



**Thursday 23rd and Friday 24th of March 2023**

**CAPE TOWN INTERNATIONAL CONFERENCE CENTRE**

**Held jointly with the International Pension and Employee Benefits Lawyers  
Association**

The Pension Lawyers Association reserves the right to modify the programme without prior notification



## CONFERENCE PROGRAMME

### DAY 1 – Thursday 23rd March 2023

TIME AND TOPIC	
08.30 - 08.40	Welcome
08.40 - 09.10	P1. Opening Plenary Address
09:15 - 10.15	P2. Plenary panel discussion: around the pension's world in 60 minutes
10.15 - 10.45	TEA BREAK

TIME AND TOPIC	
10.45 - 11:30	<b>FOCUS SESSIONS</b>
	<p><b>1. (PLA) Omni-Conduct of Business Return as it relates to retirement funds</b> The release of a roadmap for the implementation of the cross-sectoral conduct of business returns (Omni-CBR) by the FSCA will create added reporting responsibilities for financial institutions, including retirement funds. In this session, we go through the conduct indicators to be reported on by retirement funds.</p>
	<p><b>2. (Joint: PLA/IPEBLA) Auto-enrolment in different countries</b> A consideration of the approach to auto-enrolment in different jurisdictions. Are there learnings for South Africa?</p>
	<p><b>3. (Joint IPEBLA/PLA) Unclaimed benefits: a comparative discussion about the problems and solutions</b> Unclaimed benefits are not unique to South Africa. A discussion about how different jurisdictions manage unclaimed benefits: the legal complexities and latest thinking about solutions.</p>
	<p><b>4. (PLA) Living Annuities and Benefit projections Conduct Standards</b> A discussion on the two Conduct Standards issued by the FSCA. The first one prescribes the conditions that living annuities need to comply with to be considered as part of a fund's annuity strategy. The second one seeks to standardize minimum information to be provided to members throughout the various phases of fund membership.</p>
11.35 - 12:20	<b>FOCUS SESSIONS</b>
	<p><b>5. (PLA) A Discussion about a Different Regulatory Approach</b> The time, effort and expense incurred by funds to ensure regulatory compliance burden is ever increasing at the expense of members. Are there other ways of doing this more effectively, efficiently and with less expense? How can fund risk be better managed? We debate this from the aspect of a trustee and pension lawyer with the FSCA.</p>

TIME AND TOPIC	
	<p><b>6. (PLA) PFA Cases</b> The Office of the Pension Funds Adjudicator will discuss certain pertinent cases it has recently had to determine.</p>
	<p><b>7. (PLA) A debate on whether prescription should apply to arrear contributions</b> There is debate about whether arrear contributions should prescribe or not. In this session the debate will be unpacked, looking at case law as well as if any legislative amendments should be considered.</p>
	<p><b>8. (Joint IPEBLA/PLA) A comparative discussion of death benefit distribution issues</b> What are the different approaches internationally to distributing death benefits and do they work.</p>
<b>12:25 - 13:10</b>	<b>PLENARY SESSION</b>
	<p><b>P3. Plenary Session: Two-pot retirement system: roll-out, advantages and disadvantages, developments and practical difficulties</b> A panel discussion on the roll-out of the proposed Two-pot retirement system, including discussion on whether the proposed amendments are necessary; what are the advantage and disadvantage for funds, members and stakeholders; practical difficulties in implementing the two-pot system and ancillary amendments to other statutes to give effect to the two-pot system.</p>
<b>13.10 - 14.10</b>	<b>LUNCH</b>
<b>14:10 - 15.00</b>	<b>FOCUS SESSIONS</b>
	<p><b>9. (PLA) Holistic overview of transformation of the financial service sector</b> A panel discussion on the holistic regulatory framework for transformation of the financial service sector, including retirement funds, and how the various regulatory requirements tie together.</p>

<b>TIME AND TOPIC</b>	
	<p><b>10. (PLA) Future licensing framework for retirement funds</b> We will discuss the possible future licensing framework for retirement funds under the COFI Bill, together with the transition from the FSCA to the Prudential Authority of prudential supervision of retirement funds on 31 March 2024.</p>
	<p><b>11. (PLA) Death benefits (s37C) and Deductions (s37D)</b> Legal intricacies surrounding death benefits and allowable deductions, recent cases and proposed legislative changes. We look at some of the trickier interpretations of section 37C and section 37D of the Pension Funds Act.</p>
	<p><b>12. (Joint IPEBLA/PLA) Executive Compensation as a Tool for Trade Secret Protection.</b></p>
<b>15.05 - 15.50</b>	<b>PLENARY SESSION</b>
	<b>P4. Plenary Address: Noteworthy South African Case Law</b>
<b>15:50 -16:20</b>	<b>TEA BREAK</b>
<b>16:20 - 17:00</b>	<b>PLENARY SESSION</b>
	<b>P5. Plenary address: An update by the Financial Conduct Authority Commissioner</b>

## DAY 2 – Friday 24th March 2023

TIME AND TOPIC	
08.30 - 08:35	<b>Opening</b>
08.35 - 09.15	<b>P6. Plenary Address: National Treasury</b>
09.15 - 10.00	<p><b>P7. Retirement funds for the informal sector and gig economy</b></p> <p>A discussion on whether existing retirement fund design responds to the needs of the informal sector and the gig economy, what are the current trends and what changes need to be made?</p>
10.00 - 10:30	<b>TEA BREAK</b>
10.30 - 11.15	<b>FOCUS SESSIONS</b>
	<p><b>13. (Joint IPEBLA/PLA) ESG as an investment consideration for retirement funds</b></p> <p>A global look at how retirement funds in various jurisdictions apply ESG in their investment strategy.</p>
	<p><b>14. (PLA) Business rescue or liquidation of company &amp; fund members – where to from here, order of creditors, risk benefits etc?</b></p> <p>Invariably, by the time that a company is placed under business rescue, the contributions to a retirement fund are already in arrears. Does placement of a company under business rescue absolves it from its section 13A obligations? How best can trustees protect the rights of members during the business rescue process?</p>

TIME AND TOPIC	
	<p><b>15. (PLA) Market conduct regulation of retirement funds</b> A discussion on conduct regulatory developments with a specific focus on the retirement fund sector.</p>
	<p><b>16. (PLA) Regulation 28 and Infrastructure</b> Providing insight into Regulation 28 amendments: a discussion on the investment in infrastructure and the regulatory reporting that comes with it.</p>
<b>11.20 - 12.05</b>	<b>PLENARY SESSION</b>
	<p><b>P8. Plenary Session: An update from the FSCA on Enforcement Action</b> An update on recent enforcement action by the Financial Sector Conduct Authority.</p>
<b>12:10 - 13:10</b>	<b>LUNCH</b>
<b>13:10 - 14.00</b>	<b>PLENARY SESSION</b>
	<p><b>P9. Plenary Panel Moot discussion</b> A debate about a recent Supreme Court of Appeal judgment relating to retrospective and retroactive rule amendments. Was the SCA correct in its findings? What do these concepts mean and what impact will a retroactive vs retrospective amendment to rules have on member benefits?</p>
<b>14:00 - 14:45</b>	<b>P10. Plenary Closing: An update from the Office of the Pension Funds Adjudicator</b>
<b>14.45 - 14:50</b>	<b>CLOSING</b>