



The Association for Monitoring and Advocacy of Government Pensions: An independent group of pensioners and civil servants concerned about the long term viability of the GEPF and sustainability of its return on investments.

<https://www.amagp.co.za>



NEWSLETTER NO 7 of 2018

AMAGP – Association for Monitoring and Advocacy of Government Pensions
BOT – Board of Trustees [of the GEPF]
GEPF - Government Employees' Pension Fund
PEO – Primary Executive Officer
PIC – Public Investment Corporation
PSA – Public Servants' Association
ROI – return on investment
SC – state capture
SCF – Standing Committee on Finance
SCOPA - Standing Committee on Public Accounts
SOC – state owned company
SOE – state owned entities

There are 1 273 784 active members, 437 051 pensioners, and "R 1 67 trillion in assets under management". GEPF Advertisement for a Government Employees Pension Ombud. Rapport 4 February 2018.

The Editor's Word

GEPF fund size [April 2018]. The Fund size is quoted as R 1,928 trillion [Maynier] and 'nearing R 2 trillion' [GEPF], in contrast to the

advertisement above of R 1,67 trillion. How and why this sudden huge increase [about 12%] in two months without anything else changing? Is this just rounding off for effect? If we deduct the losses evident in the past four years, such as African Bank, Steinhoff, Milnerton, AYO, etc, what is the real size of the Fund?

Resilient. The saga continues. It seems that the PIC [and other large investors] stumbled in monitoring this darling of real estate investment.

Investing and the stock market isn't an exact science. There is often a huge difference in ROI from short to medium to long term and the investor has to consider many factors before, during and after investing in stocks and shares. Large investors such as the PIC/GEPF to buy or sell millions of shares need careful thought, planning and execution not to skew the market and damage companies.

Survé is still in the news and makes even more amusing reading, although it seems the PIC has lost interest. Given the secrecy and untransparency I'm not so sure.

PIC. Due diligence and risk assessment are essential terms in any investment. From PIC literature and its vague answers, it is indeed done. However, it seems there are other considerations outside the investment mandate, such as politics and personal enrichment, which may also influence decisions. From media information and frenzy it seems the PIC focused on large dubious investments since 2013 and once invested, seem to have abdicated any further due diligence and monitoring. However, investing has never been an exact science but we can only go on the evidence to hand and the PIC's track record.

Interesting how the dates 2013 and 2014 keep cropping up in failed PIC investments. See Erin at the back.

The activity in parliament about the PIC and disclosure indicates the extent and success of the AMAGP activities. Relentless pressure by stakeholders will eventually ensure compliance with good practices, policies, transparency, etc.

Lonmin. Its troubled existence continues.

Editor

NEWS NEWS NEWS

Synopsis

PIC rejects proposals that ensure more disclosure

Transparency of PIC investments has become critical in view of some of its questionable investment decisions.

24 April 2018 - 05:35 Linda Ensor and Nick Hedley



David Maynier. Picture MARK CAMERON/BUSINESS DAY WANTED

The PIC and the GEPF are resisting proposed amendments to the Public Investment Act that would ensure greater transparency, including the annual compulsory disclosure of all the corporation's listed and unlisted investments.

Transparency of PIC investments has become critical in view of some of its questionable investment decisions and the bid by embattled state-owned companies such as South African Airways and Eskom to dip into its reserves. As the asset manager of the GEPF and the largest investor in SA at R1.8-trillion, it is subject to intense lobbying from politically connected individuals.

For the past few years, the PIC agreed under pressure to disclose its unlisted investments. The bills proposed by Parliament's finance committee and by DA finance spokesman David Maynier include clauses providing for the compulsory annual submission of all listed and unlisted investments to the minister of finance for tabling in Parliament in the annual report of the Treasury. A Treasury response to the proposals, which incorporated the views of the PIC and the GEPF's principal officer, was distributed to committee members on Monday ahead of the meeting on Tuesday to discuss the bills. It said that the proposal on disclosure was not supported.

"The PIC as asset manager should not be compelled to disclose information about another entity [that is its clients] and that are also the assets owners [for example, the GEPF] without consent," the document said.

Maynier said he found it "absolutely staggering" that the PIC and the GEPF had done an about turn and were now opposing greater transparency. This was especially the case in light of the latest controversy surrounding the PIC's investments, or potential investments, in Sagarmatha Technologies, Ayo Technology and VBS Mutual Bank, which is under curatorship. "The real question is why the GEPF, which invests the savings of thousands of public sector workers, would not want investments concluded by the PIC on its behalf disclosed to Parliament," Maynier said.

The Treasury-PIC-GEPF response also opposed an amendment that would give Parliament a say in the appointment of the PIC's chairman, who would be appointed by the minister of finance on the recommendation of the National Assembly, and opposed trade union representation on the board.

Comment

Whatever reasons the PIC dish up for not disclosing its portfolio of investments to parliament only provides more bases for suspicion. The first reaction usually is what are they hiding that they don't want us to know and who is benefiting from it?

If you spend enough time you will eventually find all its investments on the JSE, but the AMAGP doesn't have that kind of time and money. The unlisted investments are another matter, as is loans to SOE, municipalities, etc.

SCF turns blind eye to Surve-PIC-listings controversies – David Maynier



David Maynier | 24 April 2018

DA MP says Yunus Carrim rejected request for special hearing, with support of Floyd Shivambu

Standing Committee on Finance turns a blind eye to the controversy surrounding Sagarmatha Technologies Limited

24 April 2018

Last week, I wrote to the Chairperson of the SCF, Yunus Carrim, requesting a special hearing on the controversy surrounding the PIC, Sagarmatha Technologies Limited and Ayo Technology Solutions in Parliament. However, today the finance committee reject my proposal for a special hearing following an intervention from the Deputy President of the Economic Freedom Fighters, Floyd Shivambu, who argued that the Public Investment Corporation had not actually invested in Sagarmatha Technologies Limited.

The suggestion that questions on the controversy could be raised at a general meeting with the PIC sometime in the future is ridiculous not least because no such meeting has been scheduled in the second term of Parliament. The fact is that SCF is turning a blind eye to the controversy surrounding the PIC, Sagarmatha Technologies Limited and Ayo Technology Solutions.

Which is a dereliction of duty given the massive exposure of the GEPI to Independent Media, which was to be part of the Sagarmatha Technologies Limited.

