



ADAPTING TO CHANGE
the only constant in life is change

PENSION LAWYERS

A S S O C I A T I O N

2005 Conference



DAY 1 Sunday 6 March 2005

18:00 Jazz / Cocktails / Registration (Boma)

DAY 2 Monday 7 March 2005

07:00 - 09:00 REGISTRATION

09:00 - 09:15 **Welcome and Introduction** - *Graham Damant* - Chairman of the Pension Lawyers Association Northern Region
(Baobab)

09:15 - 10:15 PLENARY

(Baobab) **The Way Forward** - Retirement Funds Reform - *Elias Masilela*
Elias Masilela, National Treasury Chief Director for Macroeconomic Policy, will open the Conference with a discussion on key themes and thoughts behind the proposed rewrite of the Pension Funds Act.

10:15 - 10:45 TEA

10:45 - 11:45 PLENARY

(Baobab) **The Way Forward**
- Cosatu representative - *Jan Mahlangu*
- BUSA representative - *Mike Jackson*
- Financial Sector Campaign Coalition representative - *Dr Blade Nzimande*
Following on from National Treasury's presentation, the three major Nedlac constituencies will each be given an opportunity to present their constituency's viewpoint on retirement fund reform.

12:00 - 13:00 BREAKAWAYS

Trustees/
Consultants
(Baobab) **1. The Way Forward** - Governance - *Jonathan Mort*
Much of the thought about proper governance of retirement funds relates to the management by the board of itself and of the business of the fund. There is a third important component, which is the governance by the board of its relationships with stakeholders: the employer or sponsor, the service providers and members. This session will focus on aspects of the governance of relationships, whilst touching on other aspects of governance; and will also deal specifically with certain problematic governance aspects in umbrella funds.

Advanced Law/
Consultants
(Candlewood) **2. The Way Forward** - Benefits - *Desmond Barry & Janina Slawski* (President of the Actuarial Society)
A discussion on minimum benefits, with specific focus on hybrid defined benefit and defined contribution funds, post-retirement medical-aid funds, deferred gratuity schemes and other difficult issues relating to the calculation of minimum benefits.

Advanced Law
(Silverleaf) **3. The Way Forward** - An Overseas Perspective - *Janine Player*
An overview of the pension issues the Canadian Regulators are grappling with, some recent cases on pensions law in Canada with particular focus on fund governance, fiduciary responsibility and funding developments (including dealing with surplus).

13:00 - 14:00 LUNCH (Lapa)

14:00 - 14:45 PLENARY

(Baobab) **The Way Forward for Regulation** - *Jeremy Andrew* (former FSB Chief Actuary)
A personal view of the background to the rewrite of the Pension Funds Act and the problem areas that Jeremy Andrew feels most require attention going forward: for example, access, compulsion, preservation, consolidation, regulation, governance (particularly of multi-employer funds) and taxation.

14:45 - 15:15 TEA

15:15 - 16:15 BREAKAWAYS

Trustees
(Baobab) **1. The Way Forward** - Death Benefits - *Naleen Jeram* (Office of the Pension Funds Adjudicator)
There will be a video of a section 37C case study, followed by a presentation of the current problems created by section 37C of the Pension Funds Act, with reference to various cases from the Pension Funds Adjudicator and the Courts, with a view to coming up with solutions for the way forward. Future scenarios will be canvassed.

Trustees
(Candlewood) **2. The Way Forward** - Maintenance - *Thabo Thipa and Fiona Renton*
There will be a video of a maintenance case study, followed by a discussion of the relevant case law and applicable legislation, as well as the problems encountered by funds with regard to maintenance orders, for both arrears and future maintenance.

Advanced Law/
Consultants
(Silverleaf) **3. The Way Forward** - Challenges to Service Providers - *Rosemary Hunter*
Organisations providing products and services to funds have been buffeted in recent years by allegations in relation to perceived conflicts between their interests and their duties, excessive costs and failures to transform. The investigation by New York Attorney General, Elliot Spitzer, has compelled service providers to consider ways in which they may have to do things differently in the future to avoid these allegations and risk of liability. Rosemary Hunter will address the issues facing both the providers of these products and services and their consumers.

