



HEAD OFFICE  
Johannesburg  
1<sup>st</sup> Floor, Norfolk House  
Cnr 5<sup>th</sup> Street & Norwich Close  
Sandton, 2196  
PO Box 651826, Benmore, 2010  
Tel (011) 884-8454 □ Fax (011) 884-1144  
E-Mail: [enquiries-jhb@pfa.org.za](mailto:enquiries-jhb@pfa.org.za)

Cape Town  
2nd Floor, Oakdale House, The Oval  
Oakdale Road, Newlands, 7700  
P O Box 23005, Claremont, 7735  
Tel (021) 674-0209 □ Fax (021) 674-0185  
E-mail: [enquiries@pfa.org.za](mailto:enquiries@pfa.org.za)  
Website: [www.pfa.org.za](http://www.pfa.org.za)

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Please quote our ref: PFA/WE/6313/05/NS

**DETERMINATION IN TERMS OF SECTION 30M OF THE PENSION FUNDS ACT, 24 OF 1956 (“the Act”): K PRINGLE v CORPORATE SELECTION RETIREMENT FUND (“the fund”) / LIBERTY LIFE GROUP LIMITED (“Liberty” or “the insurer”) / GLOBAL VILLAGE LEISURE RETAIL (PTY) LTD (“the employer”)**

**Introduction**

- [1] Your complaint concerns the calculation of a withdrawal benefit that was received by your daughter from the fund. The complaint was received by this office on 7 November 2005. On 7 December 2005 a letter was sent to Liberty giving it until 3 January 2006 to submit a response to the complaint. On 19 December 2005 a response was received from the fund. A copy of the response was sent to you on 17 January 2006. A reply was received from you on 3 February 2006. I consider it unnecessary to hold a hearing in this matter. My determination, together with reasons therefor, is set out below.

**Complaint**

- [2] Your daughter, Kerry Pringle, became a member of the fund in May 2003 by virtue of her employment. Upon termination of her services in June 2005, she received a withdrawal benefit of R20 872.13 from the fund.
- [3] You are unhappy with the benefit that she received from the fund. You contend that you find it strange that the monthly contributions paid by the employer vary every month. In your reply you state that at no stage were the employees advised that the fund would deduct all costs from the employer’s 5% monthly contribution, substantially reducing the actual contribution by

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V Ngalwana (Adjudicator), N Jeram (Deputy Adjudicator), C Nkuhlu (Snr Assistant Adjudicator), L Shrosbree (Snr Assistant Adjudicator), Z Camroodien (Snr Assistant Adjudicator), F Mtayi (Snr Assistant Adjudicator), K MacKenzie (Snr Assistant Adjudicator), R Maharaj (Snr Assistant Adjudicator), N van Coler (Assistant Adjudicator), L Mbalo (Assistant Adjudicator), J Mabuza (Assistant Adjudicator), V Abrahams (Assistant Adjudicator), S Gcelu (Assistant Adjudicator), T Thabethe (Assistant Adjudicator), M Ramabulana (Assistant Adjudicator)

Office Manager: L Manuel

the employer to the fund. You want to know whether there is any law which prohibits the employer from misrepresenting that it would be contributing equally to the fund, while in actual fact this is not the case.

## **Response**

### **Preliminary point**

- [4] Liberty has raised a preliminary point, stating that you do not have *locus standi* to lodge a grievance on behalf of your daughter and, as such, it does not wish to divulge any member's information to third parties. It therefore requested that you furnish a mandate from your daughter confirming that she has indeed authorised you to lodge this complaint on her behalf.

### **Merits**

- [5] The fund has also responded on the merits, but for the reasons set out below, it is not necessary for me to rehearse those here.

## **Determination and reasons therefor**

### **Technical point**

- [6] Section 1 of the Act prescribes the grounds for *locus standi* before any person can lodge a complaint in terms of the Act. A complainant is defined in section 1 of the Act as follows:

“(a) any person who is, or who claims to be-

- (i) a member or former member of a fund;
- (ii) a beneficiary or former beneficiary of a fund;
- (iii) an employer who participates in a fund;

- (b) any group of persons referred to in paragraph (a)(i), (ii) or (iii);
- (c) a board of a fund or member thereof; or
- (d) any person who has an interest in a complaint;

- [7] It is patently clear from the evidence before me that you do not fall into any of the categories of persons entitled to lodge a complaint in terms of the Act. You have also failed to provide this tribunal with documentary evidence to prove that you are authorised to lodge this complaint on behalf of your daughter. In the circumstances, I find that you do not have the necessary legal standing to bring this complaint

Relief

[8] In the result, the complaint is dismissed.

Dated at Cape Town on this the                      day of                      2007.

Yours faithfully

**Vuyani Ngalwana**  
**Pension Funds Adjudicator**