marie van Greuning</td></tr> <tr><td>Grant Louw</td><td>Ryno Venter</td></tr> <tr><td>Sarah Love</td><td>Yolanda Visser</td></tr> <tr><td>Marguerite Marais</td><td>Gerrie Vosser</td></tr> <tr><td>Antoinette Martin</td><td>Michelle Williams</td></tr> <tr><td>Richard Miles</td><td>Ronel Williams</td></tr> <tr><td>Karin Müller</td><td>Steven Wright</td></tr> </table> <p><u>Apologies</u></p> <table border="1"> <tr><td>Chris Murphy</td><td>Saretha Fouché</td></tr> <tr><td>Willie Fourie</td><td>Elsa van der Westhuysen</td></tr> <tr><td>Morné van Niekerk</td><td>Johann Jacobs</td></tr> <tr><td>Marius Oosthuizen</td><td>Lesley van Rooyen</td></tr> <tr><td> </td><td> </td></tr> </table>	Alfie Bester	Morag Naylor	Paula Bongers	Kim Nokwaza	Solomon Daniels	Johann Pheiffer	Johann de Vos	Bok Pretorius	Elmarene Erasmus	Marius Potgieter	Charles Evison	Janine Steenekamp	Mohamed Farook Jeewa	Fiona Store	Ulrich Hoffmann	Carien Strauss	David Knott	Trevor Toll	Deon Labuschagne	Frederick Troost	Tanya Lochner	Franscois van Gijsen	Gerhard Lourens	Anna-Marie van Greuning	Grant Louw	Ryno Venter	Sarah Love	Yolanda Visser	Marguerite Marais	Gerrie Vosser	Antoinette Martin	Michelle Williams	Richard Miles	Ronel Williams	Karin Müller	Steven Wright	Chris Murphy	Saretha Fouché	Willie Fourie	Elsa van der Westhuysen	Morné van Niekerk	Johann Jacobs	Marius Oosthuizen	Lesley van Rooyen		
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1.2	<p>The minutes of the meeting held on 25 November 2014, which was circulated to all members on 16 December 2014, was confirmed – proposer Alfie Bester, seconder Janine Steenekamp.</p>																																														
1.3	<p><u>Matters arising from previous minutes</u></p> <p>a. The chairman advised that the national council is still trying to arrange a meeting with the Banking council to address the issues experienced with the closing of a deceased's bank account at certain banking institutions, as well as the new process whereby certain institutions insist on the corporate nominee's FICA documents. Alfie Bester warned that trustees must be careful when assessing requests from a financial institution for information on beneficiaries and should not simply give out details of the beneficiaries, as it could amount to a breach of the trustee's fiduciary</p>																																														

	<p>duty.</p> <p>b. There is still no clarity regarding the standard SARS operating policy for the use of general powers of attorney by individuals. It appears that some SARS officials indicate that they will accept a power of attorney by an executor or trustee in favour of a tax practitioner, but the practical implementation of this seems to be problematical as most SARS offices do not accept it. The chairman confirmed that the matter has been escalated to the national council, and invited members to send details of any issues they've experienced to Ronel Williams for further escalation to the national council. Mr Bester suggested that members should contact Mark Kingon at SARS – his details are on the SARS website.</p> <p>c. The chairman relayed a message from Chris Murphy:</p> <ol style="list-style-type: none"> 1. Members must familiarise themselves with the FISA constitution and code – more and more complaints against estate practitioners (albeit mainly non-FISA members) are received by FISA. As the public becomes more aware of FISA, complaints are likely to escalate unless FISA members comply with the FISA codes and regulations. 2. The national council is preparing a proposal to SARS to have FISA accredited as a tax regulatory body to allow members to register as tax practitioners. 3. Membership in the Western Cape is growing steadily.
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2. MASTER'S OFFICE

	<p><u>The Master's office delegation consisted of :</u> Ms Zureena Agulhas – Master Ms Sharon Walters - newly appointed Assistant Master deceased estates section</p>
2.1	<p>Ms Agulhas gave a feedback report:</p> <ul style="list-style-type: none"> • 3 new Assistant Masters have been appointed with effect from 1 April and 1 with effect from 1 June 2015. The change in reporting line that result from these appointments will in due course be communicated. • The aforementioned appointments have resulted in 3 vacant positions for estate controllers. The recruiting process is almost complete and it is anticipated that some appointments will be made with effect from 1 April. • Current (2015) matters are running smoothly, thanks to an intervention team sent from Pretoria to assist the CT office. A dedicated team of Assistant Masters have been tasked to attend to 2014 backlog matters. • Locating files remains a problem and post is often not placed on files timeously. • A Fast Track system for estates, overseen by 4 Assistant Masters, has been introduced. It is estimated that at least 90% of matters can be fast-tracked with a turnaround time of at least 10 working days. Members must refer to the e-mail circulated for guidelines on how the process works. All incoming matters will be assessed on a daily basis to determine if it can be fast-tracked. In addition, the Master's office will communicate via phone or e-mail where documents are found to be outstanding, which should save some time. Where an original document is required, the member will be allowed to send a copy in the interim and present the original when collecting the Letters of Executorship. • All matters must be lodged at the general postal counter to ensure that it reaches its destination timeously. • Practitioners are required to provide 2 additional copies of the original will – one marked "file copy" and one marked "client copy". The Master will certify these copies (free of charge) and return it with the Letters of Executorship. • 3 Assistant Masters have temporarily been withdrawn from their usual role to attend to long outstanding issues. Members were invited to send details of long outstanding issues to Ms Agulhas so that she could ensure it is processed.

	<ul style="list-style-type: none"> • Any problems experienced by FISA members where a MHC official does not answer phone calls or e-mails must be escalated to Ms Agulhas. • The PEAS system allocates random numbers to files and matters are allocated to staff members randomly. The deceased estates section is still structured on the basis that certain officials deal with certain file numbers. • 97% of Letters of Authority in trust matters are issued in the prescribed time (15 working days). • She has received complaints about documents that appear to go missing at the Master's office. Practitioners are urged to keep copies of all documents lodged with the Master so that she can determine where the problem lies. • There was a recent incident where certified copies were delivered to a practitioner who paid the Master's office official an amount far in excess of the actual costs. She urged members to report any such instances as no Master's office official is allowed to receive cash. Alfie Bester asked that FISA be advised if any member is involved in such an incident, so that FISA can take the necessary disciplinary steps. • She is aware that some Master's officials go out of their way to assist practitioners, but this is not ideal as it is important that the chain of production remains unbroken to ensure that the system works the way it should. <p>2.2 2 Members noted that they are still experiencing long delays when requesting updated Letters of Authority in existing trusts or lodging changes to existing trusts. Ms Agulhas asked that anyone waiting for longer than 15 days must send a mail to the Assistant Master (Sisakele Mbewana), copying her: SMBewana@justice.gov.za and ZAgulhas@justice.gov.za.</p> <p>2.3 Marius Potgieter reported that he had reported a section 18(3) estate in November 2013 and has to date received no response. He's since established that the Magistrate in Mossel Bay has appointed one of the children of the deceased, but not all assets are listed on the Letter of Authority and he's not been able to get the matter sorted. Ms Agulhas asked him to send her the particulars so that she can investigate.</p> <p>2.4 The chairman acknowledged the Master's attempts to deal with problems and thanked Ms Agulhas for her willingness to be approachable and accessible.</p>
3.	SARS
	No delegation attended the meeting.
4.	GENERAL
	Nothing to note.
	A CPD session was held by Oliver Phipps on Wills and Estates in the British Isles.