



THE FIDUCIARY INSTITUTE OF SOUTHERN AFRICA



**WESTERN CAPE REGIONAL MINUTES**  
**of the regional meeting held on**  
**25 November 2021**  
**via GoToMeeting**

1.	OPENING																																																																										
1.1.	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.  The meeting has been opened.																																																																										
1.2	<u>Attendees</u> <b>(names in yellow – unable to identify)</b> <table border="1"><tr><td>Alfred Bester</td><td>Marius Potgieter</td></tr><tr><td>Alida Brink</td><td>Mark Harris</td></tr><tr><td>Andri Barnard</td><td>Martin Meyer</td></tr><tr><td>Ann Nel</td><td>Mbulelo Bikwani</td></tr><tr><td>Antoinette Martin</td><td>Mogamat Jarodien</td></tr><tr><td>Barbara Segalla</td><td>Morné van Niekerk</td></tr><tr><td>Baron Naude</td><td>Nandi Sauer</td></tr><tr><td>Beverley Jackson</td><td>Nerisha Radhella</td></tr><tr><td>Brenton Ellis</td><td>Nicholas Yeowart</td></tr><tr><td>Brunhilde Gerber</td><td>Nico Louw</td></tr><tr><td>Carolina van Huyssteen</td><td>Nicolaas Brink</td></tr><tr><td>Cornelia Nunns</td><td>Olivia De Freitas</td></tr><tr><td>David Wangai</td><td>Peta Sickle</td></tr><tr><td>Dick Miles</td><td><b>RR</b></td></tr><tr><td>Doné Jozeph</td><td>Richard Bryant</td></tr><tr><td>Elsa van der Westhuysen</td><td>Richard William Draper</td></tr><tr><td>Engelize Hitchcock</td><td>Rodney Koen</td></tr><tr><td>Fiona Store</td><td>Ryno Venter</td></tr><tr><td>Francois De Jager</td><td>Samantha Booysen</td></tr><tr><td>Francois Snyman</td><td>Sandy De Wet</td></tr><tr><td><b>G Lourens</b></td><td>Sharon Stanton</td></tr><tr><td>Gerhard Lourens</td><td>Solomon Daniels</td></tr><tr><td>Hendrik Janse van Vuuren</td><td>Sonja Linde</td></tr><tr><td>Ielhaam Pegram</td><td>Sonja Viljoen</td></tr><tr><td>Inge Heath</td><td>Stefne van Tonder</td></tr><tr><td>Izelle du Plessis</td><td>Suzette Malherbe</td></tr><tr><td>Jacques Potgieter</td><td>Theresa Tannous</td></tr><tr><td>Jan van Zyl</td><td>Tim Bellairs</td></tr><tr><td>Janine Welgemoed</td><td>Tiny Carroll</td></tr><tr><td>Jenny Barfoot</td><td>Trevor Blows</td></tr><tr><td>Jonathan Daniels</td><td>Valma Kruger</td></tr><tr><td>Karen Lotter</td><td>Vannessa Nicholas</td></tr><tr><td>Lauren Hean</td><td>Wanda Visser</td></tr><tr><td>Laurette Koen</td><td>Wasfie Williams</td></tr><tr><td>Leandra Vermaak</td><td>Wilhelmina Erasmus</td></tr><tr><td>Liezel Clark</td><td>Willie van der Westhuizen</td></tr><tr><td>Louis Benade</td><td>Yasmin Jadwat</td></tr></table>	Alfred Bester	Marius Potgieter	Alida Brink	Mark Harris	Andri Barnard	Martin Meyer	Ann Nel	Mbulelo Bikwani	Antoinette Martin	Mogamat Jarodien	Barbara Segalla	Morné van Niekerk	Baron Naude	Nandi Sauer	Beverley Jackson	Nerisha Radhella	Brenton Ellis	Nicholas Yeowart	Brunhilde Gerber	Nico Louw	Carolina van Huyssteen	Nicolaas Brink	Cornelia Nunns	Olivia De Freitas	David Wangai	Peta Sickle	Dick Miles	<b>RR</b>	Doné Jozeph	Richard Bryant	Elsa van der Westhuysen	Richard William Draper	Engelize Hitchcock	Rodney Koen	Fiona Store	Ryno Venter	Francois De Jager	Samantha Booysen	Francois Snyman	Sandy De Wet	<b>G Lourens</b>	Sharon Stanton	Gerhard Lourens	Solomon Daniels	Hendrik Janse van Vuuren	Sonja Linde	Ielhaam Pegram	Sonja Viljoen	Inge Heath	Stefne van Tonder	Izelle du Plessis	Suzette Malherbe	Jacques Potgieter	Theresa Tannous	Jan van Zyl	Tim Bellairs	Janine Welgemoed	Tiny Carroll	Jenny Barfoot	Trevor Blows	Jonathan Daniels	Valma Kruger	Karen Lotter	Vannessa Nicholas	Lauren Hean	Wanda Visser	Laurette Koen	Wasfie Williams	Leandra Vermaak	Wilhelmina Erasmus	Liezel Clark	Willie van der Westhuizen	Louis Benade	Yasmin Jadwat
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	<p data-bbox="331 118 608 147">Louis Janse van Vuren</p> <p data-bbox="316 215 437 244"><u>Apologies</u></p> <table border="1" data-bbox="316 271 1010 533"> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> <tr><td></td><td></td></tr> </table> <p data-bbox="316 566 1342 719">Ryno gave Jenny Barfoot 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. Please contact Jenny <a href="mailto:jennyb@hollard.co.za">jennyb@hollard.co.za</a> should you require any assistance.</p> <p data-bbox="233 752 1342 837">1.3 Les-Lee Peens from Shackleton, the meeting Exhibitor, does bonds of security and personal insurance cover. She can also be contacted at <a href="mailto:les-lee@srisk.co.za">les-lee@srisk.co.za</a> for any information.</p>																		
2.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING																		
	<p data-bbox="316 1189 1342 1249">The approval of the minutes was proposed by Barbara Segalla and seconded by Brenton Ellis.</p> <p data-bbox="316 1283 850 1312">Minutes of previous meeting were confirmed.</p>																		
3.	MATTERS ARISING FROM PREVIOUS MINUTES																		
	<p data-bbox="316 1440 847 1469">No matters arose from the previous minutes.</p>																		
4.	MASTER'S OFFICE																		
	<p data-bbox="316 1597 1342 1657">Mrs Agulhas from the Cape Town Master's Office was not present at the meeting although she had accepted the invitation.</p> <p data-bbox="316 1691 1262 1720">Ryno shared the following document, received from Ms Agulhas, with members:</p> <p data-bbox="488 1753 1169 1783" style="text-align: center;"><b><u>STAKEHOLDER COMMUNICATION: NOVEMBER 2021</u></b></p> <p data-bbox="316 1816 555 1845"><b><u>Human Resources</u></b></p> <p data-bbox="316 1850 1342 1910">The Masters Office, Cape Town recruited 3 Assistant Masters and 4 Estate Controllers during the past quarter.</p> <p data-bbox="316 1915 1289 1975">The recruitment process in respect of administrative staff is completed and we are awaiting the appointment of 6 administrative staff.</p> <p data-bbox="316 1980 1267 2040">Staff are 100% back in office since October 2021 and are working overtime from November till December.</p> <p data-bbox="316 2045 1302 2105">Deceased Estate and Trust Teams were capacitated with as many resources at our disposal to attend to the volumes of work.</p> <p data-bbox="316 2110 831 2139">The new list of staff will be provided shortly.</p>																		

