

2023 Year-end Message

Ernest Hemingway famously said the best way to find out if you can trust somebody is to trust them. As fiduciary practitioners we are in the business of trust and in a world filled with treacherous individuals and businesses, trust has become a commodity.

The fiduciary relationship has been described as a relationship in which one party exercises discretionary power over “the significant practical interests of another” and is often based on three structural properties, namely, inequality, dependence, and vulnerability. While faced with the high expectations from clients, the fiduciary practitioner in South Africa is expected to deliver within an environment of great uncertainty and poor services, sometimes bordering on chaos. As our clients are also challenged with huge political and financial uncertainties, they depend more and more on us for sound and trustworthy advice.

One of the most challenging issues this past year was the introduction of the beneficial ownership concept in trusts and the responsibility it places on the professional trustee. It is a game changer that has clearly disrupted the trust industry. Some will see it as a threat and others may choose to regard it as a new opportunity to differentiate themselves in a specialised field.

FISA has been involved in various discussions with the Chief Master’s office and recently also the Deputy Minister of Justice and Correctional Services to address the institutional deficiencies in that department. The manner in which our members continue to serve their clients, irrespective of the challenges faced, is admirable. What we do makes a difference – it is up to us to decide what that difference will be.

As a professional organisation we will continue to engage rigorously with all role players whose service (or lack thereof) has an impact on the effectiveness of fiduciary practitioners. In such a challenging environment it is more important than ever not to operate in isolation but to act and speak in unity.

FISA’s unwavering commitment is to support, empower and encourage our members to deliver a committed service to the public, based on integrity, diligence, and professionalism, while fulfilling their own professional aspirations. We thank every individual who has served the fiduciary industry faithfully according to these norms during the past year and wish you all a blessed and peaceful festive season.