We were assured by Dr Dan Matjila, the Chief Executive Officer of the PIC, when it came to the investment in Independent Media work on an “exit strategy” was underway. The suspicion was that the “exit strategy”, referred to by Dr Dan Matjila, was Sagarmatha Technologies Limited, will probably never be confirmed, given the blind eye being turned by the SCF.

Comment

Strong words but at least more and more PIC investments and decisions are in the open. Keeping the pressure on will make the PIC comply with its own policies, eventually.

Synopsis

PIC clams up over loan to Lancaster

DA says asset manager’s CEO should give evidence on the role of Steinhoff’s empowerment shareholder in accounting scandal.

18 January 2018 - 06:04 Ann Crotty



Jayendra Naidoo. Picture: Freddy Mavunda

The PIC has refused to provide any details about the R9.3bn that it provided to Lancaster 101 in 2016 to drive transformation at Steinhoff International. Ahead of confirmation by the PIC it appears that government employees’ exposure to Steinhoff is substantially more than the R25bn indicated so far.

The R25bn relates to the PIC’s 8.11% equity stake in Steinhoff and does not take into consideration the possibility that it will have to write off much of the R9.3bn loan to Lancaster. DA finance spokesman David Maynier said he would call PIC CEO Dan Matjila to give evidence on the role of the PIC and the Lancaster Group in the scandal surrounding Steinhoff.

Lancaster is described as Steinhoff’s empowerment shareholder. It is 51% owned by the PIC and 49% by former trade unionist Jayendra Naidoo. Naidoo, who has had a long relationship with Christo Wiese-related companies, was appointed chairman of Steinhoff Africa Retail (Star) ahead of its JSE listing in September.

Lancaster was due to play a critical role in the plan to inject a controlling stake of Shoprite into Star. However, this plan was abandoned in the wake of the Steinhoff accounting scandal. It is unclear what assets Lancaster holds.

Maynier said he had been unable to get clarification on the extent of the PIC's indirect exposure to Steinhoff through entities such as the Lancaster Group. Business Day was also unable to get a response from the PIC to requests for details of its investment in Lancaster. In September 2016 Lancaster bought 60-million Steinhoff shares at R75.98 a share. The total cost of those shares was R4.6bn. They are now worth R360m.

In the schedule of its unlisted investments that was released in September 2017 the PIC said it was funding an empowerment consortium to acquire a stake in Steinhoff and to acquire equity in a special-purpose vehicle that held shares in Steinhoff. It said the investment was made to drive transformation "in an untransformed sector".

It wanted to improve black ownership and management control at Steinhoff and boost the appointment of more historically disadvantaged individuals and black women at Steinhoff. It described the R9.3bn investment as "financially underperforming" due to subdued operational results and tax investigations by German authorities.
crottya@bdfm.co.za

Comment

I know this is old stuff, but it hasn't been aired previously except by comment in the previous newsletter. Now we know more, we know the PIC knew Lancaster was underperforming in September 2017 already and of the German tax investigations, well in advance of the Steinhoff crash.

Note. The PIC wants to 'drive transformation "in an untransformed sector".' I doubt if this is in its GEPP mandate.

Synopsis

Have fund managers missed the next Steinhoff?

Tough questions must be asked by investors as all eyes turn to possible shady dealings at Resilient Reit.

Ray Mahlaka/24 April 2018 00:28

The conduct of fund managers after the Steinhoff scandal and the shady dealings by Resilient Reit directors has not placed SA's fund management industry in good light.

Financial markets are synonymous with unexpected events and risk management cannot anticipate how such events can be destructive and destroy shareholder value. However, the conduct of fund managers after Steinhoff's own admission of accounting fraud and the shady dealings by Resilient Reit directors has not placed SA's R4 trillion fund management industry in good light. Repeating how fund managers missed the red flags in Steinhoff and how some relied only on Markus Jooste's larger-than-life personality rather than conducting their own research, would be futile.

Poor investment decisions are hard to swallow especially at a time when management fees charged by fund managers and brokerages remain relatively high. Not only are they entrusted with managing money, but fund managers have a fiduciary duty to protect money, critically analyse financial results, and make sure their funds comply with regulations.

To recap: Resilient companies face damaging allegations of using questionable accounting policies, extending loans to its black economic empowerment partners and management buying a large volume of shares to artificially boost earnings, dividend payments and inflate net asset values (NAVs). These scathing allegations were ventilated by asset manager 36ONE, stockbroker Navigare and independent sell-side research house Arqaam Capital in their own reports.

A coterie of fund managers repeatedly questioned why Resilient companies traded at sky-high premiums to their NAVs (of between 35% and 80%) despite the quality and growth of earnings and property portfolio not justifying it. Regrettably, other fund managers displayed a herd mentality, opting to heavily back Resilient companies, which guaranteed managers inflation plus 5% returns or annualised returns north of 15% for many years.

A fund manager once told me that if you wanted to outperform the benchmark FTSE/SA Listed Property Index (comprising 20 of the JSE's biggest real estate stocks) all it took was backing Resilient companies,

which makes up more than 40% of the index. Some investment houses – including Absa, Metope and the PIC – took it a step further, taking overweight positions in Resilient, Nepi Rockcastle, Fortress, and Greenbay. The houses each had a combined weighting of about 40% and 50% in Resilient companies, resulting in bruising losses for investors given the more than R150 billion has been wiped off the four companies' market capitalisation so far this year.

Essentially, fund managers put their eggs in one related property group basket, which is the antithesis of risk management and the philosophy of diversification. It leaves investors vulnerable to destructive events, as seen in the disastrous performance tables in the first quarter of 2018. Asked to justify their large Resilient holdings, most fund managers talk about relying on a three-year performance and how the dog ate their homework.

Investors must ask fund managers tough questions about how their money is allocated. Their reliance (solely) on interviews with management to make investment decisions is clumsy. It's time to revert to the old way of conducting research and having a degree of scepticism.

I bet you that some fund managers are now going through financial statements with a fine tooth comb, something that should have happened long before shareholders were burnt.

Ray Mahlaka

Ray is a financial journalist passionate about public policy and property.

Comment

It makes good sense to invest in the best-performing companies, within the mandated investment strategy and risk profile, and keep it there as long as the ROI justifies it. However, even the best performers don't last forever; therefore investment should keep up with trends and especially be aware of the small happenings that predict market fall.

Synopsis



Adri Senekal de Wet, the “executive editor” of Business Report, continues to defend her lord and master, Iqbal Survé, and his experiments in corporate finance. In doing so, she addresses no matters of substance, but spins improbable conspiracy theories.

