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## **Headline: MWRF Prevails in Legal Battle Against Municipality, Safeguarding Members' Retirement Savings**

The Municipal Workers Retirement Fund (MWRF) has achieved significant legal victories against the Mafube Local Municipality over a protracted period, ensuring the protection and security of its members' retirement savings. These landmark achievements underscores the MWRF's unwavering commitment to upholding its fiduciary responsibilities and safeguarding the financial well-being of its members.

The MWRF's legal battle with the Mafube Local Municipality in the Free State Province is not a recent development, but rather the culmination of a long and arduous struggle to ensure that the municipality honours its financial obligations towards the retirement fund and its beneficiaries. This prolonged legal engagement, spanning over a decade, has seen numerous court cases highlighting a persistent pattern of non-compliance by the municipality regarding its pension fund obligations.

The genesis of this legal tussle started in 2011 when the MWRF initiated legal proceedings to recover unpaid pension contributions. Despite the MWRF's persistent efforts to resolve the matter amicably, the municipality repeatedly failed to meet its obligations, prompting the Fund to pursue legal action to protect its members' interests.

Over the years, the MWRF has demonstrated unwavering determination in its pursuit of justice and financial security for its members.

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The Fund has successfully navigated a series of legal challenges, including:

- **2011:** Initiated a Section 13A application for arrear pension contributions.
- **July 2015:** Secured a court order for the payment of arrear pension contributions of more than R16 million plus interest.
- **October 2016:** Successfully defended against the municipality's application to interdict the Fund from executing an unpaid portion of a prior judgment debt. The application was dismissed.
- **July 2019:** Resisted the municipality's urgent application, brought on by a mere two hours' notice, to suspend or set aside a writ in respect of a prior judgment debt. The application was dismissed.
- **July 2019:** Discovered that the municipality had unlawfully transferred about R40 million out of its bank accounts, leading the Fund to bring contempt proceedings. This application was eventually settled to allow for calculations and agreement on the amounts due, but the municipality failed to comply, resulting in the Fund issuing a writ for the balance.
- **June 2021:** Successfully pursued an application for unpaid contributions for the period July 2015 to April 2021, and subsequently dismissed the municipality's application for leave to appeal.
- **March 2023:** Defended against another urgent application by the municipality to stay a writ of execution in respect of a prior judgment debt. The application was dismissed.
- **October 2023:** Successfully opposed the municipality's urgent application to set aside or stay a writ. This application was dismissed.
- **December 2023:** Successfully defended against SAMWU's urgent application, brought on two hours' notice, to release the Mafube bank account and pay back all money that could have been taken by the Fund. SAMWU's application was dismissed by court.
- **September 2024:** Secured an order holding municipal office bearers personally liable for unpaid contributions, and subsequently defended against the municipality's appeal against that order. Order in fund's favour – the municipality lodged an appeal against that order.
- **September 2024:** Obtained an order requiring the municipality to account for all withdrawals, payments, and transfers from its bank account, and provide details of equitable share receipts. This order is currently subject to appeal.

- **January 2025:** Successfully defended against the municipality's appeal regarding the order holding municipal office bearers personally liable. The appeal by the municipality dismissed by the SCA.

The MWRF's most recent legal victory in 2024 is a testament to its unwavering commitment to protecting the retirement savings of its members. The court's rulings affirm the MWRF's actions and provide a strong foundation for the Fund's continued efforts to serve its members.

"The MWRF is pleased with the outcome of the recent legal proceedings, which reaffirm our commitment to protecting the retirement savings of our members," said Mr Mfeka, Principal Officer, MWRF. "We will continue to take all necessary measures to ensure that our members' funds are secure and that their best interests are served".

This legal victory sets a precedent for the MWRF's ability to protect the retirement savings of its members and uphold its fiduciary responsibilities. The court's rulings affirm the MWRF's actions and provide a strong foundation for the Fund's continued efforts to serve its members. The MWRF remains dedicated to providing its members with financial security and peace of mind for their retirement.

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### **About the Municipal Workers Retirement Fund (MWRF)**

The MWRF is a retirement fund registered in terms of section 4 of the Pension Fund Act. The MWRF is dedicated to safeguarding the retirement savings of municipal workers across South Africa. We strive to provide our members with financial security and peace of mind for their golden years. Our commitment to transparency, accountability, and member satisfaction guides our every action.

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