



BETWEEN THE TIDES

THE 2012 PENSION LAWYERS ASSOCIATION CONFERENCE

The Clean-break Principle and Public Interest Litigation

Advocate P J Pretorius SC

- **THE LEGISLATIVE HISTORY**

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- Pre-divorce Act/Pension Funds Act
- The Divorce Act/Pension Fund Amendments
- The Government Employees Pension law
- The Post Office Retirement Act

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- **POLICY CONSIDERATIONS**

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- Equal Treatment
- Preservation Principle
- Hardships Suffered on Divorce
- Financial Prejudice Suffered by Non-member Spouse

- **JUDGMENT OF BOZALEK J**

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- Reasoning

- Remedy

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- **SOME PROBLEMS UPON IMPLEMENTATION**

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- Tax

- Financial Considerations for the Affected Pension Fund

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- **FUTURE CONSIDERATIONS**

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- Public Interest Litigation

- Other Funds

- Preservation Principle