

# MASTERS' TURN-AROUND AND INTERVENTION PLAN: PROGRESS REPORT

FISA CONFERENCE

11 SEPTEMBER 2024



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Justice and Constitutional Development  
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# Introduction

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The purpose of the report is to apprise members of FISA on regulatory changes affecting the Masters as we as a progress to date on the implementation of the Masters' Turn Around Plan.



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# Amendments brought about by Judicial Matters Amendment Bill

The Judicial Matters Amendment Bill published in the Government Gazette No. 48217 of 16 March 2023 brought about a number of amendments relating to the following Acts :

**The Administration of Estates Act, 1965**, so as to—

- make provision for electronic payments;
- provide for an affidavit by an executor;
- further regulate liquidation and distribution accounts;
- provide for the review of Master's appointments;
- provide for the powers, duties and functions of the Chief Master;
- provide for a procedure to review a decision of a Master of the High Court or designated official; and
- further regulate the making of regulations.

Of significant importance is the review powers as conferred to the Chief Master regarding Master's appointments

**'Review of Master's appointments etc.** (1) The Chief Master may review any **appointment of an executor, curator or interim curator**, and **every decision, ruling, order, direction or taxation made by the Master**, after taking into consideration representations from an executor, curator, interim curator, beneficiary or any other person whom the Chief Master considers relevant, and the Chief Master may confirm, set aside or vary the appointment, decision, ruling, order, direction or taxation, as the case may be. (2) **Representations must be in writing** and must include all relevant information pertaining to the matter, including— (a) the estate number; (b) name of the deceased or executor of the estate; (c) name of the court in whose jurisdiction the matter falls; and (d) a copy of the correspondence from the Master regarding his or her decision on the matter. (3) **A decision of the Chief Master** taken in terms of subsection (1) shall be **subject to appeal or review by the Court upon motion at the instance of any person aggrieved** thereby, and the Court may on any such appeal or **review confirm, set aside or vary the appointment, decision, ruling, order, direction or taxation**, as the case may be. (4) Pursuant to subsection (1), the Chief Master— (a) must determine a review and appeal policy and issue policy directives to give effect to the provisions of this section or any other law; and (b) may intervene in any stage of the process when policy directives are not complied with.

**The Intestate Succession Act, 1987**, so as to extend the meaning of "spouse" to includes a partner in a permanent life partnership in which the partners have undertaken reciprocal duties of support.'

**The Maintenance of Surviving Spouses Act, 1990**, so as to insert definitions of marriage and spouse which includes a permanent life partnership in which the partners undertook reciprocal duties of support.



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## Masters' known challenges

The Master of the High Court has been beset with challenges and customer complaints regarding various matters including but not limited to:

- Long queues;
- Unreliable and slow systems;
- Loss of client documents;
- Poor infrastructure of some offices
- Load shedding; and
- Backlogs.

Premised on the challenges experienced by clients, the Masters embarked on a turn-around journey focusing on the modernisation and transformation of the Masters' services. Five (5) key strategic interventions were identified and work has already begun on some of these initiatives.



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# Masters Medium-long term Strategy – Strategic Interventions...

1

## Modernisation & Innovation of Services

- ✓ Creation of an online Estates registration and appointment platform
- ✓ Development of a "Risk Rules" engine to enable automated real-time appointment (categorisation of registration outcomes)
- ✓ Establishment of quick service TAT through kiosks
- ✓ A queue management system to manage face to face client interactions (kiosk queues)
- ✓ Enhancements of current system deficiencies
- ✓ Increase network bandwidth for Masters offices - ≥ 940 Mbps or 120MB/s

2

## Creation of a Masters Contact Centre

- ✓ Enable query resolution real-time without service interruptions
- ✓ Allow for assistance of clients who have no access to technology and no means to travel to offices through the contact centre. Services should include:
  - ✓ Online registration
  - ✓ Online appointments
  - ✓ Education
  - ✓ General query resolution
  - ✓ Chat bots
  - ✓ Outbound calls – "Please call me" functionality

3

## Acquisition & integration into 3<sup>rd</sup> Party data from intermediaries and OGAs

- ✓ DHA – death certificates, marriage certificates, ID, etc. Essential for authentication
- ✓ Deeds registry – immovable property information
- ✓ eNatis – vehicle registration data
- ✓ SAPS – guns register, accident reports
- ✓ GEPF & RAF
- ✓ Banks – financial data
- ✓ SARS – Estate duty
- ✓ Life Assurance/Insurance companies – policies and annuities

