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Dear Ms Agulhas

20 August 2020

Herewith an urgent appeal to the Master of the High Court, Cape Town and all levels of Staff.

We write this letter on behalf of the organised professions represented herein, being the Cape Town Attorneys Association and the Tygerberg Attorneys Association.

It has come to our attention that you recently received and responded to a letter written by Attorney Marien du Preez requesting the urgent re-opening of effective communication channels by the Office of the Master of the High Court.

The gist of the request from Ms du Preez is repeated herein as we align ourselves with her appeal.

Your office has furthermore also received many appeals from other individuals and organisations which have been confirmed to us.

We are all severely affected by the COVID pandemic and the effect thereof on our practices, organisations and governmental departments. We are all however forced to and must drastically review the way that we practice, render services, and interact with each other.

Due to Covid 19 and the subsequent lockdown, the doors of the Master's Office have effectively been closed to the public as well as to public representatives such as attorneys, fiduciary specialists, accountants, insolvency practitioners and other participants.

The effective operation of the Master's Office is of critical importance to millions of South Africans and has a direct impact on the South African economy and society as a whole.

If the Master's Office does not function at optimum level, it has serious economic consequences for the public in general, our clients and our practices.

This also impacts the release of funds back into the economy and holds back critical funding that should be made available to creditors, heirs, beneficiaries and SARS. It impacts immovable and moveable property transactions throughout the system whether at the stage of signing Deeds of Sale and/or when delayed endorsement applications hamper lodgement with the Deeds Office. This can have dire financial consequences for our clients.

Increasingly, long lines of people are queuing outside and around the block at the Master's Office in the faint hope that they will be able to engage effectively with the Master's Office staff.

Documents may be lodged via the side entrance at the Postal Counter, but we have no access to physical files nor the Master's Office staff to follow up on matters.

In the past, physical attendance was often the only way to ensure that our matters progress through the system. More specifically, when Appointments in Deceased Estates or Trusts are not issued timeously, consents to property transactions are not obtained or even if correspondence or queries are not dealt with, often the only way to get things done, is to physically attend at the Master's Office and approach the Estate Controller or Assistant Master to attempt to address any outstanding issues or to clear away any hold-ups.

We assume that the Master's Office is currently functioning with all its staff members in attendance, whether from home or physically present at the office.

If a lesser compliment of the Master's Office staff are presently allowed at the office, we request that you indicate and confirm whether these staff members have been fully capacitated to work from home in this time of the COVID pandemic.

We require your urgent overview of the practical arrangements that have been put in place and further request your consideration and comment on whether these arrangements are truly working effectively.

We are committed to assist in any way in resolving our matters quickly and effectively by adhering to effective, well-communicated administrative processes. These processes must however also be followed by the Master's Office Staff for everyone to benefit from it.

In the past, projects were initiated by your Office attempting to move away from a paper-based, physical filing system at the Master's Office. These projects have however not resulted in a fully functional system. It is trite that embracing the benefits of the digital age will lead to less people standing in queues at the Master's office and to a more efficient use of your and our clients' time.

The generic email addresses given for the Master's office is unattended or does not appear to be effectively routed to the officials meant to deal with it. Following the request from the Chief Master's office to not e-mail any queries to the various Master's offices, we have no communication with your office.

We have received many complaints regarding this issue and reported it to your office with no response to date. By indicating how these e-mails are received and routed within the Master's office we could all work towards an improved and effective way to communicate with your staff.

We have found proof of a list currently being circulated, albeit sporadically, containing the preferred hierarchy and protocol to be followed when following up on outstanding matters. The telephone numbers and email addresses in this list however remain unanswered, as have been confirmed by various members of our professions.

We strongly suggest that an appointment-based system be implemented to make appointments in advance with Master's Office Staff. This would allow staff to obtain the relevant files ahead of time and to deal with professional representatives on appointment. Issues can be dealt with there and then to progress relevant matters to their logical conclusion.

We furthermore suggest the Master's Office's consideration to allow the public entry after 14:00, allowing staff to go on lunch at 13:00.

It is clear from this letter that we appeal to establish an effective channel of communication with the Master's Office.

