



THE FIDUCIARY INSTITUTE OF SOUTHERN AFRICA



WESTERN CAPE REGIONAL MINUTES
of the regional meeting held on
26 May 2022
at CR Louw Hall at Sanlam Head Office, Cape Town and via
GoToMeeting

1	OPENING																																																																																				
1.1.	<p>Ryno Venter welcomed all members present to the last meeting of the year. He further covered the rules of the meeting via the GoToMeeting platform.</p> <p>The meeting has been opened.</p>																																																																																				
1.2	<p><u>Attendees</u></p> <p><u>Venue Attendance:</u></p> <table><tr><td>BESTER</td><td>Alfie</td><td>Plaatjies</td><td>Hillary</td></tr><tr><td>BRINK</td><td>Nicolaas</td><td>SCHOEMAN-CLARK</td><td>Liesel</td></tr><tr><td>BUTLER</td><td>Mark</td><td>SEGALLA</td><td>Barbara-Anne</td></tr><tr><td>DANIELS</td><td>Solomon</td><td>SOEKER-SAULS</td><td>Zakiya</td></tr><tr><td>DOUTIE</td><td>Waseemah</td><td>VAN DER SPUY</td><td>Phia</td></tr><tr><td>ELLIS</td><td>Brenton</td><td>VAN HUYSTEEN</td><td>Carolina</td></tr><tr><td>ENGELBRECHT</td><td>Wilmi</td><td>van Tonder</td><td>Stefné</td></tr><tr><td>LANGMAN</td><td>Eileen</td><td>VAN VUREN</td><td>Louis</td></tr><tr><td>LOTTER</td><td>Karen</td><td>VENTER</td><td>Ryno</td></tr><tr><td>BOTHMA</td><td>ODETTE</td><td>WELGEMOED</td><td>Janine</td></tr><tr><td>PIETERSE</td><td>Elna</td><td></td><td></td></tr></table> <p><u>Guests:</u></p> <table><tr><td>DANIELS</td><td>Margaret</td><td>Paul</td><td>Lynne</td></tr><tr><td>Ferreira</td><td>Riana</td><td></td><td></td></tr></table> <p><u>Speakers/Sponsors:</u></p> <table><tr><td>Catto</td><td>Amanda</td><td>Hannington</td><td>Brett</td></tr><tr><td>du Toit</td><td>François</td><td>Peens</td><td>Les-Lee</td></tr><tr><td></td><td></td><td>Powell</td><td>Tim</td></tr></table> <p><u>Online attendance:</u></p> <table><tr><td>BARFOOT</td><td>Jenny</td><td>MENDES-ABREU</td><td>Rita</td></tr><tr><td>BARNARD</td><td>Andri</td><td>MILES</td><td>Dick</td></tr><tr><td>BARNARD</td><td>Tonya</td><td></td><td></td></tr><tr><td>BELLAIRS</td><td>Tim</td><td>MTHETHWA</td><td>Londiwe</td></tr><tr><td>BENADE</td><td>Louis</td><td>MULDER</td><td>Herman</td></tr></table>	BESTER	Alfie	Plaatjies	Hillary	BRINK	Nicolaas	SCHOEMAN-CLARK	Liesel	BUTLER	Mark	SEGALLA	Barbara-Anne	DANIELS	Solomon	SOEKER-SAULS	Zakiya	DOUTIE	Waseemah	VAN DER SPUY	Phia	ELLIS	Brenton	VAN HUYSTEEN	Carolina	ENGELBRECHT	Wilmi	van Tonder	Stefné	LANGMAN	Eileen	VAN VUREN	Louis	LOTTER	Karen	VENTER	Ryno	BOTHMA	ODETTE	WELGEMOED	Janine	PIETERSE	Elna			DANIELS	Margaret	Paul	Lynne	Ferreira	Riana			Catto	Amanda	Hannington	Brett	du Toit	François	Peens	Les-Lee			Powell	Tim	BARFOOT	Jenny	MENDES-ABREU	Rita	BARNARD	Andri	MILES	Dick	BARNARD	Tonya			BELLAIRS	Tim	MTHETHWA	Londiwe	BENADE	Louis	MULDER	Herman
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Bennemeer	Teunis	NAUDE	Baron
BONGERS	Paula	NUNNS	Corne
BOOYSEN	Samantha	PARKER	Najma
CASSIEM	Rehana	PEGRAM	Ielhaam
COETZEE	Lorraine	POLS	Elmien
DE FREITAS	Olivia	POTGIETER	Jacques
DE WET	Sandy	POTGIETER	Marius
Draper	Reghardt	SAUER	Nandi
ERASMUS	Elmaréne	SCHUTTE	Annemarie
GERBER	Brunie	SICKLE	Peta
GREEFF	Werner	SNYMAN	Francois
GUNSTON	Grant	STANTON	Sharon
HARRIS	Mark	STEENEKAMP	Mari
HEYNS	Alysha	STORE	Fiona
HITCHCOCK	Engelize	STRAUSS	Romy
JACKSON	Beverley	SWART	Rene
JADWAT	Yasmin	V D WALT	Elna
JANSE V VUUREN	Hendrik	v d Watt	Lynise
LINDE	Sonja	v d Westhuysen	Elizabeth
LOCHNER	Tanya	VAN SCHALKWYK	Madeleen
LOOTS	Nina	VAN WYK	Ethne
LOUIS	Lynne	VAN ZYL	Hugo
LOURENS	Gerhard	VAN ZYL	Jan
LOUW	Grant	Vermaak	Leandra
Louw	Nico	WANGAI	David
LOVE	Sarah	Wangra	Wendell
MARTIN	Antoinette	WILKINSON	Warren
McKEND	Fiona	YEOWART	Nicholas
MEDEA	Melissa		