4

## Focused Education interventions to specific target groups

- ✓ Develop Deceased Estates Administration education packs – delivered through roadshows and outreach
- ✓ Make use of community radio stations to deliver education messages
- ✓ Create our own education channel with pre-recorded lessons hosted on our website
- ✓ Install and use televisions in our offices to broadcast the channel

5

## Improve environmental conditions of offices

- ✓ Mitigate and circumvent load shedding by investing in solar back-up systems
- ✓ Improve employee security at offices – counter vs. office
- ✓ Facilities must repair all broken equipment's (continuous maintenance)



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# MASTERS' INTERVENTION PLANS, COMMITMENTS AND PROGRESS



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# Intervention 1: Deceased Estates Online

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**Description:** Roll-out of the Deceased Estates Online system nationally.

**Commitment:**

- The roll-out to all Masters offices to be completed by January 2024.

**Progress:**

- ICT and Masters successfully completed the roll-out on **14 December 2023** in all Masters' offices as well as service points.

**Further issues to be considered:**

- The interface to the DHA's National Population Register is not stable causing delays and ultimately creating backlogs in the issuing of appointment letters in deceased estates



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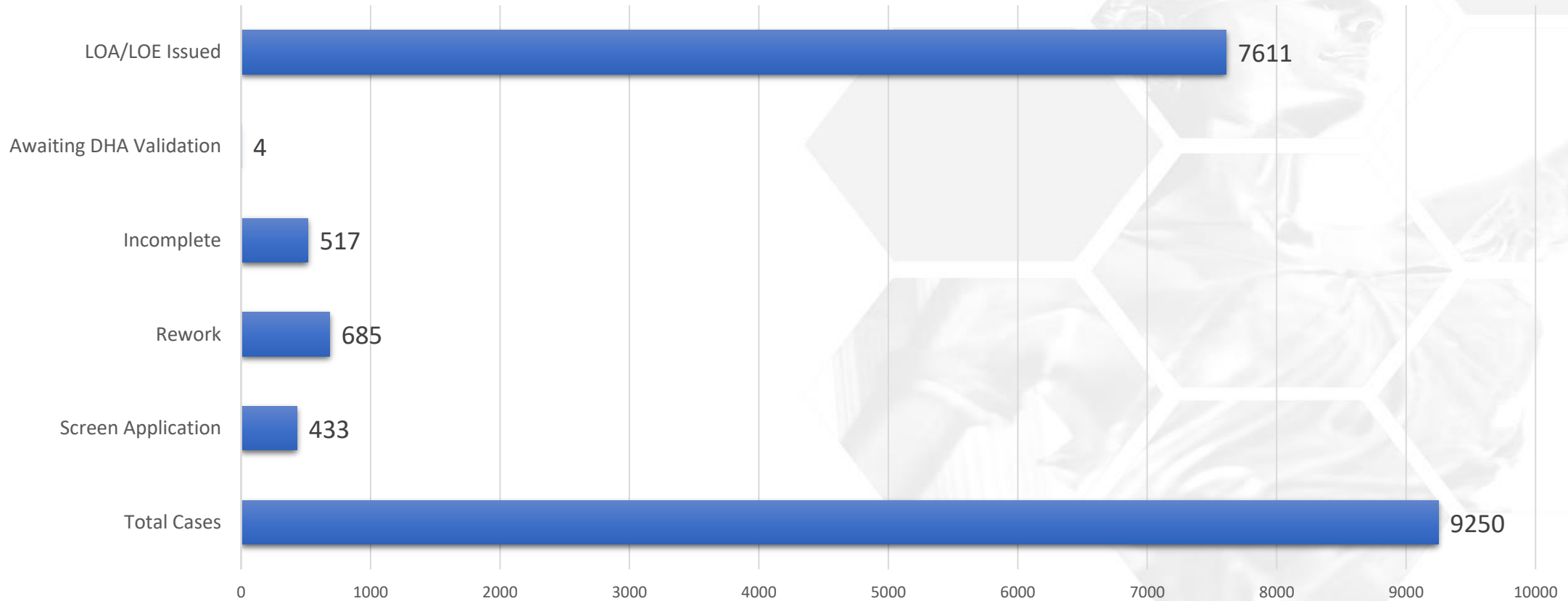
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# Deceased Estates Online: Usage Report as at 06092024