The Sagarmatha saga continues to rumble on. In a recent column, we witnessed the absurd made-up phrases with which Adri Senekal de Wet, the editor of *Business Report* and lickspittle-in-chief of its owner, Iqbal Survé, defends and promotes her master's corporate ambitions, following a damning critique by Sam Sole for investigative journalism centre *amaBunghane*, of the questionable value of the proposed listing of Sagarmatha Technologies.

After the JSE withdrew approval for listing Sagarmatha, *amaBunghane* doubled down with an analysis of another vehicle listed by Iqbal Survé, Ayo Technology. In response, Senekal de Wet once again put frantic pen to paper. In a hefty opinion piece, she ventured to educate her readers about the PIC.

The bravery for which Senekal de Wet pats herself on the back was actually just the temerity to make false accusations with a straight face, and to play the victim card as a white Afrikaner. She routinely argues that “journalist colleagues who work for our competitors” are unfairly targeting Independent Media, as if this smear makes any sense. Perhaps media owners might benefit from discrediting competition, but in most reputable publishing houses, those owners do not get to dictate editorial content. Editors decide what does and does not get published. This time-honoured policy of editorial independence stands in stark contrast to the deplorable situation at Independent Media since its takeover by Survé's Sekunjalo Investments.

If journalists devote special attention to criticising a rival media house, this is a sure sign that they no longer consider it a potential employer, because it no longer fosters journalistic integrity and excellence, and brings the profession into disrepute. Nobody celebrates the disgrace into which Independent Media has fallen as a corporate sockpuppet for Iqbal Survé's dubious business ventures.

She says that it has invested in many companies, which is trivially true. It is also

entirely irrelevant to the question of whether it should be investing in Sagamartha Technologies, or should have invested in Ayo Technologies.

It has had both successes and failures, she says, which is once again irrelevant. She says it is the largest investor on the JSE, which is true, thanks to its command of vast coffers of public money, but is also irrelevant. She says that its investment portfolio has grown over the last decade. It would be a travesty if that weren't true, considering that GEPP money constitutes the majority of its assets under management, and comes with a guaranteed income stream from payroll deductions and employer contributions. The relevance of this fact is, again, unclear.

She lists other companies that have also made bad investment decisions, but it is hard to discern how this is a defence of a proposed PIC investment in Sagamartha Technologies or its actual investment in Ayo Technologies. Is she suggesting that it would be okay for the PIC to overpay for assets because others have done so too?

If the performance and investment policy of the PIC were relevant, Senekal de Wet might be reminded that it is the bondholder of last resort for South Africa's state-owned enterprises (SoEs). The reason for this is that private investors will not go near those bankrupt disaster zones, so the government has sacrificed the independence of the PIC, directing it to prop up failing SoEs instead of making responsible investment choices.

She suggests that the PIC tries to support black businesses, and this is also true. Supporting the developmental goals of South Africa is part of the mandate of both the PIC and the GEPP. But having a mandate to support black business does not imply that any and every black-owned entity is worthy of support. Nor does it justify massively overpaying for shares in private placements, which is the main criticism the PIC faces in respect to Sagarmatha and Ayo.

It might consider job creation, growth stimulus and social impact in its investment decisions, but first and foremost it has a fiduciary duty to its clients not to invest funds recklessly, which duty is already on perilous footing in light of its exposure to the SoEs.

Senekal de Wet wouldn't know journalism if it snuck up and spanked her with a rolled-up newspaper. Even as an obsequious toady, however, she cuts a desperate and floundering figure. In her ham-fisted attempts to defend her patron and his dubious business schemes, she only turned them – and her own newspaper – into a laughing stock.

DM

Comment

Deleted about half the article as it repeats well-known stuff. A lot of it is similar to the last paragraph, journalistic insults at its best. Read the full article in Maverick to fully enjoy it.

ALLAN GREENBLO: Preventing corruption in the retirement fund industry

24 April 2018 - 10:42 Allan Greenblo



Picture: ISTOCK

Welcome to dreamland.

So pervasive has corruption supposedly become in the retirement fund industry that registrar Dube Tshidi has considered it necessary to issue a directive that will prevent it. The directive bears the formidable title "Prohibition on the Acceptance of Gratification".

So inadequate are existing provisions of the Pension Funds Act (for trustees to avoid conflicts of interests and to act independently) and the general code of conduct for authorised financial services providers under the Financial Advisory & Intermediary Services Act (which defines the "financial interest" that a provider can legitimately offer) seen to be that these acts are judged defective for implementation.

So confident is the Financial Sector Control Authority (previously Financial Services

Board) in the power of new regulation that it is considered that funds' service providers and trustees will be frightened into compliance more than they fear the ability of the authority to enforce existing legislation.

So sweeping is the directive that it is premised on the altruism of member-elected trustees; but they are more likely to be discouraged than encouraged by the deprivation of life's little pleasures. If their integrity can be compromised by a fancy bottle of whisky at Christmas, they shouldn't be trustees anyway.

The problem with such regulation is its attempt to quantify limits and to identify practices between what's acceptable and what isn't. Now they must be policed. But principles of honesty defy prescription. The good intentions of the Tshidi directive, "to combat and prevent corruption" in the industry, don't entirely take into consideration foreseeable consequences that are bad.

It's obviously undesirable for funds' service providers to offer bribes or for fund trustees to solicit them for the attraction or retention of business. Bribery is illegal, irrespective of the registrar's directive. Less obvious, filtering through the directive's noble terminology, is what incentive remains for fund members to stand for election as trustees.

Where they aren't remunerated at all or receive token payments – for the skills they're expected to acquire, for the hours they're supposed to spend on preparation and attendance at board meetings, for the acceptance of personal liability in the execution of fiduciary duties and compliance with the plethora of regulations – perks offer modest consolation. But the directive bans even entertainment at sports events and payment of conference costs.

Perks for companies' clients are officially sanctioned for tax purposes; hence, for example, the corporate suites at Newlands and the Wanderers. It's hard to imagine why something that doesn't equate to corruption at companies should equate to corruption in retirement funds.

And when it comes to conference costs, the ban is even trickier. Tshidi, whose habit is not to appear at the annual industry conferences of Batseta Council of Retirement Funds for SA and the Institute of Retirement Funds, might

ask why they're usually held at resorts. The answer, for his edification, is that Durban and Sun City are venues most favoured for maximum attendance.