Non Members

online:

Appolis	Megen	Rauch	Renette
De Beer	Yvonne	Rijke	Marja
Geale	Mary	ROOZA	RYAN
Germishuys	Adele	Smith	Niel
MOSES	PAMELA	Stokes	Leanne
Ndimande	Lerato	Van Rooijen	Lesley

Apologies:

ABRAHAMS	Madeleine	STEENKAMP	Pieter
BOSHOFF	Julian	VISSER	Wanda
BUYS	Wayne	VOGES	Gerhard
COFFEE-KOTZE	Linda	COETZEE	Gerhardus
CULLIS	Keith	HOFFMANN	Ulrich
KOEN	Laurette	HURFORD	David
MALHERBE	Suzette	LATEGAN	Stephanus
MORATA	Sankie	VAN VUUREN	Deon
MULLER	Tracy	VORSTER	Marius
PRETORIUS	Carien	HEAN	Lauren
MOGGEE	Seugnet	JOZEPHS	Done
NICHOLAS	Vanessa	RADHELLA	Nerisha

	<p>Ryno gave Brett Harrington from Hollard, the meeting main sponsor, an opportunity to speak before we proceed with the rest of the meeting. Their main products are tailor-made for fiduciary industry, namely Bonds of Security, asset insurance and professional indemnity insurance, for professionals and non-professionals. Please contact Jenny jennyb@hollard.co.za should you require any assistance or speak to Brett personally after the meeting.</p> <p>The meeting Exhibitors are Les-Lee Peens from Shackleton, and Tim Powell from Sable International.</p>
2	<p style="text-align: center;">MATTERS ARISING FROM PREVIOUS MINUTES AND CONFIRMATION OF MINUTES OF PREVIOUS MEETING</p>
	<p>Ryno requests confirmation of the Minutes of Meeting (2022/02/17). Nothing further to be added by attendees from the Audience or online. The approval of the minutes was proposed by Barbara Segalla and seconded by Brenton Ellis. Minutes of previous meeting were therefore confirmed.</p>
3	<p style="text-align: center;">MASTER'S OFFICE</p>
	<p>Ryno, Brenton & Karen attended a very good meeting with the Master and other stake holders on 24/05/2022. Zureena was open and honest about the situation in the office.</p> <p>Brenton gave feedback. 2 deputies 3 AM's. well attended. Law Society and SAICA was there. Robust conversation, but good. They were open for a few suggestions.</p> <p>Zureena gave feedback on their current human resources situation. They are currently sitting at 17% vacancies. They have to service around 7 million people. 5 AM positions vacant. Interviews have been granted to appoint new AM's, which should take place in the next few weeks and positions will probably only be filled end July/August. It appears Department of Justice has taken notice of the media coverage and things are starting to happen. The Master does not see the media coverage in a negative light as their hands are rather tied with regard to resources.</p> <p>It appears it is "leave season" – study leave, annual leave, sick leave! Many staff have leave that will be forfeited if not taken, so many staff have to take it or lose it. Junior staff (less than 10 years service) get 22 days and senior staff, with more than 10 years service, get 30 days per year.</p> <p>We asked that they inform stake holders when AM's are on leave for more than 5 days. They would discuss this in their forum and advise us how this will be communicated with all stakeholders. Urgent matters – there are always 2 AM's per group, so if one is not there, the other should be able to assist. There are sufficient people to help, but they are so snowed under.