## Summary of Online Cases



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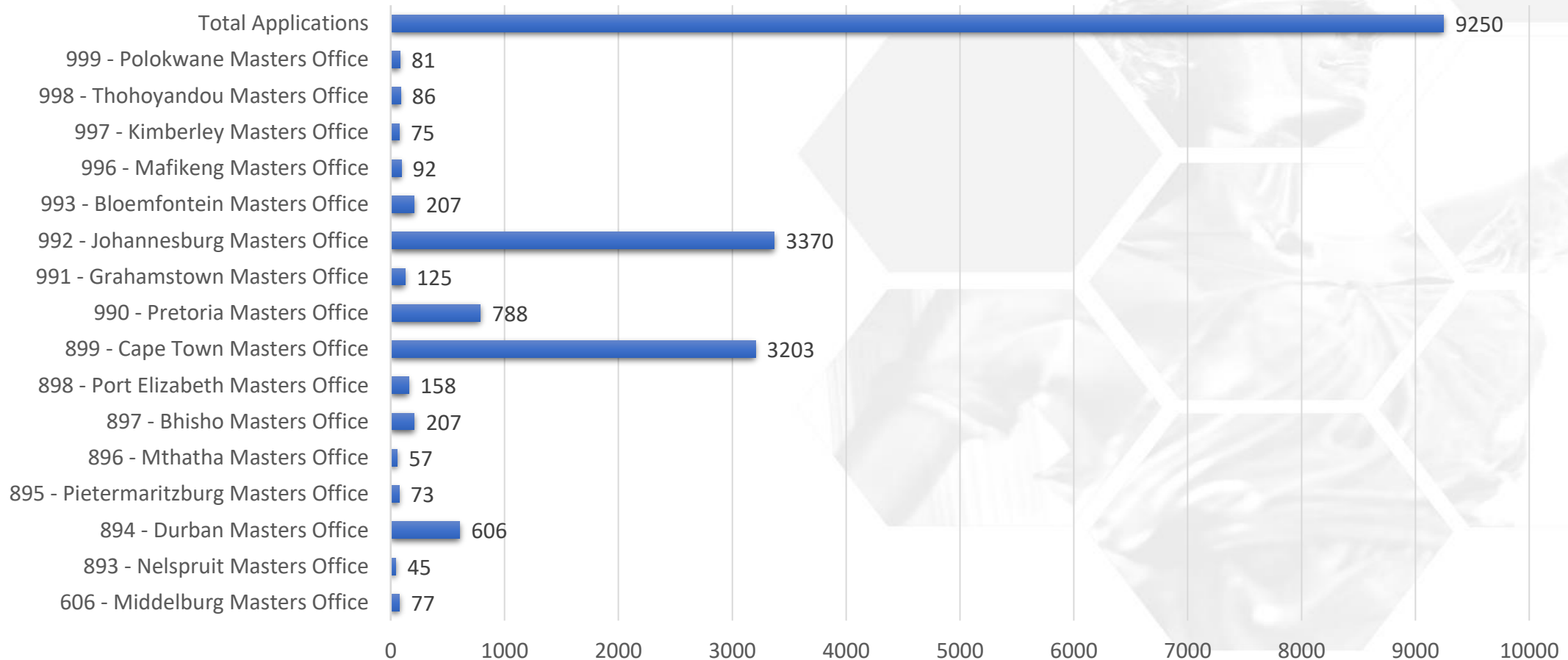
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# Deceased Estates Online: Usage Report as at 06092024