Trustees are only too happy to accept the generosity of service providers, who, in turn, are only too happy to extend it. But now the ban extends to subsistence, travel and accommodation expenses as well. Without the contributions from service providers, these conferences are at risk of collapse. Alternatively, were funds to pay the costs, the attendance by trustees and principal officers will decrease significantly.

The cost of a typical annual conference for the industry is around R7 000 per delegate, plus about R500 for the dinner, plus airfares and hotel accommodation for two nights - say R12,000 in all. Then say that four trustees attend; the cost to a fund, and ultimately to its members, will touch R50 000. Money well spent?

Go a step further. Consider that revenues raised from these conferences – delegate fees plus speaker slots plus service providers' exhibition stalls, where charges relate to the number of delegates expected – are vital to the viabilities of Batseta and the Institute. Does it matter if they become defunct?

For all the criticism of these conferences – that they're entertainment jamborees – they do provide opportunities for showcasing, networking and updating. Were they to disappear, how could their benefits be replaced? To assume their continued operation, exclusive of service providers' pockets, is in the realm of fantasy.

From the particular to the general, the directive presents other disturbing aspects.

First, with no explanation, it is a departure from the usual practice of being preceded by public consultation. Tshidi originally declared it to be effective from its March 8 date of publication. A few days later, on March 22, deputy registrar Olano Makhubela issued an "urgent clarification" that "where possible" the directive would not prohibit commitments entered into before March 8. It doesn't indicate how firm these commitments must be, for example – finally accepted or finally promised. Arrangements for the Batseta winter conference were already well under way.

Second, the directive is not contextualised for being done in haste or of necessity. It is devoid of evidence suggesting that corruption in the retirement fund industry has suddenly become so prevalent and extreme that the directive must overtake the provisions related to trustee independence, interest conflicts and gifts in the FSB good governance circular PF 130, which has been operational since 2007. Turning a circular to a directive isn't done with a magic wand.

Third, it waffles when it comes to the "duty to report" corrupt practices. If SA's recent experience teaches anything, it's that people wanting to engage in bribery can conceive dozens of different ways to camouflage it.

An unintended spinoff from the directive is to exacerbate the need for trustee remuneration to be addressed through comprehensive research into the wide disparities and thumbsuck determinations that now apply: first by proper research that can offer benchmarks for practice; then, once done, for levels of remuneration – direct and indirect, inclusive of allowances and gifts – to be disclosed on funds' websites. Open disclosure is the best deterrent to largesse, more so than a directive.

At present, remuneration levels (to the extent that they can be ascertained) are inconsistent and rarely disclosed publicly. And fund websites (to the extent that they exist) are not mandatory, despite their effectiveness for member communication. Take a leaf, as few do, from the annual report of the Government Employees Pension Fund, which the FSB doesn't regulate.

If only the registrar were to force similar disclosure, giving effect to his directive would become a whole lot easier and the industry wouldn't be tarnished by the broad brush of corruption painted as systemic.

Of course, the health of the industry requires "independent" trustees. But what is "independent" supposed to mean? To confuse matters, the directive excludes remuneration paid by a sponsor of a retirement fund to a trustee appointed by the sponsor. Better than tick-box rules, public disclosure of payments to trustees will let in the light for assessments of independence going beyond the avoidance of interest conflicts.

By the same token, behaving in the belief that there's this deep pool of aspirant trustees competently looking to serve under the conditions imposed on them is fanciful. The imperative of providing incentives to trustees, to draw them fairly, should be addressed more urgently than additional layers of regulation.

The desired result is set out in the directive. The route to achievement of it is convoluted.

Allan Greenblo is editorial director of Today's Trustee (www.totrust.co.za), a quarterly magazine mainly for principal officers and trustees of retirement funds.

Comment

Batseta is a Bapedi word meaning advisory council. It isn't an acronym or abbreviation. The GEPF regrettably isn't regulated by the FSCA. From the above it seems the FSCA has its own agenda.

NOT too big to fail! Auditor lifts lid on dwindling GEPF



iEPP2

EDINBURGH — The Government Employees' Pension Fund (GEPF) has been a target for the greedy and the captured. With more than 1.2m members and assets worth R1.6 trillion, it brags about being Africa's largest pension fund. According to GEP laws, fiduciary responsibility for the Fund rests with the Board of Trustees. A retired actuary assessing the state of the fund has criticised its management, arguing that problems loom – and that these have more to do with human decisions than the state of the economy. The GEPF has been in the crosshairs of state capture and black economic empowerment wheeling-and-dealing. For example, the GEPF has proved handy to the Independent Media group, with reports that GEPF money would be used to artificially boost the value of

its proposed new entity Sagarmatha. The fund for civil servants has also been something of an ATM for state-owned enterprises, with Eskom receiving R5bn a loan from the GEPF to help cover expenses for the month of February. The analysis, published here on Biznews, by the Association for Monitoring and the Advocacy of the GEPF underscores that the GEPF isn't too big to fail. – Jackie Cameron

**Statement: Cash Flow of the Govt Employees Pension Fund.
Organisation: The Association for Monitoring and the Advocacy of the GEPF (AMAGP)**

By: A P Stemmet

**Capacity: Spokesman
Cape Town
1 April 20181**

The attached analysis of annual reports of the GEPF for the eleven years up to 2017, compiled by one of our members, a retired auditor, clearly indicates that the pension fund is not managed by the Board of Trustees (BoT) to the advantage of its members, workers as well as beneficiaries.

Control by the BoT leaves a lot to be desired and it is clear that too much is left to its investment agent the Public Investment Corporation (PIC). Secrecy on the side of the BoT prevents transparency and gives rise to the impression that there is no monitoring of investments made. The poor excuse that the low interest yielding of investments is due to poor economic conditions is no longer acceptable. In practice it is proven to be different.

Management, control and supervision of the pension fund goes much further than merely the yields of investments. The latter is an important element and in particular the unexpected growth in interest – the yields demand attention, further investigation and explanation.

Up to the present not much attention has been given to the importance of contributions by the workforce to the fund. It must therefore be determined whether employment departments comply fully with the compulsory payments of contributions and whether employee contributions are still sufficient.

The afore mentioned are two areas that demand increased attention by external bodies such as the Standing Committees on Finance and Public Accounts. It has become imperative. The AMAGP request that urgent attention is given to this matter.