</p> <p>Brenton addressed the issue of staff whose offices are locked and members can't access. The offices should not be locked, but if so, there must be a spare key. Please inform Brenton if/when this happens, providing the floor number, office number and relevant staff member's name. He will then address this with Zureena.</p> <p>The contact details list has been updated and uploaded to the website. Attached, please find same for your ease of reference.</p> <p>Turnaround times: with the backlog they had from COVID, systems crash, confiscation of equipment, they are in turmoil. A few stats provided: L&D accounts in "normal" estates (>R250k) examined within 21 working days = 75% (April = 73%) LE's issued in deceased estates within 21 working days of receipt of all documentation = 70% (In April = 56%) Payments to beneficiaries from GF within 40 days = 80% (in April = 90%) Appointment letters for insolvency matters within 10 days = 80% (April = 97%) L&D accounts in insolvency matters within 15 days = 85% (April = 85%)</p>

LA's in trusts within 21 days = 65% (April = 53%)

Irma Dick responsible for the trust department was present at the meeting. Prioritize new matters and deal with amendments if and when they can. No distinction is made between new and/or amendments. Ryno advised that in 15 years he has never received amendments within 21 days, it is usually closer to 6 months. He suggested that they make distinction in order to manage expectations of stakeholders and clients of the stakeholders.

S42(2), used to be within 48 hours. This has now been extended to 7 working days. Members indicated they would be very happy with this turnaround time!

Brenton suggested that we get fast track query sheets for surviving spouse estates. No risk to the Master, no risk to SARS. Idea is not only to fast track these estates, but more importantly to get their hands loose to spend time on those estates where it is needed. This suggestion was accepted positively. They will take this back to their management forum for discussion. The plan is that we prepare the query sheet for them and they simply stamp and return it to us and the L&D is put on file. This can even be extended to all estates where no minors or Estate Duty applicable. Grace Lamberty, one of the AM's present at the meeting, was very excited about this suggestion.

On 42(2)'s Brenton requested a list of their requirements, which will assist us to ensure we have all the documents and information from the start, which should be uniform for all groups. Grace indicated that she had sent this list to stakeholders some years ago, but she will search for it and resend it. This should eliminate queries and speed up this process.

With regard to the trust department and their turnaround times: they are under huge pressure at the moment and it is prudent that we not bombard them with e-mail follow ups until it has been 6 weeks +. We mentioned that we would start after 21 days, but Irma was not too excited about that. Let's please give them time to catch up.