Staff will mostly be on leave during the period 16 December till 15 January 2022. Though we are grateful for the intake of new staff members, we have already greeted some staff members who joined different Departments.  
 1 Assistant Master will leave at the end of December and join another Department. Mrs Howell will retire at the end of December after more than 40 years of service. What an achievement!! She will indeed leave a huge void.

**Operations of the Office**

The Office is open to members of the public since November 2021. Practitioners are encouraged to arrange appointments with Estate Controllers and or Assistant Masters to avoid waiting in queues.

The Integrated Case Management System which were hacked during September is available to staff to capture and approve new estates; however we are experiencing major challenges with slow network, system downtime; disappearing of cases etc. We have the IT Team available who are making an effort to resolve the country wide challenges. This is work in progress; however has an impact on the turnaround times for issuing Letters of Authority.

We are experiencing large volumes of incoming work; including e-mail and telephone enquiries. We acknowledge the frustration experienced by your members and public alike, but wish to relay that there is an improvement in the answering of e-mails.

Answering of telephone calls remain a serious challenge especially since staff is unable to attend to a consultations; leaving their work stations to look for files and answering of telephones simultaneously. We are hopeful to get a call centre in the foreseeable future.

We are attending to the FISA list of outstanding matters sent to the Office of the Chief Master.

We share the frustration experienced by practitioners and public. We wish to confirm that we are committed to serve to the best of our ability.

We appreciate the patience, indulgence and co-operation of all.

Challenges experienced by members should be reported to the office immediately and not wait until there is a meeting.

We remain hopeful that the projected 4<sup>th</sup> COVID wave will not occur and will not derail us.

Stay safe and blessed during the festive period.”

Brenton: nothing to comment.

Louis: email referred to came from MOHC CT, 12 minutes before meeting started. Louis’s system shows e-mail was never read. She did have the link and she was registered for the meeting. The mails may have ended up in her SPAM folder.

Louis is in touch with several associations countrywide. Some attorneys (at least 2) obtained mandamus applications were successful, wherein the Master was ordered to issue LE’s immediately. An attorney also issued notice on one of the banks (not named) to issue COB’s and make the proceeds immediately. If funds not placed in his hands immediately, he would apply for a search and seizure order in terms of the Administration of Estates Act. Within 24 hours the funds were in his estate account.

No questions posed by members.