16.30 - 17.30 *PLA Annual General Meeting (all PLA members)* (Baobab)

19.00 - 23.00 *Gala Dinner (Oak Chamber)*



DAY 3 Tuesday 8 March 2005

09:00 - 10:00 PLENARY

- (Baobab) **Pension Funds Adjudicator Update** - *Advocate Vuyani Ngalwana*
After nearly one year in Office, the Adjudicator shall provide us with valuable insight into the workings of his Office.

10:00 - 11:00 PLENARY

- (Baobab) **The Industry from a Regulator's Point of View and an Update on Surplus Apportionment Issues** - *Mike Codron* (FSB: Chief Actuary)
Mike Codron will cover his impressions of the industry from a regulators point of view. In addition he will discuss some of the more unusual cases that have been encountered in the last year. There will be an update on some of the work that is currently being carried out at the FSB. Lastly, he will cover aspects of the Pension Funds Second Amendment Act and again will discuss some of the more unusual cases that have been encountered.

11:00 - 11:30 TEA

11:30 - 12:30 BREAKAWAYS

- Consultants/
Trustees
(Baobab) **1. Curatorship / Liquidations** - *Nicola Howard*
How are members protected when a fund is mismanaged and/or loses its assets? This session will consider the possible consequences for trustees and members in funds facing mismanagement and/or financial difficulties. The Registrar's powers to conduct inspections, place funds under curatorship or alter the basis of management of funds, and the practical consequences of these steps, will be discussed.

- Consultants/
Trustees
(Candlewood) **2. Case Law Update** - *Francisco Khoza*
Francisco Khoza will present on a variety of interesting Adjudicator determinations as well as High Court cases and FSB Appeal Board cases, delivered in 2004 and early 2005. The presentation will be a critical analysis covering determinations dealing with, *inter alia*, minor's benefits, disability benefits, Adjudicator jurisdiction, prescription and surplus. This presentation will give an insight into the jurisprudence which is emerging under the new Pension Funds Adjudicator, as well as relevant case laws.

- Advanced Law
(Acacia) **3. Post Retirement Medical Aid** - *Advocate Craig Watt-Pringle SC*
This high-level talk will focus on legal issues arising from case history, such as the recent SABC case. In particular, the issue of whether or not post retirement benefits form part of terms and conditions of employment or an agreement with pensioners, as well as whether such benefits may be unilaterally removed, will be canvassed. Many of the matters relating to medical schemes are synonymous with those relating to pension funds and, thus, this talk will be of interest to those involved both with medical schemes and pension funds.

12:30 - 13:15 BREAKAWAYS

- Advanced Law
(Baobab) **1. Section 197 Transfers and Pension Benefits** - *Chris Todd*
This presentation will examine some of the cases where transfers have been dealt with: *Younghusband* (later *Resa*); *Tek*; *Telkom v Blom*. It will describe some of the general principles that should guide the regulation of pension benefits through a business transfer, will explore the complexities that arise, and will pose some possible solutions.

- Trustees/
Consultants
(Candlewood) **2. Investments** - *Samantha Davidson and Michael Leeman*
"Member investment choice" means that members are invited to select the portfolios in which their retirement savings are to be invested, regardless of whether they have appropriate expertise for the purpose. Does this mean trustees are abandoning their responsibilities? We shall also examine what is meant by socially responsible investments.

13:15 - 14:15 LUNCH (Lapa)

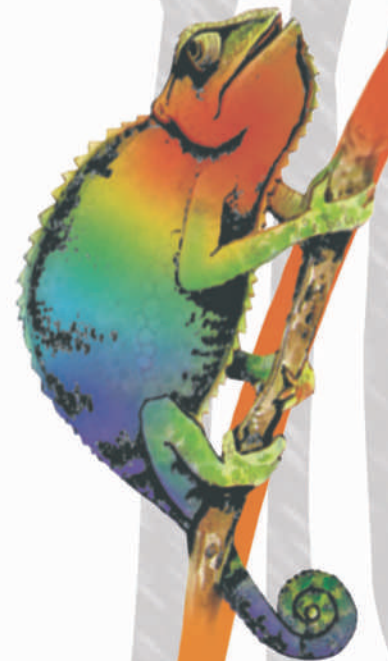
14:15 - 15:45 PLENARY - MOCK HEARING

- (Baobab) **Mock Surplus Apportionment Tribunal Hearing** - *Advocates Loxton SC, Brassey SC and Myburgh SC*
A dispute between an employer and a fund involving improper use issues, with Advocates Loxton SC and Brassey SC representing each party. The trial will look at the equitable distribution of surplus and the meaning of cost, as per the surplus legislation. The "judge" for the trial will be Advocate Myburgh SC who will provide a judgement and summary of the issues raised in the case.

