

THE FIDUCIARY INSTITUTE OF SOUTHERN AFRICA
MINUTES OF THE EASTERN CAPE LOCAL BOARD MEETING NUMBER 3/2018
HELD AT THE PAXTON HOTEL, ON WEDNESDAY, 22 AUGUST 2018

1. **Opening, welcome and attendance**

The Chairperson opened the meeting by welcoming those present. Attendance was recorded as per the register.

2. **Confirmation of minutes of previous meeting**

The minutes of the previous meeting, held on 2 May 2018, are available on the website and were taken as read and duly accepted by the meeting. Proposed by Elizabeth Ferreira and Seconded by Charmaine Lötter.

3. **Matters arising from previous minutes**

None.

4. **Master's Office**

Feedback from Master's Office – Port Elizabeth

Deputy Master, Ms E Daniels, not present due to heads of office meeting. Assistant Master, Ms Jonkers represented Port Elizabeth and informed as follows:

4.1 Two vacant positions filled. One vacancy remains unfilled.

4.2 Copies: Members to apply for these in separate correspondence due to penalties on turnaround times. Separate payments are required when copies are requested with regards to newly registered trusts.

4.3 Death Certificates: Amendments thereof by the DHA (Department of Home Affairs) stating correct status may prove to be a delayed process. An alternative would be to lodge the handwritten marriage certificate issued by the DHA and death certificate of the predeceased spouse.

4.4 Section 35 Adverts: Members should take note that accounts may not be lodged before

expiry of the statutory 30-day statutory notice period. Ms Daniels to address Fisa on Master's office policy with regards to Section 35 adverts at our next meeting, especially with regards to accounts advertised before receipt of query sheets. Logically, should queries i.t.o. a first query sheet be complied with, there should be no need to await the issuing of a second query sheet giving specific permission to advertise. Members who have previously experienced problem in this instance may raise the specific issue/s with Ms Daniels.

- 4.5 Estate Duty Returns: To be lodged simultaneously with the account.
- 4.6 Magistrate's Certificates: The Master's office is aware of delays by certain Magistrate's courts/jurisdictions in the issuing of same. Ms Daniels to take matter up with the various courts.
- 4.7 Foreign Estates: To be earmarked for a later discussion/training session.

5. **Master's Office**

Feedback from Master's Office – Grahamstown

Assistant Master, Mr Kurt van der Merwe represented Grahamstown and informed as follows:

- 5.1 Despite challenges surrounding the head of office position/s not filled and four estate controller positions vacant, the Master's office is still coping and trying its utmost best to adhere to turnaround times by sharing duties amongst staff members.
- 5.2 Mr Greg Lucas acting in 2 Deputy and Master positions.
- 5.3 Interviews to fill vacant positions have been held and awaiting confirmation from head office re new appointments. The number of estate controller positions to be filled is unknown at this stage.
- 5.4 J181: Issuing of same by the Master's office is a courtesy. No risk is passed to the Master's office by the issuing of such certificate and distribution/pay-out will remain the sole risk of the executor.
- 5.5 Corporate Saver Accounts: Member/s to discuss with Mr van der Merwe with regards to issues previously raised with regards to the agents fee associated therewith.

6. **SARS**

Represented by Ms D Dyer, Ms W Madyibi, Ms A Malan, Ms P Maki and Ms S Guerini. The following matters were discussed:

- 6.1 Deceased Estates Clearance Certificates (DEC Letters): In all instances not issued

automatically and delay could be due to an auditing hold-up. Not automatically issued after finalisation of audit either and should be requested by the executor after finalisation of an audit and/or completion of all tax affairs in each specific case.

- 6.2 Trusts tax registrations: Have experienced increased number of such registrations. Forms part of fiduciary practitioners' 60 minute appointment allowance with SARS.
- 6.3 Assessments containing tax directives i.r.o., i.e. pension fund death benefits: Assessments are corrected upon payment of directive and/or reconciliation of IRP5's.
- 6.4 Estate Duty – Specific cases/issues to be addressed with Ms Guerini by e-mail. Also refer to sample selection of documents required by SARS addressed in a previous circular sent out to all members.
- 6.5 Objections to assessments: Carries 60-day turnaround time as it is treated with the national live-stream. Escalation after this period carries a 21-day turnaround time.
- 6.6 Problems experienced with the use of trust accounts (“bulk-accounts”) – Member, Kathreen Barnard to send to Ms D Dyer of SARS an example for further discussion and feedback to members.