## Total Applications Per Masters' Office



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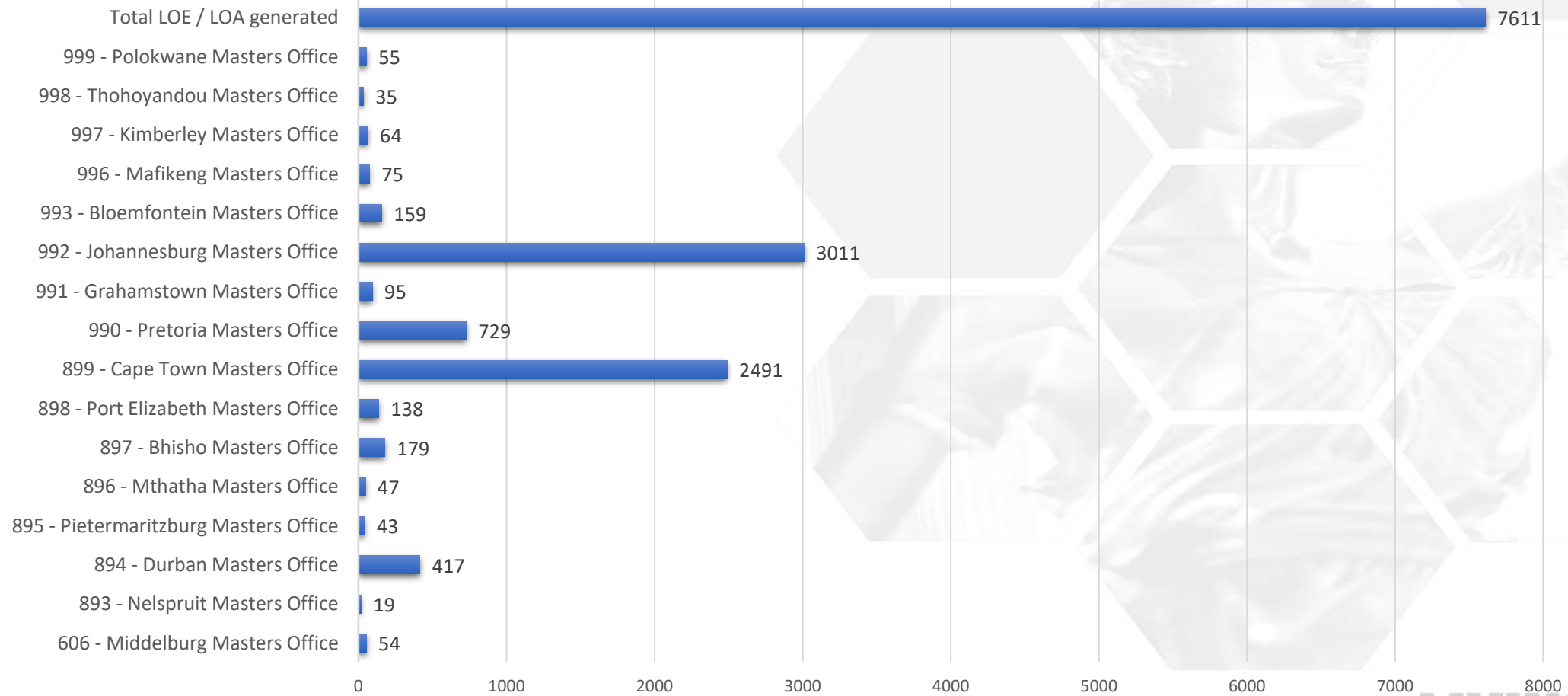
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## LOE/LOA Generated per Office



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# Intervention 2: Education on Master's Services

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**Description:** Increased visibility and education on the Deceased Estates online functionalities and other Masters' services.

**Commitment:**

- Training videos to be made available on social media & Masters portals

**Progress:**

- PEC has published training videos on the Masters' portal, YouTube and on the DoJ&CD Facebook platform on 29 January 2024. The videos can be accessed by practitioners and members of the public to assist them in lodging deceased estates applications, booking online appointments and tracking the status of their applications. The training is available on the links below:

[https://youtube.com/playlist?list=PLPetB\\_5dGjdecoXGKH1tTmFROQcWwJ5Bc&si=mOwHc9ZoDHpGoXpG](https://youtube.com/playlist?list=PLPetB_5dGjdecoXGKH1tTmFROQcWwJ5Bc&si=mOwHc9ZoDHpGoXpG)

<https://www.justice.gov.za/services/online-services.html>

**Further issues to be considered:**

- Masters to conduct community outreach programmes to educate members of the public on Masters' services in partnership with willing stakeholders.



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# Intervention 3: Engagements with Stakeholders

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**Description:** Increased engagements with the legal fraternity, fiduciary, accounting and banking industries.

**Commitment:**

- A stakeholder engagement was held on 16/11/2023 with the Ministry, Masters, FISA, BASA and members of the legal profession. Continuous engagements and updates are held monthly.