15:45 - 16:00 CLOSING

NOTE FOR BREAKAWAY SESSIONS: The breakaway sessions are categorised as "advanced law", "trustees" and "consultants". This is meant only to give an indication as to the relevance of the content for each delegate. Thus, the advanced law sessions are likely to be more relevant for the experienced pension lawyer than for the consultants and trustees. No type of session is better than the other, and each delegate should find every session of interest and value, even if he or she is a trustee or consultant attending an advanced law session, or an experienced lawyer attending a trustee or consultant session.

ADAPTING TO CHANGE
the only constant in life is change



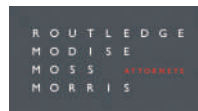
SPONSORS

The Conference Committee of the Pension Lawyers Association thanks all the sponsors for their generous contributions, especially the major sponsors whose logos appear below.

Special thanks go also to all of the speakers for their interesting and stimulating contributions to the Conference and for making it possible for the Pension Lawyers Association to produce a Conference of this calibre.

Finally, and most importantly, thanks to all of the delegates without whom no Conference is possible. We trust you have an instructive and enjoyable Conference.

We appreciate your support of the Pension Lawyers Association and the 2005 Conference and hope to see you all again next year.



SPEAKERS



Gerhardt Meyer

Our Master of Ceremonies, Gerhardt Meyer (B.Com LLB CFP), is an Advocate of the High Court, Member of the board of the fpi and currently the Vice-Chairperson PLA Steering Committee (Cape Region) for 2004.

Gerhardt spent 4 years at Old Mutual in various legal advisor roles, the last being as a legal manager for Investment Frontiers. He is currently with acsis Limited as head of financial planning and legal services.



Elias Masilela

at the South African Department of Finance and successively as Acting Chief Director Macroeconomic Policy. Since January 2001, he has been the Chief Director of Macroeconomic Policy and heads the broad range of processes around policy formulation and implementation in South Africa.

He represents the National Treasury at NEDLAC and at the Policy Advisory Board as the Deputy Chairperson and Financial Markets Advisory Board to the Minister of Finance, Government Convenor and Chair of the Public Finance and Monetary Policy Chamber in NEDLAC (1998-todate).

He also lectures on a part time basis and is currently the Vice President of the Economics Society of South Africa (ESSA) and a member of the Advisory Board of the Bureau of Economic Policy and Analysis (BEPA), the research unit of the University of Pretoria. He is also the Deputy Chair of the Policy Board, an advisory body to the Minister of Finance, on financial markets issues. He has been behind the change in architecture of many of the developments that have taken place in the South Africa economy (and the SADC region).

He has recently assumed the role of Interim Chairman of the Financial Sector Charter Council, as of October 2004. Elias is a founder member of the Council and has been instrumental in its setting up.

Mr. Elias Masilela holds a Bachelor of Arts degree in Social Sciences (Economics and Statistics) from the University of Swaziland (UNISWA) and a Master of Sciences in Economic Policy and Analysis with a specialisation in Money, Banking and International Economics from the Addis Ababa University (A.A.U.)

Mr. Masilela commenced his career at the Central Bank of Swaziland in 1986 and in 1997, Mr. Masilela joined the Central Bank of Swaziland as Head of the Research Programme for the Central Bank of Swaziland. From 1998 to 2000 he served as Director for Macroeconomic Policy (Real Sector)

Dr Blade Nzimande

His research areas include Education, Civil; Society and the State; Affirmative Action; Education Policy Development and he has written many publications and papers

Dr Blade Emmanuel Nzimande has a PhD, Department of Sociology, University of Natal (Durban) and is currently the General Secretary of the South African Communist Party (SACP).

