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PETITION FROM: SASOLBURG MASALLA BENEFITS COMMITTEE  
(T.J. SOFE)  
TO: FREE STATE LEGISLATURE (MR MATSHAKA)

20.04.2009

## OUR VISION AND MISSION STATEMENT

### OUR VISION

Our purpose is to utilize our initiatives to find solutions that will amicably address the complex financial burden of misadministration and injustices caused by the relevant stakeholders to our members who are the rightful beneficiaries.

### Complaints against companies

#### Dispute and Specifics

##### 1. a) A.E.C.I. SASOL

The delaying tactics applied by A.E.C.I. company from 2004 up to 2009. Is there any time frame involved after the valuation and apportionment is concerned?

b) Suspected fraud in A.E.C.I. 25% Pension Fund. Annexure of breakdown analysis attached.

c) Will you please investigate what happened to the 25% portion of pension which was invested with Sanlam in 1993, but in which on exit members are not rewarded with their share of this portion.

d) Account for the staff members who worked for AECI beyond 1980, but do not qualify for apportionment.

##### 2. Sentrachem Group Pension Fund

Sentrachem wrote us a letter informing us of a missing millions because of the two errors during valuation and apportionment. This case need to be referred for investigation. – Annexure attached.

How is the minimum benefit being calculated while there are some contributors of eleven years of service who are apportioned with the insulting amounts like R237.75. This is Sentrachem surplus payment. – Annexure attached.

##### 3. SASOL Pension Fund and Sasol Coal Provident Fund

Sasol started to pay 6 000 ex members from 2007 until last year 2008. The payments ranges from R200.00 to R100,000.00. There is visibly a great gap of difference in payments amongst the contributors.

Most of ex members of this company are disqualified without relevant reasons as per qualification criteria stipulated e.g. Mr Muthubi worked for this company from 1974-1992. He received a disqualifying letter witch says he has received all his monies on exit while the surplus act was not legislated as yet, and he was a member of pension fund scheme.

Sasol Coal provident fund was established from 1992 by the Union C.N.P.F. but suprisedly enough all its members are disqualified.

NOTE: This situation need to be rectified by the trustees.

#### 4. Omnia Pension Fund

As far as Omnia is concerned there is no surplus to apportion to the former members. where as initially there was a correspondence that indicated that there may be a surplus to apportion.

#### 5. MIBFA: ENGINEERING INDUSTRIES PENSION FUND/METAL INDUSTRIES PROVIDENT

5) This fund is currently busy compiling the data base of their former members and active members who may be eligible for distribution of the benefits. They indicate that this process may take approximately 18 months to completed.

#### Prejudice

The criteria applied by the funds trustees have a negative impact on long term contributors. e.g. former members must be alive as at their funds surplus apportionment date to qualify. At least their widowers or orphans should at least qualify for forester grand, cause they cannot claim their estate.

Initially when filling the forms the members were not briefed about how they would be qualified as beneficiaries.

We requested for assistance from public protector who works with human rights and he referred us to his senior investigator Mr Neels van der Merwe in Pretoria on the 14<sup>th</sup> of April 2008. He promised us to referred our case to his senior Mr Moshwana but he never came back to us. "Annexure attached".

#### RELIEF

- 1) We demand the immediate payment for those beneficiaries all who are said to be qualifying hence mostly the evaluation was done in 2004.
- 2) We also demand that the qualification criteria's must be reviewed e.g. the former member must be alive as and at when the valuation is done. The contributor is being penalized for his/her per matured death before the evaluation what about the remaining windowers and orphans?
- 3) The stakeholders like companies that does comply to the dead lines of both tracing and apportioning of the benefits should be imposed with heavy penalties and all the unscrupulous key individual must be brought to books.
- 4) The F.S.B. should ensure proper adjudication of this legislation by sending reminding letters to those companies that have already registered their schemes for compliance.
- 5) The relationship of the companies and F.S.B. and administrators must be in such a way this legislation should be well adjudicated. In the interest of the beneficiaries especially former "members."
- 6) All the funds contributors must be included to the apportionment not for those that are alive only. This resolution will also speed up the process of distribution of surplus and its fairness and equitability wont be questioned.
- 7) We collectively as employees and ex-employees urge the government to prioritize the issues and act in the national economics interests of this country of ours by correcting the situation that seems to prevail.

- 8) Stop the looming loop-holes in the pension fund act, hence this surplus legislation affects our economy negatively when more boost is needed with the present global economic recession. It is evident that F.S.B. and Pension Fund Adjudicator are not performing their legislative function compliantly, so please intervene on behalf of the employees. For long term best interest institute a commission of inquiry to ascertain that solutions for this situation are appropriate.
- 9) We are totally apolitical but only concerned about social relief of distress. Our proposal is to have a body which will be a back-up for F.S.B. in implementation and regulation of registered schemes that are applying delaying tactics over submitting plans for paying out the pension surpluses, the process must be controlled. Annexure attached.