Brenton asked if the Master actually issued the LE, Louis advised as far as he is aware yes it was.  
 Louis also saw a taxed costs order made against the Master.  
 Ryno commented that this was not the first time Agulhas has on regular basis used the excuse of not receiving the link for the meeting.

**5. SARS**

Mr. Williams (SARS) present and welcomed by Ryno Venter.

Approaching December/January leave period and all efforts are being made to get correspondence and inventory buckets up to date to ensure they don’t return to mountain of work.

Mr Williams is responsible for estate assessment and audit area, but will try to answer other questions as far as possible.

	<p>No back logs currently experienced, practically all up to date. Please refer outstanding matters to him/Nicolaas.</p> <p>Aware of potential issues with PD tax registrations and IRP5 certificate issue. This is a system rule implemented to prevent duplication (for live clients). This is causing a challenge, but it is being looked at. This cannot be done on e-filing. Members need to visit the branch office to resolve.</p> <p>Some queries lodged are not landing in the estate duty bucket. This is being addressed.</p> <p>Please address issues to Nicolaas Brink if you have any outstanding matters.</p> <p>e-mails being rejected due to size. Please ensure the attachments are not too large.</p> <p>Nicolaas is the liaison and members are requesting to refer SARS concerns to him: <a href="mailto:nicolaas@curoaccounting.co.za">nicolaas@curoaccounting.co.za</a>. Do not email Mr. Williams directly.</p> <p>Nico asked members to visit the SARS website for updates on the share valuations requirements. There is also a new e-mail address to be used. Please ensure you submit ALL required documents.</p> <p>Wasfie will see if he can address the increase in the size limit of the e-mail attachments.</p> <p>Wasfie recommends that L&amp;D and attachments be sent to estate duty first, so they can audit and ensure all tax affairs/calculations are in order before submitting to the Master.</p> <p>Post death liability does not affect estate duty, but a clearance letter will not be issued before post death has been dealt with.</p> <p>Barbara Segalla raised a question regarding GEPF not issuing IPR5/IT3. Wasfie unable to answer, will look into this and revert back to Nicolaas.</p> <p>Jonathan Daniels asked 'what is the correct procedure for reporting an estate to SARS: SARS gets GG, code person as deceased, will issue engagement pack, asking whether an L&amp;D is applicable and requesting a list of documentation. Once submitted, it is referred to Wasfie's division. Determine whether estate is dutiable. All dutiable estates/high risk audited. If not dutiable, will deal with within a 21 day period. Issue instruction in portfolio area to issue DEC letter. Ensure all tax affairs are up to date. If all documents are received, it should not take too long.</p> <p>Interest on estate duty is applicable 1 year after death. In order to apply for extension -</p> <ol style="list-style-type: none"> <li>1. You need to apply in writing.</li> <li>2. Need to pay a deposit, depending on the estimated amount payable.</li> <li>3. In exceptional circumstances where LE not issued within 12 months, you can apply for extension. Louis pointed out you cannot pay deposit if you have not received the LE. Wasfie confirmed in such extenuating circumstances, they will take this into consideration.</li> </ol> <p>Hendrik asked whether they can send documents via WeTransfer – Wasfie not sure, will find out.</p> <p>Suzette advised SARS issued a letter way back which we could send to companies regarding the time frame to issue tax certificates. Can SARS provide us with an updated letter. Wasfie advised he would have to determine who sent that letter, in order to provide updated. If you have a copy, please send to Nicolaas for onward transmission.</p>
6.	<p><b>BANKING INSTITUTIONS</b></p>
	<p>Ryno Venter confirmed Denise Perkins (Eastern Cape) taking over the national portfolio dealing with the banks. During this transition period, please send any queries in this regard to Ryno. This is still in hand over stage.</p> <p>Biggest challenge was the Master's portal which went offline and the banks were unable to verify the executor appointments. This can be understood, as we aware of various matters in the past where fraud was committed with fraudulent LE's.</p> <p>In the interim, during this 7 week process, we tried other avenues, but we were hampered by the POPI Act (amongst others) and some other internal processes.</p> <p>Fortunately, with the portal re-opened the banks are again able to do their verifications, but there are backlogs and they are trying to work through these backlogs. Please bear with them. If something has really not been sorted out, please communicate with Ryno, he will forward to Denise.</p> <p>No other major issues</p>

	<p>Louis: FISA was approached by BASA (Banking Association) to provide them with a list of the FISA members, in order to reduce the strict requirements. Under the POPI Act, FISA could not share members' information.</p> <p>They are looking at an arrangement – through BASA – to get some form of recognition for FISA members, which will hopefully make things somewhat easier.</p> <p>Hendrik asked for a list of sworn valuers. Ryno advised all members used their own, we don't have a list. Louis advised there is a body and there is a list in Hortons.</p>
7.	GENERAL
	Nothing to discuss
	CLOSING
	The meeting was closed, and members thanked for their attendance.
	<b>A CPD session kicked off with Prof. Willie van der Westhuizen, followed by a CPD session by Dr. Izelle du Plessis.</b>