Dr Nzimande was formerly a Member of Parliament, national Assembly and Chairperson, Parliament Select Committee on Education, the Director for Education Policy Unit at the University of Natal, a Lecturer in Industrial Psychology at the University of Natal (Durban) and a Council member of the UNISA Council and other Committees.

Dr Nzimande holds many key positions, including : Chair, Board of Trustees, Centre for Education Policy Development (CEPD); Chair, ANC Parliamentary Study Group on Education; Member of the Central Committee and Politburo, South African Communist Party; Member of the National Executive Committee of the African National Congress; Member of the National Deployment Committee of the African National Congress; Chairperson of the Financial Sector Campaign Coalition(FSCC) and Council Member at the University of South Africa.

Jan Mahlangu

Jan Mahlangu is Retirement Funds Co-ordinator of Congress of South African Trade Unions, member of Public Finance & Monetary Policy chamber of NEDLAC, trustee of few funds and a member of a Brussels based ICFTU Pensions Committee.



Janina Slawski

Janina Slawski is an actuary employed as a director by the financial services group, Alexander Forbes. She has a masters degree

majoring in actuarial science, and qualified as an actuary with the Scotland-based Faculty of Actuaries in 1991.

She is the President of the Actuarial Society.

She is the convener of the Actuarial Society of South Africa's AIDS Committee, and a past member of the Continuous Statistical Investigation Committee.

She has been involved in AIDS related research and modelling for nearly eight years with a specific focus on the impact of the African AIDS epidemic.

Janina's work experience has included consulting to employers, trade unions, non-governmental organisations, on the management of the impact of AIDS, the development and implementation of effective disability management programmes, the financial management of health care arrangements, and statutory actuarial work.



Mike Jackson

Mike Jackson has a BA (Hons), MA (Industrial Psychology) and completed the Executive Leadership Programme, Manchester Business School. He has sat on the boards of various bodies and institutions.

He was with the Liberty Group for many years, wherein he held the positions of Chairman of LIMRA South Africa, Managing Director of Charter

Life and Executive Director of Liberty Life. From 1998 - 2003 he was the Chairman of the Insurance Industry Employer Association and the Deputy Chairman of the Life Offices Association

Mike highlights the following as career achievements: implemented international best practices into Liberty Group HR function including recruitment processes, organizational design and incentivisation; promoted to Liberty Board; build Liberty's sales force to number one status in South Africa; awarded 5 Star VIP award by Group Chairman Donald Gordon for achievements; built Charter Life from R20 million sales to R1 billion sales in six years, reduced cost ratio from 35% to 5% lowest in the industry; built Bankassurance model with Standard Bank, implemented team structure of sales and service and won the National Productivity Institute Gold Award for productivity achievements.

He is currently the Chief Executive of PPS Insurance Company Limited and represents the Life Industry on Nedlac and BUSA. He consults to the Thebe Group and is a Trustee of the PPS Pension Fund and PPS RAFund.



Jonathan Mort

Jonathan Mort is a corporate lawyer and director with Edward Nathan (Pty) Ltd, based in their Cape Town office. He is part of the employee benefits law practice of that firm and has, because of his extensive experience in trust work, a special interest in the fiduciary responsibilities of trustees of retirement funds. He acts as independent trustee on a number of funds, has presented papers at various conferences relating to employee benefits and pensions law and has given talks on various legal topics on SAFM. He is the President of the Pension Lawyers Association and is a steering committee member of the International Pension and Employee Benefits Lawyers Association (IPEBLA).



Desmond Barry

Desmond Barry is a practising attorney and a partner at Webber Wentzel Bovens

Qualifications: BA (Wits), MA (York), LLB (Wits), HDip Company Law (Wits).

Admitted as an attorney in 1984.

Has practised for over 10 years in Pension and the Employment Benefits Law.

Has addressed various seminars and conferences and published articles on Pension and Benefits Law and has provided numerous opinions on different aspects of the subject including, fund governance, restructuring of funds, the distribution of pension fund surplus, amalgamation and dissolution of funds, taxation of funds and benefits, mergers and business transfers and trustee and manager liability.