A new BoT is to be appointed within days and it is trusted that the government and unions will ensure that only well qualified people with the required expertise will be appointed.

www.biznews.com/sa-investing/2018/04/25/actuary-lifts-lid-on-dwindling-gepf/

Comment

The introduction/start of this article indicates Edinburgh. Our news travels far, more than we realise.

Government Employees Pension Fund right of response

The Government Employees Pension Fund (GEPF) is concerned about the statements made by AMAGP with respect to allegations of poor mismanagement of funds and we wish to reject such allegations by the AMAGP. Such statements we believe are irresponsible as they create unnecessary anxiety amongst our members and pensioners which often leads to members and pensioners resigning and thus creating financial hardship, often having insufficient funds when they retire.

The cash flow problems identified by AMAGP are due to increases in resignation whilst the membership has not been increasing over the past five years. These resignations are in respect of members who have been with the GEPF for a long time, most of the time when members are close to retirement they resign as their pay-outs are quite substantial. This is partly as a result of entities that masquerade as champions of members and pensioners but instead sow distrust of the GEPF leading to them prematurely and/or unadvisedly taking their pension benefits out of the fund.

It is also important to realise that the cash flows of a pension fund are very different from those of an ordinary business. A pension fund exists to pay benefits. As a pension fund matures, i.e. it has older members with long service and there are significantly more

pensioners than contributing members, benefit payments will exceed contributions.

The Board and Management take their fiduciary responsibilities seriously and act in the best interest of its members, pensioners and beneficiaries at all times. This can be illustrated by the growth in the fund which is nearing R2 trillion, making it one of the largest pension funds in the world, and Africa's largest pension fund. The GEPF is a defined pension benefit fund, which guarantees that members will receive their benefits as stipulated by law when they exit the fund irrespective of the investment performance of the Fund. The fund is also 115.8% funded which places the fund in a better position to pay benefits in a long term.

The GEPF would like to assure your readers that it is guided and operates within the Government Employee Pension (GEP) Law and Rules which define precisely how the Fund should be governed and how it should administer pension and other related benefits to members and pensioners. All investment decisions are taken in the best interests of members, pensioners and beneficiaries and the Public Investment Corporation (PIC), the asset manager for the GEPF, acts in line with the GEPF's mandate requirements and the investment risk parameters stimulated by the mandate.

Jackie Cameron April 25

Comment

The very broadly worded GEPF response does not reassure me at all. There are too many anomalies, eg there are currently four times more contributors to the Fund than beneficiaries and this hasn't changed materially in several years, thus the maturity of the Fund isn't really relevant.

The facts of the AMAGP-inspired cash flow analysis tells a different story than the GEPF response, also why do prospective retirees opt to take the 'substantial pay-out'? Possibly lack of confidence in the Fund's sustainability?

There are increasing inconsistencies in the GEPF information that are compounded by its persistent lack of transparency.

Nene did not reject PIC transparency amendments, committee told

Apr 25 2018 05:15

Khulekani Magubane

Cape Town – Minister of Finance Nhlanhla Nene has not rejected amendments to the Public Investment Corporation Act that would ensure more transparency for the investments it makes with public servants' life savings, National Treasury told Parliament. The PIC and National Treasury told Parliament that Nene has seen the amendments but has not yet expressed a view on its compulsory disclosure clause.

Parliament's standing committee on finance had a standoff between party lines on Tuesday over amendments to the act. The DA views compulsory disclosure of the PIC's listed and unlisted investments as non-negotiable, but the ANC fears this may affect its developmental mandate.

DA MP David Maynier proposed compulsory disclosure of all investments to the office of the finance minister for ultimate parliamentary oversight.

On Tuesday Business Day reported that the leadership of the PIC and the GEPF) oppose the amendments, particularly those pertaining to the disclosure of all PIC investments. Other reports also claimed National Treasury rejected the disclosure clause.

Addressing the need for disclosure, GEPF principal executive officer Abel Sithole told the committee that much of the information on how the GEPF is governed and how it invests is already in the public domain.

Answering Maynier's questions on whether Nene has seen the draft amendments, Treasury's chief of legal Empie van Schoor said the minister has been notified of them. "The document we have given to the committee was given to the minister and he gave us the authorisation to submit it. We did not discuss it in detail, but we spoke about directorship and composition. He did not specifically approve the clause of compulsory disclosure," said van Schoor.

Committee member for the ANC Thandi Tobias she is wary of Parliament preoccupying itself with the business of asset managers, when the ANC is looking to see the PIC's investments yield a significant socioeconomic impact. "We should be careful of venturing into discussions that will materially affect the bills that are to be addressed. It's not whether investment is accomplished. What is the impact of the

investment of these rands and cents?" she challenged.

EFF MP Floyd Shivambu said the meeting failed to achieve its objectives because of the "incompetence" of the ANC caucus. He recommended that another meeting be held to finalise the work on the bills in time for the National Assembly to receive them in August.

Comment

Typical of happenings in parliament, a lot of talk with little to show. However, it is clear that the PIC/GEPF will be fighting transparency. And that the government's developmental policy for the PIC will override the GEPF's sustainability.

PSA hails 'productive' meeting with PIC

South Africa / 24 April 2018, 08:26am / lol



Johannesburg - A meeting between the Public Servants Association of South Africa (PSA) and PIC has yielded numerous positive results for public servants, it emerged on Tuesday. The meeting follows requests by the PSA for PIC for disclosure of information related to some investments made on behalf of the GEPF and resulted in the PIC indicating its willingness to disclose information related to unlisted investments in due course.

The corporation further indicated its willingness to research possibilities for products that will benefit public servants which may include housing and education support at market-related rates.

PSA general manager Ivan Fredericks in a statement hailed the productive meeting between the two. "The PSA has appreciation for the PIC's willingness to address our concerns to allay public servants' fear related to their pension investments". "The PSA is pleased with the PIC's commitment to manage public servants' pension investment to yield greater benefits for the contributors. The PSA will not prescribe to the PIC how it

must or how it should conduct its business, that is the role of GEPF but the union will simply hold both the PIC and the GEPF accountable where there is glaring poor decisions making," Fredericks added.

Fredericks added that: "The PSA welcomes the PIC's stance on the possible amendment of the PIC Act to include union representatives on its board of directors. Board appointments should be in the interest of the depositors, to strengthen the PIC's mandate, to eliminate political interference and appointment of persons with a questionable background.

