

4 Oktober 2023

Projek: My Veilige Pensioen – Opvolg verslag

Vorige AMAGP verslae oor 'My Veilige Pensioen' gedateer 27 Junie en 2 Augustus 2023 verwys.

Die Openbare Beleggingskorporasie het op 3 Oktober 2023 hul jaarverslag bekend gestel met die gepaardgaande media verklarings en onderhoude. Tussen al die detail is die een groot rooi vlag die bevestiging van hoe staatspensioenfondse aangewend word nie noodwendig in die beste belang van die fonds nie maar om die bankrot-staat se wanfunksionele instellings te befonds met byvoorbeeld Eskom waar daar in 'n belegging is van meer as R80miljard. Dit is simptomaties van totale politieke beheer oor die pensioenfonds en sy beleggings.

Ons projek 'My Veilige Pensioen' het ten doel om die wetgewing wat die politieke beheer moontlik maak in die howe te bevraagteken as onkonstitusioneel. Vir die doel het ons 'n aansoek gerig ingevolge die 'Promotion of Access to Information Act' (PAIA) en waarin ons die blootlegging van bepaalde rekords versoek. Ons 1e aansoek is geweier en ons rig nou, soos voorgeskryf in wetgewing, 'n interne appèl. Dit sal waarskynlik uitloop op 'n eerste hofsaak waar ons die hof sal vra om vir 'n bevel dat die rekords inderdaad en volledig beskikbaar gestel moet word. Eers wanneer ons volledige toegang het tot die geïdentifiseerde rekords, kan ons die getuienis daardeur bekom struktureer om die howe 'n 2e keer te nader. Dit sal wees met 'n versoek om toepaslike wetgewing wat politieke beheer daarstel ter syde te stel. Hierdie is 'n 4 na 5 jaar proses met kostes van waarskynlik meer as R1.5miljoen. Die uiteindelike doelwit van 'Projek: My Veilige Pensioen' is om die lang termyn volhoubaarheid van die fonds – bevry van toksiese politieke beheer - te versterk. Projek: 'My Veilige Pensioen' is meer as net 'n AMAGP projek – ons is in vennootskap met ander regsfigure hierin en waar ons mekaar wedersyds ondersteun.

In ons vorige skrywes het ons AMAGP lede versoek om donasies te maak om hierdie toekomstige kostes te kan dra. Ons het werklik goeie reaksie van lede gekry – sodanig dat ons in September 2023 'n 6-syfer bedrag op belegging kon plaas gereserveer vir toekomstige litigasie. Dit is steeds beduidend kort van R1.5miljoen maar die individuele bydraes van lede oor 'n drie na vier jaar periode is 'n wonderlike proses om wel by vermelde teiken uit te kom.

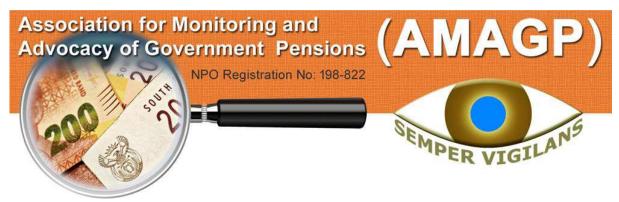
Hierdie is 'n 'Dawid-Goliat stryd': 'n klein pensioenaris organisasie teen die finansieel-oordonderende staat. Maar die klippe in Dawid se slingervel is die duisende AMAGP lede se ondersteuning. Ons groot dank dus aan al ons lede wat ons op verskillende maniere ondersteun: finansieel, deur kundigheid en wat die boodskap van ons projek verder bekend te stel.

Mag ek aanhaal uit die bekende Afrikaanse lied:

'n Handjie van ons teen 'n hele groot mag En die kranse lê hier teen ons rug Hulle dink dis verby

Groete

Zirk Gous namens AMAGP



4 October 2023

Project: My Safe Pension - Follow-up Report

Previous AMAGP reports on "My Safe Pension" of 27 June and 2 Aug 2023 refer.

The Public Investment Corporation on 3 October 2023 introduced their annual report with the accompanying media releases and interviews. Amongst all the detail the one major flashing red light is confirmation on how state pension funds are not necessarily utilised in the best interest of the fund, but to fund the government's dysfunctional institutions, for example Eskom, in which there is an investment of more than R80 billion. It is symptomatic of total political control over the pension fund and its investments.

The purpose of our project "My Safe Pension" is to contest the legislation that enables political control in court as being unconstitutional. For this purpose, we have applied for the disclosure of specific records in terms of the Promotion of Access to Information Act (PAIA). Our first application has been refused, and we now lodge an internal appeal as prescribed in law. This will probably lead to a first court case where we will ask the court for an order to completely and indeed make the records available. Only when we have obtained complete access to the identified records, will we be able to structure the evidence obtained, in order to approach the courts for a second time. It will entail a request to set aside applicable legislation that enables political control. This will be a process taking 4 to 5 years, at a cost of probably in excess of R1,5 million. The ultimate objective of Project: "My Safe Pension" is to strengthen the long-term sustainability of the fund, freed from toxic political control. This is more than merely an AMAGP project – we are in a mutually supportive partnership with other legal practitioners in this regard.

In our previous circulars we have asked AMAGP members to make donations towards these future expenses. We really have had such an excellent response from members that we were able to invest a six-figure amount, to be reserved for future litigation. Although still short of R1,5 million, the individual contributions of members over a three to four-year period is a wonderful process to achieve this target.

This is a "David-Goliath struggle": a tiny pensioner organisation against a financially dominating state. However, the pebbles in David's sling are the thousands of AMAGP members' support. Our sincere thanks therefore to our members who support us in different ways: financially, through expertise, and who further distribute the knowledge about our project.

May I quote from the well-known Afrikaans song:

"'n Handjie van ons teen 'n hele groot mag En die kranse lê hier teen ons rug Hulle dink dis verby"

Regards

Zirk Gous o.b.o. AMAGP