Jeremy Andrew

Jeremy qualified as a Fellow of the Institute of Actuaries and was admitted as a Fellow of the Actuarial Society of South Africa in 1981. He has worked for most of his career in employee benefits, first for a major insurer, and then for 5 years as Chief Actuary to the Financial Services Board (FSB). Following his retirement from the FSB in 2003, he has consulted to, amongst others, the FSB/National Treasury team that will be rewriting the Pension Funds Act, and acted as an independent trustee and former member representative. He has served on numerous industry committees and workgroups, notably participating in the government team that drafted the Pension Funds Second Amendment Act, 2001, (which introduced minimum benefits and compels the equitable distribution of actuarial surplus).



Janine Player

Janine Player is a lawyer and consultant with Watson Wyatt Worldwide in Vancouver and provides legal consulting services in the retirement, investment and employee benefits areas to public and private sector clients. She has extensive experience in securities, tax, insurance, labour and pensions law.

Janine received a Bachelor of Laws from the University of Natal, S.A. in 1984 and was called to the Bar in S.A. in 1987. She has a masters degree in tax law and is a member of the Canadian Bar Association of B.C. She is the immediate past secretary of the Pension and Benefits Sub-Section of the Bar Association of B.C and is on the marketing committee of the Canadian Pension and Benefits Institute for the Pacific Region.



Thabo Thipa

of the Witwatersrand) and is currently doing his final year of the Executive Development Programme (UCT/Melbourne Business School)

Thabo is a member of the following Committees:

- Member of the National Steering Committee of the Pension Lawyers Association
- Member of the SAFSIA Employee Benefits Executive Committee
- Member of the SAFSA Legislative and Compliance Committee
- Member of the Institute of Retirement Funds Legal and Technical Committee
- Member of the Policy and Technical Committee and the Executive Committee at NBC Holdings (Pty) Ltd

Thabo Thipa is an admitted attorney of the High Court of South Africa. He holds B Soc Sci (University of Cape Town), LLB (University of Natal), PG Certificate Pensions Law (University

of the Witwatersrand) and is currently doing his final year of the Executive Development Programme (UCT/Melbourne Business School) Thabo has worked for Webber Wentzel Bovens Attorneys as an associate and is currently employed at NBC Holdings (Pty) Ltd as a Divisional Director, Legal Services.



Fiona Renton

Fiona Renton is a Senior Legal Advisor in the Legal Services Department of Alexander Forbes Financial Services. She has been in the retirement funds industry for five and a half years,

Fiona specialises in the technical and legal aspects of employee benefits and is responsible for attending to all Pension Funds Adjudicator and Long-term Ombudsman complaints on behalf of the clients of Alexander Forbes. She also provides training to consultants and clients and provides legal advice on pensions law issues. She has written many articles on topical issues, both for Alexander Forbes' clients, as well as industry publications.

Fiona Renton obtained a BA and LLB at Rhodes University. She has also successfully completed the Certificate in Pensions Law at Wits University.

She is the Vice Chairperson of the Northern Region Committee of the Pension Lawyers Association and is the Chairperson of the Conference Committee for the 2005 Pension Lawyers Association Conference.



Rosemary Hunter

Rosemary Hunter attained BA, LLB and LLM (Labour Law) degrees from the University of the Witwatersrand. She was admitted to practice as an attorney in 1992.

Rosemary has extensive experience in both labour and employee benefits law. She advises retirement funds, medical schemes, employers, unions, insurers, administrators and other service providers on a wide range of legal issues concerning occupational retirement and medical funding.

Rosemary is also a senior lecturer in law at the University of the Witwatersrand and founded and coordinates its certificate course in Pensions Law, the first course of its nature in South Africa. She has authored a number of publications and is frequently asked to address labour law and employee benefits conferences on current issues.



Naleen Jeram

Naleen Jeram has obtained a BA LLB LLM at the University of Cape Town. He is an admitted Attorney and Conveyancer.

Naleen joined the office of the Pension Funds Adjudicator in early 1999 and is currently the Deputy Pension Funds Adjudicator, based in their Cape Town office. Naleen has extensive experience in investigating and attending to complaints lodged at the Adjudicator's office, particularly those complaints relating to the interpretation of section 37C of the Pension Funds Act.