7. **Feedback from Home Affairs**

Represented by Mr Mlindi Mdyogolo and Ms Lizeka Nojilana, who have informed as follows:

- 7.1 Master's challenge: Names and identity numbers not linked at time of marriage, therefore incorrect marital status reflected on death certificates. (Due to long turnaround time in obtaining amended death certificates, refer to paragraph 4.3 hereof for accepted solution.) Members to note that after registration to and/or recordal of a death on the DHA system, a computerised marriage certificate is no longer available from the DHA.
- 7.2. Issuing of identity documents and passport turnaround times shortened. First time applicants could experience a longer turnaround time due to fingerprints, etc.
- 7.3 Manual death registrations at hospitals no longer functional due to non-compliance. New online system rolled out and functional in our area at the Dora Nginza Hospital. “Roaming” DHA officers available at other hospitals.
- 7.4 War on queues and moving from Hanis to the Metric Identity System: Ongoing further consultation with regards to DHA service provided at financial institutions.
- 7.5 Contrary to i.e. social media rumours, the Minister and provincial management have re-confirmed the validity of the green bar-coded identity document.
- 7.6 Challenge: documents remain uncollected at branches.
- 7.7 Divorce status: Due to non-integration with the DOJCD, a decree of divorce must be manually submitted to the DHA to change divorcees' status.

7.8 Unabridged Birth Certificates: The public is encouraged to obtain same at birth. It remains a requirement for travelling purposes, due to i.e. the human trafficking epidemic.

7.9 Foreign Estates: To be earmarked for later discussion/training session.

8. **Banks**

The consultative process between FISA and the major banks is still an on-going process with regards to standardising procedures.

9. **FISA Tax Practitioners Controlling Body**

The consultative processes between FISA and SARS to have the organisation accredited as a recognised, compliant and accredited tax practitioner controlling body are in progress. The requisite amendments to the FISA Disciplinary Code were made and accepted. A further requirement highlighted by SARS is the fact that FISA needs to have 1 000 active registered members.

10. **Venue**

Thank you to Shackleton Risk for their support at our local and national meetings. Thank you to The Paxton Hotel for availing their facilities and providing safe parking for members during our meeting.

11. **General**

11.1 **FISA Disciplinary Panel:** Members with a legal background are requested to confirm their availability and form of training in this field, should they wish to get involved in the disciplinary process.

11.2 **FISA Focus Weekly Newsletter:** Members are encouraged to read same. A system is in place to track whether members are reading the contents of the newsletter.

11.3 The preliminary dates and times for FISA meetings to be held in 2019 are as follow:
6 March : 10:00 – 13:00; 22 May: 10:00 – 13:00; 7 August: 10:00 – 13:00 ; and
23 October: 10:00 – 13:00

11.4 Membership fees remain the responsibility of the member, even if paid by an employer company. Members will receive individual invoices for payment of membership fees.

11.5 Visitors: Membership is encouraged and in terms of FISA policy, membership is a

requirement in order to attend meetings.

The meeting closed at 11:15.

Presentations/Guest speakers:-

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| 1. | 11:30 – 12:30 | Sonet Pieterse, Sonet Pieterse Inc. (Conveyancer)

“Estate property transfers” |
| 2. | 12:30 – 13:00 | Robin Kitto, Surety Solutions and Andrew Church, Rodel

“Risk and solutions for Financial Advisors, Attorneys and Intermediaries” |

3 CPD points allocated: 1 for Estates and 2 for Estate Planning. Members who attended are to update their CPD profiles on the website accordingly.

Meeting closed at 13:00.

Signed as a true and accurate record of proceedings.

CHAIRPERSON

DATE