"The commitment by the PIC and its CEO, Dr Dan Matjila, to restore trust in the corporation is welcomed. Whilst the PSA noted that the recent soft loan to Eskom yielded some R30 million in income, a stern warning is issued that bailouts for cash-strapped state-owned entities will not be condoned."

The union has since invited the PIC and GEPF to address its delegates at the upcoming PSA Congress taking place in September 2018 to allow for greater clarity on issues at hand. "It is important for public servants to have more insight into the investment of their pensions and this engagement is set to yield positive results in various areas," Fredericks concluded.

Comment

The PIC's 'willingness to disclose information in due course' doesn't mean it will. Let's see what really happens at the disclosure, what is actually disclosed.

Synopsis

26 Apr 2018 - Craig McKune

PIC's dodgy oil investment going down the tube

A R4-billion Public Investment Corporation investment could be wiped out as Texan oil firm files for bankruptcy

Another politically connected, multibillion-rand PIC booby trap has blown up in state pensioners' faces. The threats that lead to this might have been evident to PIC for years, but it threw good money after bad, and now it faces a good chance of losing roughly R4-billion.

This underscores concerns that, for years, the PIC might have been used as a piggy

bank to support cronies, distorting its investment decisions. The PIC manages assets worth nearly R2-trillion, mainly for the Government Employees Pension Fund.

Houston-based Erin Energy's New York and Johannesburg listed stocks went into freefall on Wednesday, following a hurried, after-hours statement from it the day before – and this came just three hours after we sent Erin our questions for this article. Our questions explained how Erin was in the process of losing its only cash-generating asset – a Nigerian oilfield, that this risk had been evident for years and that Erin had failed to tell investors about it. The failure appeared to constitute securities fraud under US law, we suggested.

Erin did not respond. Instead it issued an evidently rushed regulatory disclosure to the US Securities and Exchange Commission, explaining its position. This included how, one day in January, a naval helicopter had landed on the ship that receives, stores and transfers Erin's Nigerian oil. Lagos court sheriffs proceeded to chain and lock the vessel's main oil export valve, effectively plugging Erin's entire business. Then, the Nigerian government refused "indefinitely" to give Erin the permit it needed to uplift oil.

Late yesterday, Erin faced the inevitable and filed for bankruptcy with a Texas court.

We rang the alarm bells in 2014, when a dubious PIC process unfolded to enrich a friend of then-president Jacob Zuma and the ANC. At the time, Erin (it was then named Camac Energy) was led by its founder, Texan-Nigerian Kase Lawal, who was its chairman, CEO and controlling shareholder. He was already infamous for various business deals.

Among others, the *Mail & Guardian* exposed in 2003 how Lawal had appropriated discount Nigerian crude meant to benefit South Africa. He was assisted by leading ANC figures and by a letter from then-president Thabo Mbeki to his Nigerian counterpart. Lawal denied wrongdoing.

In 2010, Lawal began donating millions to Zuma's education trust, and he accompanied Zuma in 2011 to get an honorary doctorate from his *alma mater*, the Texas Southern University. By 2013, when the PIC was

considering investing in Erin, Erin was on the verge of bankruptcy.

But none of this appeared to concern the PIC investment committees and its then chief investment officer (CIO) Dan Matjila (today its CEO and CIO). They handed Erin \$270-million (nearly R3-billion) in 2014 and took a 30% stake and a seat on the board.

With the money, Erin bought what it called the "economic rights" (we will return to this, too) to Nigerian oil mining licenses 120 and 121, which included the productive Oyo oil field. Erin had bought the rights from companies owned by Lawal and his family, who walked off with most of the PIC's cash.

Three months after the deal, the PIC's then CEO Elias Masilela departed suddenly and without explanation. According to a *Business Times* report, this followed clashes between him and Matjila, "in particular" over Camac.

Oyo turned out not to be as productive as Erin had forecast, and Erin shareholders sued its directors over the deal. They argued that Erin had paid Lawal far too much and that the directors were culpable. Their arguments were heard by a Delaware court, which dismissed them as there was not enough evidence to prove culpability.

However, the judge reserved devastating criticism for Lawal. "Lawal appeared on all three sides of the transaction: as sole point of contact for [the] PIC, as controller of [Allied Energy, from which Erin bought the oil rights], and as controller of Erin," she wrote. "In practice, his behaviour gave rise to a very real appearance that, by seeming to speak for all three counterparties in the transactions, Lawal really was negotiating with himself in shifting around assets for his own benefit."

But it was worse than that.

Lawal's Allied Energy had in 2012 bought 40% of the oil rights from a subsidiary of Italian oil major ENI – but Allied only paid \$100-million of a \$270-million purchase price, according to court records. Obviously, this posed a risk to Erin, which relied almost entirely on its ability to pump and sell the Nigerian oil, but it never disclosed this to investors.

Did the PIC know about ENI's dispute with Lawal when it invested in Erin? It did not answer our question about this.

ENI's subsidiary fought for its money, and in February 2017 the London Court of International Arbitration found in its favour, ordering that Lawal's Cayman Islands-registered holding company Camac International owed ENI \$200-million. This finding was recognised and enforced by Nigeria's courts (leading to the oil seizure this January) and a Cayman Islands court issued a winding up order for Lawal's Camac International.

But Lawal had by then sold the "economic rights", so ENI's dispute had nothing to do with Erin or the PIC, right?

Apparently not.

Last month, Erin coyly described a previously undisclosed problem in its annual report. While it had bought the "economic rights" to the oil license in 2014, the oil license was actually still formally assigned to the seller, Camac. Erin disclosed that it had "no control" over Camac's "ability to retain the [oil] rights". Erin said: "If [Camac] is unable to retain and hold rights to [the Nigerian oil license], it could have a material adverse effect on our results of operations and financial condition and the value of our securities."

What Erin did not disclose was that this was its only cash-generating asset and ENI was busy liquidating the company that owned it, Camac.

We wrote to the PIC earlier this month to ask if it was aware of the problem. Its response appeared to be a long way of accusing Erin of securities fraud.

It said: "It is a requirement of [the New York and Johannesburg stock] exchanges that companies listed on their platforms should disclose information that is necessary for the shareholders to make informed investment decisions. This requirement extends to information that could have a material impact on the company and for the shareholders.

"To the contrary, [Erin] did not disclose the issue of the [Nigerian oil] contract in its [Johannesburg] prelisting statement and prior to PIC acquiring its shares. This disclosure

was only made public in Erin Energy's annual report for the financial year ending 31 December 2017.