He recently completed his dissertation, which was based on Section 37C of the Pension Funds Act and the difficulties faced by boards of Trustees in implementing this section.



2005 Pension Lawyers Association Conference

Evaluation Form

Day One: Monday, 7 March 2005

What is your opinion of today's conference events? Please tell us what you think by ticking the appropriate block or filling in the appropriate number.

1. How did you find out about the conference?

2. What did you think of the relevance of today's conference?

- It was essential information to use in my work
- It's good to know about it
- It cleared up some issues for me
- I could do without this kind of information thank you!

3. We would like to know how you rated our **plenary sessions** using the following five point scale

5 = Excellent 4 = Very good 3 = Good 2 = Okay 1 = Poor

Speaker	Content	Presentation Skills
Elias Masilela - The Way Forward for Retirement Fund Reform		
Mike Jackson - The Way Forward Business		
Jan Mahlangu - The Way Forward Cosatu		
Dr Blade Nzimande - The Way Forward Community		
Jeremy Andrew - The Way Forward for Regulation		

4. We would like to know how you rated our **breakaway sessions** using the following five point scale

5 = Excellent 4 = Very good 3 = Good 2 = Okay 1 = Poor

Breakaway Session 1	Content	Presentation Skills
Jonathan Mort - Governance		
Desmond Barry - Benefits		
Janina Slawski - Benefits		
Janine Player - An Overseas Perspective		
Breakaway Session 2	Content	Presentation Skills
Naleen Jeram - Death Benefits		
Thabo Thipa - Maintenance		
Fiona Renton - Maintenance		
Rosemary Hunter - Challenges to Service Providers		

5. Which of the following best describes your enjoyment of the first day of the conference?

Enjoyed it a lot Enjoyed it It was OK Did not enjoy it

6. Why do you say so?

7. If you attended the death benefits or maintenance breakaway session what did you think of the video?

	Excellent	Very good	Good	Okay	Poor
Death Benefits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. What other suggestions do you have for the next conference?

9. Your name

Thank you for taking the time to complete this form.



Adv. Craig Watt-Pringle SC

Craig Watt-Pringle Senior Counsel, completed his BA and LLB degrees at the University of Stellenbosch in 1985. He served articles of clerkship at Webber Wentzel & Co in 1986 before commencing practice at the Johannesburg Bar in July 1987. Craig practises inter alia in the fields of contract, labour and employment law, administrative law and more recently, pension law.



Samantha Davidson

Samantha Davidson is a partner in the sustainability department of Shepstone & Wylie. She completed her articles with the firm and qualified as an attorney in 1998.

Apart from general employment law and occupational health and safety issues, Samantha specialises in employee benefits, particularly pension funds and medical aid schemes.

She is a member of the Pension Lawyers Association of South Africa and has been co-opted onto the National Steering Committee of the PLA to form a chapter in Durban. Samantha has been the principal officer of various pension and provident funds.



Nicola Howard

Nikki Howard is a director at Cheadle Thompson & Haysom Inc and specialises in pension fund law and labour law. She has represented clients, both pension funds and members, in a range of pension fund disputes and represented Cosatu in the negotiations regarding the amendments to the Pension Funds Act relating to the disposition of surplus assets.

Nikki is currently curator of the SMEI pension and provident funds and an independent trustee on the board of the Joint Municipal Pension Fund, appointed as such pursuant to an application in terms of section 26 of the Pension Funds Act. Nikki is also a member of the Pension Funds Advisory Committee and the Financial Services Consumer Advisory Panel.



Michael Leeman

Michael Leeman is a consultant to Frater Asset Management on its socially responsible investment products and shareholder activism.

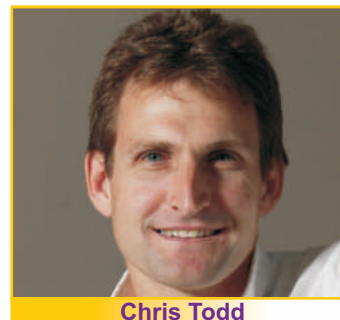
He initially worked for Southern Life where he developed and assumed overall responsibility for the Futuregrowth investment portfolios that targeted socially desirable investments in South Africa.