### 10) PROPOSAL

We also suggest that we (as a concerned group), that we should be given the first preference to be funded to be part of the solution, by being Residual Benefits Tracing and Recovery Services partnership by re-identify the beneficiaries, orphans widowers even the of skin!! Also be entrusted with powers in assisting them with relevant information and filling the forms correctly with them. "This concept is in line with governments policy of eradication of poverty".

### 11) DISCLOSURE AND DECLARATION

We strongly believe that it would be fair enough to disclose who is qualifying on the application forms, also in the Media, TV and Radio.

It is the trustees legal duty to make sure all stakeholders input has been considered and their rights are protected.

Representatives of the funds must act with good faith to both ex-members and active members. They must protect their members interests, keep them informed about the latest developments about surplus apportionment and to call the general meetings.

Finally we expect the government to come out clearly in this matter by showing the williness to unleash more proactive approach in handling these unacceptable

### COMMITTEE MEMBERS

INITIAL & SURNAME	POSITION	SIGNATURE
1. T.J Sofe	Chairman	<i>T.J Sofe</i>
2. M.J. Mokoena	Deputy Chairperson	<i>M.J. Mokoena</i>
3. P.M Kolisang	General Secretary	<i>P.M Kolisang</i>
4. M.J Mothiane	Treasure	<i>M.J Mothiane</i>
5. S.E Kheswa	Additional Member	<i>S.E Kheswa</i>
6. T..C Lekaka	Additional Member	<i>T..C Lekaka</i>
7. M.A Mokoia	Additional Member	<i>M.A Mokoia</i>
8. N.S Mothubi	Additional Member	<i>N.S Mothubi</i>
9. F Magolego	Additional Member	<i>F Magolego</i>
10. N Ntabeni	Additional Member	<i>N Ntabeni</i>

"OUR RIGHTS IS OUR PROTECTION"



## OFFICE OF THE LEGAL ADVISOR

Our reference:  
Ons verwysing:  
Tshuphe ya rona:

Thursday, June 18, 2009

Mr. T. J. Sofe  
The Committee  
Sasolburg Masalla Benefits Committee Petition

URGENT FAX (016) 9338134

**PETITION FROM: SASOLBURG MASALLA BENEFITS COMMITTEE: FREE STATE PROVINCE**

Dear Sir

1. During 2008, the Free State Legislature received a complaint from the above-mentioned Committee to intervene in a dispute regarding non-payments of surpluses apportionments and other relief sought by active and former members of pensions and provident funds administered on behalf of employees falling under A.E.C.I SASOL, SENTRACHEM GROUP PENSION FUND, SASOL PENSION FUND AND SASOL COAL PROVIDENT FUND, OMNIA PENSION FUND AND MIBFA: ENGINEERING INDUSTRIES PENSION FUND/ METAL INDUSTRIES PROVIDENT FUND.
2. The Provincial Legislature has no jurisdiction to make any determination of the surpluses apportionment claims dispute and other relief sought by active and former members of the pensions and provident funds outlined above. The nature of the complaint falls within the competency of National Parliament.
3. On Thursday, June 04, 2009, the Speaker of the Free State Legislature requested the National Council of Provinces to consider the complaint as a petition. The complaint was referred by the Speaker of the Legislature to the Office of the Chairperson of the National Council of Provinces through the NCOP Liaison Officer for the Free State Province. The writer hereof recommends that future correspondence relating to the complaint be sent directly to the NCOP Liaison Officer for the Free State Province. The Liaison Officer will pass all information and queries to the National Council of Provinces for consideration. The particulars of the Liaison Officer in Cape Town are as follows:

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Particulars of the following committee members were submitted by the Speaker of the Provincial Legislature to the National Council of Provinces on Thursday, June 04, 2009:

- 1) Mr. Lekaka T.C.
- 2) Mr. Sofe T.J.
- 3) Mr. Mokoena M.J.

Yours faithfully,



Machaka M.J  
Senior Legal Advisor  
Free State Province



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

**COMMITTEES**

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Mr TJ Sofe  
Chairman  
Masalla Benefits Committee  
SASOLBURG

Dear Mr Sofe

PETITION: Masalla Benefits Committee

Our telephone conversation earlier today refers.

I hereby acknowledge receipt of the documents that you forwarded to Parliament, namely

Letter on submission addressed to Mr Mahlangu, Chairperson of the NCOP  
Vision and Mission statement  
Petition from the Sasolburg Masalla Benefits Committee  
e-mail correspondence: Yourself, Freddy Modiosakeng and Jabu Adonisi  
Copy of AECI Pension Fund Registration form  
Newspaper reports on "Pension"

I am hoping to be in a position to finalise a programme for the hearing and once I have received clarity on the matter you will hear from me.

Yours faithfully

Rita Schaafsma  
Committee Secretary  
SC on Petitions and Members' Legislative Proposals  
Contact: 021-403 3742  
[rschaafsma@parliament.gov.za](mailto:rschaafsma@parliament.gov.za)

7 October 2009