"As a matter of fact, the company and its management did not disclose this issue to its board members. PIC's representatives on the Erin Energy board became aware of the production sharing contract matter about the same time when the disclosure was made public."

A financial analyst (wishing to remain anonymous) summarised this for us as "an implausible 'mushroom defence'; meaning: 'Erin fed us shit and kept us in the dark.'"

We pressed PIC to explain how its due diligence had failed so badly. How did it not know precisely how Erin owned its single cash-generating asset?

PIC said: "Regarding whether the PIC has conducted due diligence before investing in Erin Energy, please note that due diligence is a prerequisite for all investments that the PIC undertakes. Internal documents and discussions that inform investment decisions are confidential."

But it was even worse.

In 2016, as ENI was suing Lawal's Camac, the PIC's investment committee agreed to secure a \$100-million bank guarantee so that Erin could borrow for drilling and other expenses at the Oyo oil field. Erin's loan was finalised in January 2017, and it pledged its assets as security – essentially the oil rights that were ultimately owned by Camac.

Should Erin not be able to repay the loan, and should the oil well happen to be locked up, the banks could ultimately turn to the PIC for the cash. As it happened, just days after Erin finalised its loan, the London arbitration court found that Camac must pay ENI \$200-million, leading through various courts to the day in January this year, when the helicopter landed on Erin's ship.

Considering the PIC's \$270-million equity investment and the fact that Erin had drawn \$65.6-million against the \$100-million PIC-backed loan but held \$9.1-million in cash security, we calculate that the PIC could lose roughly R4-billion.

The PIC was not immediately available for comment.



The amaBhungane Centre for Investigative Journalism produced this story.

Comment

The article is lengthy and a bit confusing but the conclusions and the time line are very clear..

That magic date 2014 again.

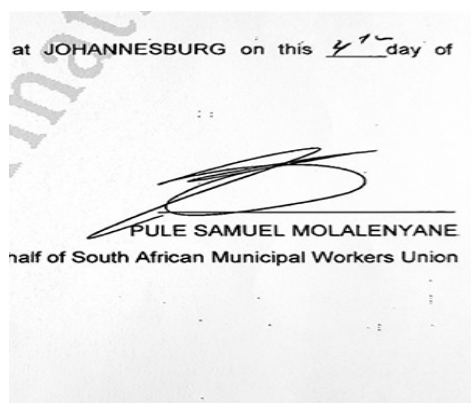
Synopsis

VBS Bank 'related-party' loans bonanza

Apr 29 2018 06:00

Dewald van Rensburg

City Press



The final page of the loan agreement apparently signed by Samwu president Pule Molalenyane, for an R11.8m bond on the union's Johannesburg headquarters. Samwu general secretary Simon Mathe insists the trade union has no loan with VBS bank.

Correction: The story stated that VBS lent money to the SA Municipal Workers' Union (Samwu) "to finance a building the union already owned" and may generally have given the impression that the union obtained the loan from VBS in order to pay debts owed on the property. The story also stated that the mortgage loan was signed by Pule Molalenyane on 4 October 2007.

All of this is incorrect and City Press does not dispute that Samwu has owned the building since 2007.

The documents in City Press' possession indicate that on October 4 2017 Mr Molalenyane signed a power of attorney on behalf of Samwu for a mortgage bond in the sum of R11.8m to be registered in favour of VBS Bank, over Samwu's property situated at Erf 1130 Marshalltown. The mortgage bond was subsequently registered at the Registrar of Deeds on November 6 2017 under number B25670/2017.

Samwu has not informed City Press what the loan was intended or used for but claim, as City Press reported, that the documents in our possession are fake. City Press has no reason to believe the documents are fake and when a copy was tendered to the union, it was refused.

City Press however apologises to Samwu for stating as a fact that the loan was used to "finance" its headquarters and for incorrectly stating the date of signature by Mr Molalenyane as October 2007 instead of October 2017.

The October 2017 mortgage deal worth R11.8m, which VBS signed for the Samwu headquarters in Johannesburg, is now shrouded in mystery. This week, Samwu denied that it ever mortgaged its headquarters, Samwu House in Marshalltown, downtown Johannesburg, with VBS last year. It instead claimed that it owned the building outright and had done so since 2007.

However, a copy of the mortgage deal filed at the Johannesburg deeds office is dated October 4 2007 and signed by Samwu's president Pule Molalenyane. The union's general secretary Simon Mathe, however, insists that the mortgage bond held at the deeds office is a fake. "We own the building. We bought it nine years ago for R6m. We are not paying anything on it. That information is false," he told City Press by phone from Cuba this week.

Mathe claimed Samwu is the victim of a disinformation campaign by people who have "intercepted our documents on our IT system" – insinuating that the bond held at the Johannesburg deeds office may be a forgery. The union partnered with VBS last year to launch a series of low-cost financial products

targeting Samwu members, which is not unusual for unions which often team up with insurers and medical schemes.

Mathe, however, says rumours about Samwu's further support for VBS are lies.

An analysis of bond records City Press has conducted over the past two weeks shows that a large proportion of VBS's mortgage lending went to government and municipal officials, and to people closely related to Vele Investments, the controlling shareholder in VBS. This portion of the VBS loan book is visible through public records.

The 2017 annual report does declare a big spike in "related-party" loans to its own directors. These jump from only R800 000 in 2015 to around R14m by March 2017. This is still only half of the loans City Press found which VBS extended to indirect shareholders and companies owned by Vele Investments.

What makes these kinds of mortgages at VBS remarkable is the bank's tiny size. As of February this year, VBS's entire mortgage book was worth R450m, a number that relies on its official filings with the Sarb.

Comment

How likely is it that the deeds office files false mortgages? Anyone who has ever been involved in a mortgage knows how many lawyers are involved, and the number of affidavits, copies of ID, etc involved. The VBS saga is far from over.

Massive SOE debt now threatens South Africa's financial stability – SARB

Johannesburg — Warnings from the Reserve Bank on government's growing debt levels should concern every South African. Our SOE debt levels are so high now that a couple of defaults will send the whole house of cards (and the country with it) tumbling down. The rational perspective would dictate that government should sell off some of its worst-performing assets – but politics, unfortunately, is often anything but rational. – Gareth van Zyl
By Ntando Thukwana

(Bloomberg) — The inability of South African state-owned companies to roll over debt could threaten the nation's financial stability and ultimately result in more credit-rating downgrades, according to the central bank.