He then joined African Harvest where he continued to work in empowerment investment banking, raising capital for empowerment groups to invest in listed and unlisted companies in South Africa and Namibia.



Francisco Khoza

Francisco Khoza is a Senior Associate at Bowman Gilfillan Attorneys, practicing in the employment law department. Francisco specializes in the areas of employment and employee benefits law. He is a contributing author to the book on *Social Security Law: a legal analysis*, which is in its second edition. He has presented papers at seminars and conferences in the areas of General Employment and Employee Benefits Law. Francisco is also a regular speaker at Pension Lawyers Association workshops.



Chris Todd

Chris Todd has a BA honours degree in latin from the University of Cape Town and a law degree from Oxford University, where he was a Rhodes Scholar. He has practised as an attorney at Bowman Gilfillan Inc in Johannesburg since 1996, specialising in employment law. He manages the firm's employment law practice, and provides advice on a variety of employment law issues, in particular in relation to collective bargaining disputes, and business transfers. He is the author of *Contracts of Employment and Collective Bargaining Law* (published by Siba Ink in 2001 and 2003 respectively) and, together with Darcy du Toit and Craig Bosch, *Business Transfers and Employment Rights in South Africa* (published by LexisNexis Butterworths in 2004). He acted as a Judge of the Labour Court during November and December 2004.



Adv. Martin Brassey SC

Martin Brassey (BA (UCT) LLB H Dip Tax Law (Wits)) is a Senior Counsel, at the Johannesburg Bar. He is also a Visiting Professor of Law at the University of the Witwatersrand and an Extraordinary Professor of Law at the University of Pretoria.

Advocate Brassey has co-authored of four books, namely *New Labour Law*, *Employment Law*, *Commentary on the Labour Relations Act* and *Competition Law*

He is also the author of approximately 200 publications in accredited and non-accredited journals.



Michael Codron

From 1981 to 1994 he was a director at Fulford Brothers, and then joined Ginsburg Malan & Carsons to become managing director of the Johannesburg company, until it was purchased in 1999 by Alexander Forbes. He was appointed as the senior actuary and also chaired their Actuarial Professionalism Committee.

Joined the Financial Services Board in March 2004 and is currently their Chief Actuary.

During his many years in the actuarial profession, he has held the position of President of the Actuarial Society of South Africa (ASSA) and Chairman of the ASSA Professionalism Committee. He is currently a member of the Professionalism Committee of the International Actuarial Association (IAA) and the Secretary of the Pension Benefits and Social Securities Section (PBSS) of the IAA.

M.J. Codron B.Sc., F.F.A. Became a fellow of the Faculty of Actuaries in Edinburgh in 1973 and soon afterwards, joined Ned-Equity (now Sage Life).

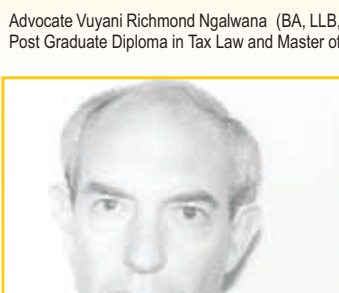


Adv. Vuyani Ngalwana

Laws in Income Tax) has held the position of Pension Funds Adjudicator since March 2004.

From January 2002 until March 2004, he was the Deputy Director of the Asset Forfeiture Unit. Prior to that, he was a Member of the Cape Bar from February 1997 until January 2002.

Advocate Ngalwana has written extensively for many legal publications and was the Editor of the *Juta's Pension Law Bulletin* from 1999-2002. He has presented a number of seminars on pensions law over the last 4 years. Further, he has adjudicated on numerous income tax matters and given three judgments as Chairperson of the Special Board for Hearing Income Tax Appeals. Finally, he has provided extensive comment on the SALC Discussion Paper on Division of Pension Benefits between Spouses on Divorce.

