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Please quote our ref: PFA/NW/16770/2007/EMD

**RE: DETERMINATION IN TERMS OF SECTION 30M OF THE PENSION FUNDS ACT 24, 1956 (“the Act”): MR P BOPAPE (“the complainant”) v MULTIKOR PENSION FUND (“the respondent”)**

1. Introduction

- 1.1 This complaint, received on 1 July 2007, concerns the payment of death benefits.
- 1.2 On 2 October 2007, a letter acknowledging receipt was sent to the complainant. On the same day a copy of the complaint was sent to Sanlam, who responded on behalf of the respondent on 26 October 2007.
- 1.3 Having considered the written submissions filed before this tribunal, it is considered unnecessary to hold a hearing in this matter. The determination and reasons therefor appear below.
- 1.4 As the background facts are well-known to all parties, these shall be repeated only to the extent that they are pertinent to the issues raised herein.

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M Mohlala (Adjudicator), C Nkuhlu (Snr Assistant Adjudicator), F Mtayi (Snr Assistant Adjudicator), K MacKenzie (Snr Assistant Adjudicator), R Maharaj (Snr Assistant Adjudicator), M Ndaba (Snr Assistant Adjudicator), M Daki (Snr Assistant Adjudicator), E de la Rey (Snr Assistant Adjudicator), N van Coller (Assistant Adjudicator), L Mbalo (Assistant Adjudicator), S Gcelu (Assistant Adjudicator), M Ramabulana (Assistant Adjudicator), N Sihlali (Assistant Adjudicator), S Mothupi (Assistant Adjudicator), P Mphephu (Assistant Adjudicator), C Seabela (Assistant Adjudicator), P Myokwana (Assistant Adjudicator), L Nevondwe (Assistant Adjudicator)

Office Manager: L Manuel, Financial Manager: F Mantsho, Accountant: R Soldaat

## 2. Facts in brief

- 2.1 The complainant's late brother, Mr SA Bopape, was employed by Great North Transport. The deceased died on 2 March 2006.
- 2.2 The complainant lodged a complaint about the non-payment of death benefits.

## 3. Complaint

- 3.1 The complainant is complaining that the respondent is taking unduly long in finalising the payment of death benefits.
- 3.2 A copy of a letter in which the girlfriend of the deceased renounces any right to be considered by the trustees for participation in benefits, was enclosed.

## 4 Respondent's Response

- 4.1 Sanlam, on behalf of the respondent, replied that the deceased was a member of the respondent from 1 July 2001 to 23 March 2006, when he died.
- 4.2 Sanlam's responsibility is to pay the deceased's dependants and/or nominees as determined by the trustees and in the proportions determined by the trustees.
- 4.3 Sanlam only received the trustee resolution on about 17 October 2007, in terms of which 50% of the death benefit is payable to the complainant and 50% to the complainant's mother.
- 4.4 Sanlam is currently in the process of giving effect to the resolution and has requested the complainant to confirm that he and his mother are happy with the resolution.

## 5. Determination and reasons therefor

- 5.1 Section 37C requires that death benefits in certain circumstances be paid within twelve months. The period of time taken for a decision by the trustees regarding the disposal of the death benefits in this instance is therefore not acceptable.