We are therefore engaging with your office on an organisational level, but our aim is to also ensure that the members of the public working directly and daily with the Master's Office, can also rely on effective ways to communicate with your office by receiving knowledgeable feedback, responses and co-operation from your officials.

Our professions have had regular feedback, updates and Covid 19-related arrangements from comparable government departments. The Deeds Office and the Office of the Judge President of the High Court and other Courts have communicated regarding arrangements and means of electronic access and communication in the absence of the usual open access to the Courts and the Deeds Office. We are also familiar with the way that SARS as an organisation use electronic ways of filing returns and documents and dealing with queries on their platform.

The CTAA requested from your office an update on the turn-around times at the Master's Office to which no reply has been offered to date.

Organisational communications from the Office of the Master, Western Cape have not been widely circulated and you are requested to do so with immediate effect.

We request that this kind of feedback be channelled through the CTAA to its various professional member organisations.

We now therefore urgently request that you respond with full details on the following queries:

1. Confirm and explain your current working channel of communication with the public and professions on how to effectively communicate with the Master's Office and the specific officials that have been assigned to our matters;
2. Confirm the arrangements that have been put in place to lessen the necessity for in-person attendance at the Master's Office;
3. Confirm the specific arrangements in place to
  - enable the services and functions of the Master's Office to be accessed through modern ways of communication, most notably e-mail or telephone;
  - at the same time ensure that such communications are dealt with and responded to timeously;
  - practical ways to overcome the historic insistence of original documentation versus presenting documents electronically via e-filing.
4. What changes in approach and execution have been adopted by the Master's Office to deal with the current challenges during Covid 19?

5. Regarding the proposal that meetings with individual officials be set up by appointment, how can it be set up by replacing in-person meetings with Zoom or Team meetings?
6. What specific measures have been put in place to deal with the backlogs that exist due to the closure of the Master's Office during the lockdown as well as the backlog that was experienced subsequent to the refurbishing of the Master's Office?
7. What specific measures have been put in place to address the lines of people outside the Master's Office and how do you propose to make their engagement with the Master's Office a quick and pleasant process? It cannot be acceptable to your office for people to wait hours to be attended to, and then to be told they do not have the required documents or that the Master's file cannot be located?
8. What are the present benchmark times for your standard functions such as issuing Letters of Executorships and what measures have been put in place to address the delays?
9. In what ways can we as organised professions assist with solutions or address the issues that the Master's Office is unable to on its own.

As part of our commitment to assist in finding solutions for these trying times, we reiterate and suggest the following specific interventions:

- Pre-arranged appointments;
- A move away from paper-based filing and issuing of documents towards a functional electronic system;
- Clear communication on turn-around times, different communication channels and escalation hierarchy;
- Dedicated Assistant Masters to attend to all Section 42(2) applications and to remove this load from the Teams. Currently we wait 4 – 6 weeks for replies;
- Clear communication to staff of the criteria for considering Section 42(2) applications as some of the requirements set by your staff are outside the Master's jurisdiction;
- Multiple Assistant Masters to assist with fast tracking the issuing of Letters of Executorship and Letters of Authority;
- The issuing of Letters of Executorship, Letters of Authority and Letters of Appointment could be done by scanning it into the Master's Portal from which it can simply be downloaded.
- A fast track system or simplification of Query Sheets. In all estates where there are no minors and/or estate duty, issue a standard Query Sheet that authorises distribution and confirms the Master's fees. This is an area of consistently poor communication and response times.

We trust that you will receive this letter in the positive yet concerned spirit in which it has been prepared and sent to your Office.

Please consider our requests and recommendations and revert to us in detail by no later than Friday 28 August 2020.

Yours faithfully

**Tygerberg Attorneys Association**



Signature \_\_\_\_\_

Name of person signing: **Peter John Truter**

Committee Members: P Truter (Chairperson), FK Weber, H Visser, S van Zyl, F Kruger, M Titus, R de Lange, J Gijbers, F Steyn, L Kotze, R Nelson, K Roberts

**Cape Town Attorneys Association**

Signature 

Name of person signing: **Clive Sinclair Hendricks**

Committee Members: C Hendricks (Chairperson), S le Roux, A Catto, D Fyfer, S Jooste, N Barnaschone, G Bellairs.