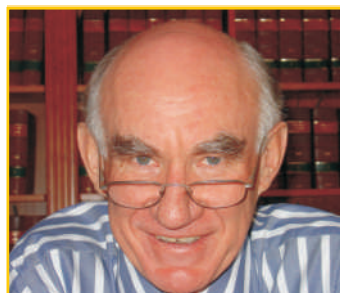


Adv. Christopher Loxton SC

involved in a number of leading cases on pension law, including *Sauls v Ford South Africa Pension Fund & Others*, *Rössing Pension Fund v Lyners*, *Meyer v Iscor Pension Fund and Pepkor Retirement Fund v Financial Services Board & Another*. Advocate Loxton has also been involved several Financial Services Appeal Board matters, including *Lintas v Registrar of Pension Funds*, *Reckitt & Coleman v Registrar of Pension Funds* and *Paarlse Munisipale Weduwe - en Wese - Pensioenfonds v Registrar of Pension Funds*.

Adv. Loxton has also been consulted extensively on the new surplus legislation and has delivered lectures forming part of a pension law course arranged by Rosemary Hunter under the auspices of the University of the Witwatersrand.

Chris Loxton is a senior counsel at the Johannesburg Bar. He specializes in pension law and has been



Adv. John Myburgh SC

Thereafter he commenced practice at the Johannesburg Bar as an advocate in January 1972 and became a Senior Counsel in November 1986.

Advocate Myburgh received a permanent appointment as a High Court judge in December 1991, where he was a member of the Commercial Court, an ad hoc chairman of Labour Appeal Court and chairman of Electoral Appeal Tribunal for the Transvaal during the first democratic election in April 1994.

He was the Judge President of the Labour Appeal Court and Judge President of the Labour Court from 16 April 1996 to 14 January 1999. Further, Advocate Myburgh is a visiting Professor of Law at the University of the Witwatersrand. He was President of the South African Law Society for Labour Law, 1998 to 2000, 2002 and has been a member of the Johannesburg Bar since 1 March 2001.

John Myburgh (BA LLB) was admitted to practise as an advocate in 1970. He prosecuted in the Department of Justice, from 1970 to 1971.



2005 Pension Lawyers Association Conference

Evaluation Form

Day Two: Tuesday, 8 March 2005

What is your opinion of today's conference events? Please tell us what you think by ticking the appropriate block.

1. How did you find out about the conference? (Please answer this if you did not fill in the feedback form for Day One.)

2. What did you think of the relevance of today's conference? (Please answer this if you did not fill in the feedback form for Day One).

- It was essential information to use in my work
- It's good to know about it
- It cleared up some issues for me
- I could do without this kind of information thank you!

3. We would like to know how you rated today's plenary sessions using the following five point scale

5 = Excellent 4 = Very good 3 = Good 2 = Okay 1 = Poor

Speaker	Content	Presentation Skills
Adv. Ngalwana - Pension Funds Adjudicator - Adjudicator Update		
Mike Codron - Surplus Reserve Accounts		
Adv. Loxton SC - Mock Surplus Tribunal Hearing		
Adv. Brassey SC - Mock Surplus Tribunal Hearing		
Adv. Myburgh SC - Mock Surplus Tribunal Hearing		

4. We would like to know how you rated our breakaway session presenters using the following five point scale

5 = Excellent 4 = Very good 3 = Good 2 = Okay 1 = Poor

Breakaway Session 1	Content	Presentation Skills
Nicola Howard - Curatorship/Liquidations		
Francisco Khoza - Case Law Update		
Adv. Watt-Pringle SC - Post Retirement Medical Aid		
Breakaway Session 2	Content	Presentation Skills
Chris Todd - Section 197 Transfers and Pension Benefits		
Samantha Davidson - Investments		
Michael Leeman - Investments		

5. Which of the following best describes your enjoyment of the second day of the conference?

Enjoyed it a lot Enjoyed it It was OK Did not enjoy it

6. Why do you say so?

7. What did you think of the venue and catering for day two?

	Excellent	Very good	Good	Okay	Poor
Venue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catering	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. What did you think of the venue and catering for the **Gala Dinner** if you were able to attend this?

	Excellent	Very good	Good	Okay	Poor
Venue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Catering	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Entertainment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. What other suggestions do you have for the next conference?

10. Your name

Thank you for taking the time to complete this form.