According to their stats, they have cleared 93% of the backlog caused as a result of the system crash. Although we dispute this, it was not the appropriate forum to address this. Zureena will provide us with a excel spreadsheet to complete for all matters prior to 1 March 2022 that has gotten stuck in their office. Once we receive this, it will be circulated to all members to complete, we will collate and communicate with Zureena. She will hand it to each group. For now, until we have this list done, please don't escalate or follow up on matters, as this creates duplication of work.

Please always follow the chain of command: first deal with the Examiner – then the AM of the group (if not responded within 7 days) – followed by the Deputy Master (if no response within 5 days) – then Zureena – and lastly National. Please be reasonable in follow up times. Please don't log onto FISA website if you have not taken it all the way to the head of the office. if you have logged it on the FISA website and don't get a response, please refer it to the Chief Master.

Please be considerate of the amount of work these staff have to deal with. They have walk in clients from 8am to 1pm. Then from 2 – 4 pm their office is closed to the public for them to try and deal with e-mail queries and the checking of work/issuing of documents. This is simply not enough time to deal with everything they have to do.

Archive files: seems to be a power struggle between the Master and Roeland Street – Master battling to get their files, Roeland Street say Master not returning files. They can now request 60 files. However, before they can collect their next batch, they have to return 60 files (not 10 or 20 – all 60!). Zureena is working with the Local Government to see if they can get access to more files.

Just as a reminder: all files 1996 and older are in Roeland Street.

Between 1997 – 2007 in the previous Master's Office (opposite the Magistrate's Court), where the public are not allowed to go in, but the Master's office staff can access these. Not all files are in the Master's building. File from 2008 to current are in their office, but they will probably be sending more files across as they are running out of space.

Copies: Master asked if we need certified copies (excluding the will), to please include such copies in the request, so they don't need to make copies. The will can only be copied once the "Accepted" stamp has been applied. NOK, Court sealed copies, Trust

Deed, RDA, etc. their equipment has been out of service for some time, but Dept of Justice has now renewed all contracts and these should be operational again soon.

Brenton handed over to Elna Pieterse from Sanlam to discuss the fast tracking process. Elna shared the newest opportunity we have with the Master Cape Town. Sanlam offered to donate desk tops and scanners/copiers to the Self Help Service. This is being rolled out to Polokwane, Pretoria and Nelspruit.

Sanlam arranged with the Master that 2 staff will be made available to them daily from 09h00 to 15h00 to capture and scan all new estates. This has been going for 3 weeks. The **attached** document was issued by the Master and has been confirmed with the Master, Bloemfontein to be a national document. This is the list of documents required – IN THIS ORDER – to be packed in the files. If this is not done, the “external” staff (currently Sanlam Trust staff) have to spend hours repacking the files in the correct order. Please ensure that ALL files are packed in this exact order, this will save a lot of time.

Elna has requested that all members participate and offer their services to make this project a success. If all interested members can please send Elna details of their staff who can assist, she will prepare a schedule. The current Sanlam Trust staff will train the incoming people on the system, scanning and packing of the file.

On the brown files (fast track folders) please write SHS in RED Koki and if there is a will, also indicate in RED on top of the file.

If you do send people in, please send them with the right attitude: they are the ambassadors for YOUR clients, beneficiaries and companies. They must not make the Master’s Office staff feel like we are doing them any favours – we are doing this for our own and our clients’ sakes.

Brenton thanked Elna and Sankie (CEO of Sanlam Trust) for taking the initiative and is very supportive thereof.

Sanlam’s IT people have to still work with the Master’s IT people to get the scanning operational. We hope to get it to such a stage that we can scan at our offices and upload. This will not happen overnight. Grabouw Master – Grace Lamberty – is already accepting documents e-mailed to her, and on receipt of the originals, issues the appointments.

Ryno reiterated that this was initiated by the Master, who reached out to FISA to help them do their work. Thank you to Sanlam for driving the process to this stage.

