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Please quote our reference: PFA/GA/12518/2007/PM

RE: DETERMINATION IN TERMS OF SECTION 30M OF THE PENSION FUNDS ACT 24, OF 1956 ("THE ACT"): TLADI L J v ("the complainant") AMALGAM DEFINED CONTRIBUTION PROVIDENT FUND ("first respondent") / LIBERTY LIFE ("second respondent")

1. Introduction

This complaint concerns the payment of contributions to the second respondent by the employer.

An initial complaint was received by this office on 31 January 2007 and dated 07 February 2007. A letter acknowledging receipt thereof was then sent to the complainant and dated 19 March 2007. On the same day a letter was dispatched from the office to the first respondent informing them of the complaint and giving them until 19 April 2007 to respond to the complaint. A response was received from the second respondent on 19 April 2007.

As the background facts are well known to the parties, only facts which are pertinent to the issues raised herein shall be repeated.

2. Factual Background

The complainant is concerned about the contributions that are deducted from his pay on a monthly basis. The complainant wants to know if he indeed falls under the first respondent.

M Mohlala (Adjudicator), C Nkuhlu (Snr Assistant Adjudicator), Z Camroodien (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), M Qhali (Assistant Adjudicator),

Office Manager: L Manuel, Financial Manager: F Mantsho

3. Complaint

3.1 The complainant alleges that he is not sure if his contributions are paid over to the fund.

4. Second respondent's response

The second respondent states that the complainant is a member of the fund by virtue of his employment with the employer. The employer participates in the fund for the retirement funding arrangements for its employees.

The second respondent also confirms that they are responding on behalf of the fund as well.

5. Determination and reasons thereof

5.1 The relevant rules of the first respondent reads as follows:

"Employer means Future packaging of registered address 1487 Zeisa Road, Laser Park, Honeydew, and shall include such other company, group, body or organization of the EMPLOYER as shall be agreed upon in writing with the ADMINISTERING INSURER, the BOARD and the EMPLOYER, and in relation to any one MEMBER shall mean the EMPLOYER by whom that MEMBER is, for the time being employed."

5.2 From reading the above rule it becomes apparent that the complainant is a member of the fund by virtue of him being under the employ of Future Packaging. According to the complainant's policy submitted by the second respondent, the normal retirement age is 60; the complainant joined the company in 01 July 2000 and joined the scheme on 01 January 2001. Below is the table of the monthly contributions details.

	Member (R)	**Employer (R)**	**Total (R)**
Regular Provident Fund Contributions	92.95	92.95	185.90
Total available for Investment	92.95	92.95	185.90
Approved Risk Benefits	0.00	192.83	192.83
Unapproved Risk Benefit	0.00	38.92	38.92
Management Fee	0.00	47.16	47.16
Total payable	**92.95**	**371.86**	**464.81**

5.3 The total value of the complainant's retirement is as follows:

	Member (R)	**Employer(R)**	**Total (R)**
Normal Retirement Fund Contributions	2 050.27	13 277.39	15 327.66
Total Retirement Account	**2 050.27**	**13 277.39**	**15 327.66**

5.4 The complainant's and the employer's contributions have been paid over to the fund in terms of the relevant rules of the first respondent. In light of all the information submitted by the second respondent, the office is satisfied that the first respondent has fulfilled its duties in terms of its rules (rule 3).

SIGNED AT JOHANNESBURG ON THIS DAY OF 2008.

Yours faithfully

MAMODUPI MOHLALA
PENSION FUNDS ADJUDICATOR