

DSV FLEXI RETIREMENT FUNDS PENSION AND PROVIDENT SECTIONS
(“the Fund”)

DEATH CLAIMS COMMITTEE MANDATE

1. INTRODUCTION

The Death Claims Committee (“the Committee”) is a sub-committee of the board of trustees (“the Board”) of the Fund appointed in terms of the Rules of the Fund.

While the Board has a duty to act in a fiduciary role to the Fund and to act in the best interests of the Fund as detailed in Section 7C of the Pension Funds Act (“the Act”), the Committee has a particular role, acting independently from the Board, to ensure that the interests of members are properly protected in relation to the effective and efficient distribution of the death claims of the Fund.

Section 7D of the Pension Funds Act provides for the duties and responsibilities of trustees. The Act places the following responsibilities on trustees:

The duties of a board shall be to -

- (a) ensure that proper registers, books and records of the operations of the fund are kept, inclusive of proper minutes of all resolutions passed by the board;
 - (b) ensure that proper control systems are employed by or on behalf of the board;
 - (c) ensure that adequate and appropriate information is communicated to the members and beneficiaries of the fund informing them of their rights, benefits and duties in terms of the rules of the fund subject to the disclosure requirements as may be prescribed;
 - (d) take all reasonable steps to ensure that contributions are paid timeously to the fund in accordance with this Act;
 - (e) obtain expert advice on matters where board members may lack sufficient expertise;
 - (f) ensure that the rules and the operation and Death Claims of the Fund comply with this Act, the Financial Institutions (Protection of Funds) Act, 2001 (Act No. 28 of 2001), and all other applicable laws.
 - (g) comply with all other prescribed requirements.
- (2)(a) The board may, in writing and in accordance with a system of delegation set out in the rules, delegate any of its functions under this Act to a person or group of persons, or a committee of the board, subject to conditions that the board must determine.
- (b) The board is not divested or relieved of a function delegated under paragraph (a) and may withdraw the delegation at any time

The purpose of this document is to set out the scope, constitution, role, duties and powers of the Committee.

2. COMPOSITION & CONSTITUTION OF THE COMMITTEE

The Committee is established by a resolution of the Board. The Fund’s Board determines the structure of the Committee. The Committee shall comprise of at least three members of whom at least two must be Board Members. Members should have sufficient knowledge of section 37C of the Act.

The Board may by resolution, remove a Committee member at any time.

The Committee shall elect a Chairperson and this will be reviewed annually.

The following people may not be part of the Committee, but will be invited to attend the meetings on an ad-hoc basis:

- Any employee of the administrator
- External death claim investigators.

The membership of the Committee shall be reviewed annually.

The appointment of alternates or proxies to act for or on behalf of Committee members is not permitted.

3. MEETINGS

The Committee meetings will focus solely on the distribution of the death claims in terms of section 37C and the meetings will be scheduled as and when death claims require discussion. A quorum shall consist of three Committee members, two of whom must be members of the Board. Upon a decision on the distribution of a death benefit, by way of round-robin, all Committee members must respond.

Board members who are not Committee members shall have the right of attendance.

4. PROCEDURAL ASPECTS

4.1 MANDATE FOR THE DEATH CLAIMS COMMITTEE

- The Committee is a permanent sub-committee of the Board.
- The role of the Committee is executive. Therefore, the Committee shall make and decide on resolutions relating to the distribution of death benefits in terms of section 37C of the Act.

4.2 MEETINGS OF THE DEATH CLAIMS COMMITTEE

- The policies, procedures and customs which apply to meetings of the Board will apply to the meetings of the Committee unless otherwise specified in this mandate or unless inappropriate.
- Written notice (including an email notification) shall be given to all Committee members and other interested parties, at least ten working days prior to the date on which a meeting is to be held. This requirement may, in the event that a special meeting is required, be waived should all Committee members agree thereto.
- Decisions of the Committee made in terms of the distribution of death benefits in terms of S37C of the Pension Funds Act shall be considered final and shall be acted upon. These decisions shall be included in the agenda for the trustee meetings, for noting by the trustees.
- No committee member, including the Chairperson, will have a casting vote. Should there be an equality of votes, the issue in question must be put to the full Board for a decision.
- An attendance register shall be maintained for all Committee meetings and should be signed by each Committee member physically present and any other attendee as an indication of their attendance at that meeting.
- Meetings may be conducted by telephone or video conference call.
- Minutes of all meetings of the Committee shall be kept and presented to the Board at every trustee meeting.

5. PURPOSE, ROLE AND RESPONSIBILITIES

The purpose of the Committee is to ensure that the death claim processes and procedures are compliant with all applicable legal requirements especially section 37C of the Act.

The role of the Death Claims Committee is executive. Therefore, the Committee shall perform any functions, assume responsibilities and/or decide on matters under the scope of the death claims as mandated by the Board. The Committee does not relieve the Board of any of its responsibilities but assist it to fulfill those responsibilities.


The Committee is authorised by the Board to:


- Seek information from any officer or employee of the administrator;
- Make decisions as mandated by the Board from time to time;
- Obtain outside legal or independent professional advice if this is considered necessary;
- Investigate any activity within its terms of reference.

The main roles and responsibilities are as follows:


- To allocate the death benefit distribution investigation to trustees and / or the external death claim investigator and/or DSV employee as appointed by the trustees to monitor the progress of such investigations.
- Review the results of the investigations conducted by trustees and make a recommendation on distribution of the death benefits to the dependents and nominees, whichever is applicable.
- To inform the trustees of the distributions. The committee's recommended distribution together with death investigation pack be circulated to the trustees once the committee has finalized their recommendation. The trustees will have one week from the date of distribution to raise any queries or concerns. The trustees' approval of the proposed distribution will be inferred unless an objection is received.
- Refer any potentially contentious or problematic case to the trustees before a decision is made.
- To finalize the payment of death benefits and to communicate the trustees' distribution to the beneficiaries involved. The beneficiaries will be informed of the distribution 4 weeks prior to the payment of the benefit to allow the beneficiaries the right to respond.
- To record the death claim resolutions and trust registers in a minute book.
- The Chairperson of the committee has been mandated to sign the death claim resolutions on behalf of the Chairperson of the Fund.
- To advise on any matter referred to the committee by the Board.
- To review the Committee's mandate on an annual basis.
- The Communication Policy shall be reviewed by the Committee at least annually and procedures shall be in place to monitor compliance with same. The Committee will provide input to the Board on the content of the Fund's Communication Policy for consideration by the trustees at the annual strategy session;
- Drafting of actual communication documents: The Committee will be responsible for the drafting of all communication relevant to matters dealt with by the Death claims committee. The Committee may outsource the drafting of the communication to external providers.
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This document was approved by the Fund Board of Trustees on 9 April 2021.

Signed: Nadia Erlank 
Chairperson of the Board

Signed: Nondumiso Makhathini 
Chairperson of Committee

Signed: 
Principal Officer

Signed: Tony d'Almeida 
Trustee

Signed: _____

Trustee