Ryno had a request from Zureena that they want to do a similar self help process with trusts as well, but they need bodies. This is a call for everyone present and online to make this successful.

Louis wanted to touch on a few issues:

1. Report sent by Master Pretoria to Judge Pres Gauteng HC re RAF & neg trusts. The Judge President then put forward a list of questions to be put forward to the full bench of the High Court. The hearing was held on 2 & 3 November 2021. The judgement was received on Friday: The Chief Master withdrew certain sections of the 2017 directive about trusts dealing with medical negligence and RAF trusts and refused to register any further trusts. The judgement was in our favour: there is no reason not to use trusts. In each case the court will have to be guided by the parties and the court will have to investigate to see which option – curatorship or trust – would be most appropriate and to the benefit of the beneficiary
2. On a national level we have a stakeholders meeting with the Chief Master. Unfortunately, the last meeting did not take place, as the Chief Master had a death in the family and he couldn’t make it. The next meeting is on 10 June 2022. Louis will not be able to attend, but will send somebody to attend in his stead. During these meetings, they look at systemic issues across the board. One of the things Louis asked the Master to do, was to implement a system like a call centre “you are number 73 in the queue”, giving an indication of the expected time period for each matter. The Chief Master liked this idea. Louis will follow up with him.
3. Renewal of membership went very well this year. 85/86% have renewed their membership. Please remember there are two legs to the renewal process: payment of fees and the fit and proper questionnaire to be completed online. End June members who have not complied run the risk of having their membership cancelled.

	<p>Barbara Segalla wanted to know what are the qualification requirements for an AM. Brenton indicated it would probably be at least an LLB. This information will probably be available on their website.</p> <p>Paula raised a question about staff on leave, which has already been addressed in Brenton's feedback.</p> <p>Ielhaam: what else can be done regarding missing files? Add them to the list we will be sending on</p> <p>Paula: do you pay for the copies when you report and request as well? NO</p> <p>FAST TRACK FILES: will only be handed out at the meeting, unless prior arrangements have been made. Brenton is unable to manage these any longer.</p>
4	SARS
	<p>Unfortunately, due to the ongoing strike, SARS could not attend the meeting. Members who have any problems must please refer these to Nicolaas Brink or Ryno.</p> <p>Mr Blows is still in charge in WC, but Wasfie Williams has been moved to a new position and his role has been taken over by Lucinda Tsholikile.</p> <p>Nicolaas advised if members have any queries, documents must be sent to him and he will forward to Lucinda. The case number must be attached to the documents and the documents relevant to the query must be attached before he can escalate. You have to wait the prescribed period (21 days). The size can't exceed 10MB.</p> <p>As for e-filing issues for the past week: if you received assessments in the last week, were for assessments done more than 3 months ago. There was a system error, so please check on e-filing that the assessment has actually been done.</p> <p>Ryno recorded a big thank you to Wasfie Williams for his service and involvement over the past years. It has smoothed things considerably between us and SARS.</p>
5	BANKING INSTITUTIONS
	<p>Ryno Venter confirms that this portfolio has now formally been handed over to Denise Perkins (Eastern Cape). Please direct all future requests in this regard to her directly. will forward to Denise.</p> <p>Feedback regarding from the banks through the FISA channel has in general been good.</p> <p>We are still receiving numerous complaints. Denise has been obtaining reporting standards and structures from all the banks, to get this information and will share this with members once available.</p> <p>Barbara enquired about feedback regarding the meeting with Nedbank, but no feedback has been received.</p> <p>Louis informed that on national level, they are arranging a meeting with Nedbank during June.</p>
6	GENERAL
	NOTHING UNDER GENERAL
8	CLOSING
	The meeting was closed, and members thanked for their attendance

	The CPD session follows and is presented by Prof Francois du Toit from UWC and Amanda Catto from Catto Nrrthling Wiid.