Governance issues at state companies, rising contingent liabilities and inadequate liquidity could add pressure to government finances through the increased use of guarantees, the Reserve Bank said in its six-monthly Financial Stability Review released in Pretoria on Wednesday.



The logo of the South African Reserve Bank on a lecturn during a news conference by the Governor Lesetja Kganyago. Photographer: Waldo Swiegers/Bloomberg

"Financial stability centres around the ability of state-owned enterprises to roll over debt and achieve financial consolidation," the central bank said. "Should state-owned enterprises fail to roll over debt, the government would be liable and might not be able to honour such debt."

Ratings companies have flagged state firms' finances as a concern in recent years. While Moody's Investors Service kept the nation's credit rating at investment grade and changed the outlook to stable from negative last month, it warned if risks at these companies materialize and increase the government's debt burden, it could lead to downgrades.

Government guarantees to state companies are at more than R 450 billion (\$36 billion), according to data from the National Treasury. The state's exposure to this increased to 64.5% in the past fiscal year from 54.4% as companies drew on the guarantees.

Power utility Eskom Holdings SOC Ltd. is the single biggest recipient of guarantees at R 221 billion, followed by the Road Accident Fund at R189 billion, the central bank said.

Comment

It seems much of the state 'guarantee' of our pension is tied up in loans to non-performing SOE. Of which the ROI is vague but probably 'underperforming' in PIC terms.

Synopsis

Lonmin is one impairment away from disaster

KPMG has warned the platinum miner's future is in jeopardy, as it is close to breaching its debt covenant.

15 May 2017 - 10:06 Allan Seccombe



Lonmin's Marikana operation near Rustenburg.
Picture: Bloomberg

Lonmin, the world number three platinum producer, reported a hefty interim loss that reflected a difficult operational performance and a chunky impairment that prompted KPMG to warn of material uncertainty over the company's future.

Lonmin, which is shutting a number of old mines to focus on a handful of newer shafts, reported a \$214m loss for the six months to end-March compared with a \$6m loss the year before. It reported a \$146m impairment, putting its debt covenants under pressure. Lonmin warned that another impairment would be detrimental to the company.

"Adverse movements in key assumptions could result in an additional impairment which could impact the company's compliance with the lending covenants," it said, prompting the KPMG warning. The caution from Lonmin indicated "the existence of a material uncertainty which may cast significant doubt on the group's ability to continue as a going concern", KPMG said.

The covenants governing Lonmin's debts demand its tangible net worth does not fall below \$1.1bn. At the end of March, the net worth of the group was \$1.434bn after the impairment of \$146m.

"Should a further impairment in the future result in the tangible net worth falling below

\$1.1bn, this debt covenant would be breached which could reduce the liquidity of the group," Lonmin said. "The other debt covenants are well within thresholds and are not considered to be at risk."

Revenue fell because of lower production stemming from difficulties at its flagship K3 mine, which CEO Ben Magara had been successfully addressed towards the end of the reporting period. In a candid comment in the results, Lonmin said: "Productivity assumptions planned at time of the 2015 rights issue are proving to be challenging, which has placed upward pressure on our unit costs.

"We have therefore revised our cost guidance for the current year and have adjusted the productivity assumption in our value-in-use calculation used for impairment testing," it said. It raised its cost guidance for the full financial year to between R11 300 and R11 800 per platinum group metal ounce, from the original guidance of between R10 800 and R11 300, due the weak mining performance to January 31 2017.

Comment

Lonmin's troubles just don't want to go away, but seem to be better managed. We can expect to see KPMG being very much in the forefront of due diligence in all its audits, reflected in its warning to Lonmin.

The GEPF AMAGP: Invitation

GEPF members, either still working or pensioned, are cordially invited to join the GEPF Monitoring Group/AMAGP. There is always place for members and co-workers all contributing to the cause and in their own interest.

Soos meeste van ons staatsdiens pensioenarisse, ontvang u, u pensioen gereeld maandeliks en is en is waarskynlik baie afhanklik daarvan. Agv die swak toestand van regering in die RSA, die aanloklikheid en omvang van ons Fonds en algemene staatskaping, ontstaan die vraag egter hoe volhoubaar dit is. Gebaseer op informasie tot ons beskikking, is ons by die AMAGP van mening dat daar wel gevare is en dat ons, die aandeelhouers van die pensioenfonds, dringend hieraan aandag moet gee. Ignorering hiervan kan lei tot 'n

soortgelyke situasie as dit waarin Spoorweg pensioenarisse hulle steeds bevind. Om die rede versoek ons dat u ons ondersteun. Sluit aan by die AMAGP, 'n vrywillige organisasie, bestaande uit staatsdiens werknemers en pensioenarisse, met die doel om ons Fonds te beskerm.

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FACEBOOK GROUP

[GEPF Moniteringsgroep]

If you are interested in becoming a member of the organisation, please complete a membership application to be found in the "Files" section on the FB page.

Semper Vigilans!

CONCLUSION

To ponder on...

Dear Reader,

1. The AMAGP endeavours to ensure the sustainability of the GEPF to the benefit of current and future members of the GEPF. We want many more members for logical reasons – to ensure the GEPF Trustees carry out their assigned roles.

2. The MG was established in 2016 as a voluntary organisation and, as the AMAGP, will remain so for the foreseeable future. The AMAGP maintains good relations with the GEPF Trustees as well as the PIC. The AMAGP is also in continuous communication with other stakeholders and interested parties to ensure the widest possible concern for our current and future pensioners.

3. Although until recently the GEPF funding progressed satisfactory in its endeavour to provide sustainable pension benefits to pensioners and future beneficiaries, SC and its resultant tentacles started reaching out to the GEPF and PIC and created alarm. The blatant SC leading inevitably to degrading our democracy and the resultant downgrade in international financial grading still threatens our GEPF's sustained viability, including those very same politicians who eventually want to retire on their state pension.

4. The financial woes of ESKOM, SAA and other SOE [PETROSA, PRASA, Transnet, etc] feature largely, making looting the GEPF very attractive.

5. In conclusion dear reader, decide if you want to risk the retirement you are excited about, to be similar to other departed and failed pension funds, or are you prepared to become a paid up member of the AMAGP? Litigation and court interdicts are expensive.

Comments, articles and recommendations about and for the newsletter are welcome. No anonymous submissions will be accepted; however, names may be withheld on request.

Please submit to: editorgepfmq@gmail.com