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Please quote our reference: PFA/EC/7378/2006/NVC

DETERMINATION IN TERMS OF SECTION 30M OF THE PENSION FUNDS ACT 24 of 1956 (“the Act”): C van der Berg (“the complainant”) v Central Retirement Annuity Fund (“the first respondent”) and Chris Hani District Municipality (“the second respondent”)

1. Introduction

- 1.1 The complaint concerns the failure of the second respondent to forward contributions timeously to the first respondent, and to submit accurate membership data to it, preventing the first respondent from allocating the contributions and issuing correct benefit information.
- 1.2 The complaint was received on 17 February 2006 and a letter acknowledging receipt thereof was sent to the complainant on 15 May 2006. On the same date letters were dispatched to the respondents requesting them to submit responses to the complaint by 5 June 2006. The responses were received on 29 May 2006. The respondents copied the complainant with the responses. The replies were received on 5 June 2006 and 28 June 2006.
- 1.3 After considering the written submissions before me, I consider it unnecessary to hold a hearing in this matter. My determination and reasons therefor appear below.

M Mohlala (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 Coller (Assistant Adjudicator), L Mbalo (Assistant Adjudicator), V Abrahams (Assistant Adjudicator), S Gcelu (Assistant Adjudicator), T Nekile (Assistant Adjudicator), M Ramabulana (Assistant Adjudicator), N Sihlali (Assistant Adjudicator), S Mothupi (Assistant Adjudicator)

Office Manager: L Manuel

2. Complaint

- 2.1 The complainant states that contributions are deducted from her salary for purposes of funding retirement benefits by means of a retirement annuity policy held in the first respondent, and for risk benefits held in the National Fund for Municipal Workers.
- 2.2 The complainant advises that she was employed by the Drakensberg District Municipality from 1984. She states that this municipality paid the contributions deducted from her salary to the first respondent each month and without any problems.
- 2.3 She transferred to the second respondent on 1 July 2005, and she contends that although the contributions were deducted regularly from her salary, the second respondent did not forward these timeously to the first respondent, or only submitted the contributions sporadically to the first respondent. She wants the contributions that were and are being deducted from her salary to be paid to the first respondent without delay.
- 2.4 The complainant also states that the second respondent did not submit accurate membership data to the first respondent to match contributions received against the various members' accounts in the first respondent. She wants the data to be reflected accurately in her fund account.
- 2.5 The complainant alleges that her own various attempts to have the matter rectified have not produced the desired result.

3. Response

- 3.1 In brief, the second respondent asserts that it was not in agreement with the complainant's allegations, and in evidence, submitted schedules reflecting details of electronic payments and membership information sent to the first respondent.
- 3.2 The first respondent requested this tribunal to suspend investigation as it intended to resolve the issues with the complainant.
- 3.3 During a telephonic discussion with this office on 10 May 2007, Sanlam Life Insurance Limited ("Sanlam"), the fund's administrator, advised that the second respondent was forwarding the contributions timeously each month, that there were no arrear contributions due to the first respondent, and that the membership data being received from the second respondent was clear, accurate and corresponded to the individual members. Sanlam concluded that, in particular, the complainant's fund account reflected no outstanding contributions and appeared entirely up to date.

4. Determination and reasons therefor

- 4.1 If the respondents administered the complainant's contributions poorly in