**Progress:**

- On 23 January 2024, a training webinar was hosted by Master to train stakeholders practising in deceased estates on the use of the new online system, provide them with further updates on future developments and to give them a platform to raise any issues they may have with the Masters' services. The initial intention was to engage only legal practitioners however, members of FISA, BASA, CIBA and SAICA participated in the webinar. **2308** legal practitioners, fiduciary professionals and accountants attended the webinar. PEC has published the webinar as a YouTube link as follows:

<https://www.justice.gov.za/master/deceased-how.html#DEORS>

- Masters have reconvened the central Stakeholder engagement forum on a monthly basis.

# Intervention 4: Curbing of Load Shedding Challenges

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**Description:** Install back-up power to Masters' offices that do not have generators or inverters.

**Commitment:**

- The project to install UPS back-up power is in progress and it is planned to be completed by March 2024.

**Progress:**

- Load shedding remains a challenge as back-up power has not been installed in affected Masters offices. The following offices remain affected, thus may experience service delivery failures during load shedding:
  - Johannesburg
  - Durban (generator trips the network when activated due to no UPS)
  - Thohoyandou
  - Umtata
  - Mafikeng
  - Gqeberha (does not currently experience load shedding but has no back-up power)
- Procurement of back-up power is at an advanced stage with DPW.



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# Intervention 5: Capacitation of the Masters' offices

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**Description:** The capacitation of Masters' offices at production levels (Estate Controllers and Assistant Masters) as well as at the Masters' leadership level.

**Commitment:**

- Filling of critical vacant positions including the position of the Chief Master.

**Progress:**

- Phase 1 critical vacancies have been advertised in the DPSA circular of 06/09/2024. At this stage, only 2 positions at National level were deemed critical i.e. Chief Master and Chief Director: Masters' Operations. Phase 1 also includes 7 Assistant Masters' positions as well as 2 Deputy Master (HOO) positions for both Masters office Bisho and Middelburg. Phase 2 critical vacancies, if approved, would result in the filling of 21 other Masters vacancies



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# Intervention 6: Dealing with Corruption

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**Description:** Deal decisively with corrupt activities and officials within the Masters' office.

**Commitment:**

- Institute disciplinary processes against officials implicated by the SIU and FAU reports.

**Progress:**

- 14 Masters' officials have been formally charged with various contraventions as identified in both the SIU and FAU reports. Disciplinary hearings are actively underway for these individuals. Among the charged officials, one has already been found guilty and was summarily dismissed. Another official was also found guilty and received a sanction of a three-month suspension without pay however, the Department has also filed additional charges against the official. The disciplinary process for these outstanding charges is set to begin in the month of September 2024. One SMS official resigned with immediate effect two days before their scheduled disciplinary hearing.
- A corruption and bribery anonymous tip-off line has been developed, and it will be available for both internal staff and external clients to report officials or external parties involved in corrupt activities related to Masters' services. The Masters plan to launch this functionality in the last week of September 2024.

**Further issues to be considered:**

The disciplinary process for the remaining officials is ongoing, and it is anticipated that all hearings will be concluded by the end of November 2024.

# Intervention 7: Implementation of a BO Register

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**Description:** The Masters are mandated to create a beneficial ownership register, make the register available to law enforcement agencies and create a disqualified trustee register.

**Commitment:**

- The BO register to be available by 01 April 2023, and a Trust Online system to be implemented by March 2025.

**Progress:**

- The BO register has been developed and implemented and it is fully functional. Access to the BO register has been enabled and Law Enforcement Agencies (LEAs) are in the process of finalising their applications and nominations. SARS, DPCI, SAPS, NPA, FIC and the AG have full access as part of FATF requirements.
- As at 23 August 2024, 61145 trusts have filed beneficial ownership information. Thus far 69 officials from various LEAs have been granted direct access to the registers.
- The current compliance rate with trust beneficial ownership requirements is significantly low. In response, the Masters will launch a multi-pronged media campaign in the coming weeks to urge Trustees to voluntarily comply. This campaign will also serve as a reminder of the penalties that will be imposed on those who fail to meet compliance standards.

**Further issues to be considered:**

- The analysis and design for the Trust online system has started and it is envisaged that the roll out will remain 31 March 2025.



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