



Quantifying Risk, Enabling Opportunity.

Building actuarial skills to answer to actuarial expertise in unexpected but significant places

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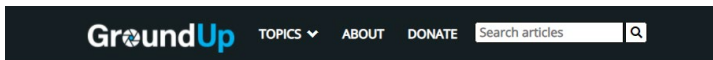
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CONTENTS

| Contents | page no. |
|---|-----------------|
| Item 1 – State of Emergency (Cradock 4) | 3 |
| Item 2 – Truth and Reconciliation Commission (TRC) | 6 |
| Item 3 – Marikana | 9 |
| Item 4 – Life Esidimeni | 12 |
| Item 5 – School infrastructure (Michael Komape) | 15 |
| Item 6 – State Capture | 18 |
| Item 7 – Building the skills | 21 |

STATE OF EMERGENCY (CRADOCK 4)



Matthew Goniwe's funeral remembered: Here are previously unpublished photos from 1985

Nyameka Goniwe, widow of Matthew, died a week ago.

8 September 2020 | By Riaan de Villiers

Photo Essay | Eastern Cape



■ NATIONAL

Decision on Cradock Four prosecutions will be made soon, says Shamila Batohi

NPA is making significant progress on investigations into apartheid-era crimes, parliament told

■ BL PREMIUM

01 JUNE 2022 - 17:58 by LINDA ENSOR

STATE OF EMERGENCY (CRADOCK 4)

Background and timeline

- Abduction & murder of 4 anti-apartheid activists on 27 June 1985.
- State of Emergency declared on 20 July 1985 (same day as funeral).
- Initially Eastern Cape and PWV.
- On 12 June 1986 extended to whole country.
- In 1987 extended for another 2 years.
- Compare to State of National Disaster during Covid-19.

Two aspects from a legal standpoint

- First part is a civil claim for loss of support (actuarial involvement).
- Second part is a criminal trial to prosecute the perpetrators (NPA).
- Thanks to pro bono involvement there is still pressure on NPA.

STATE OF EMERGENCY (CRADOCK 4)

Actuarial involvement

- Calculations in the late 1990's.
- Traditional loss of support claims.
- Seminal paper by John Van Der Linde and Peter Milburn-Pyle (TASSA):

**THE ACTUARIAL ASPECTS OF COMPENSATION
FOR LOSS OF SUPPORT**

By: P. Milburn-Pyle, F.F.A., A.I.A.,

and

J.H. van der Linde, F.I.A., A.S.A.

Discussed in Johannesburg on 17th April, 1974
and in Cape Town on 25th April, 1974.

- Other important contributions by Rob Thompson (TASSA):

**The Determination of the Deduction
for Remarriage from the
Pecuniary Loss of a Widow
by Robert J. Thomson (South Africa)**

TRUTH AND RECONCILIATION COMMISSION (TRC)



TRUTH AND RECONCILIATION COMMISSION (TRC)

Rob Thompson (28 June 1997):

- “I am an Actuary and I am concerned about the issue of reparation”.
- “I have raised this matter with the President of the Actuarial Society of South Africa and he said he would approach the Truth and Reconciliation Commission. I am not sure whether anything in that context has taken place, but I think the matter should be pursued both by the Actuarial Society and by the TRC. It concerns me in a sense that we, if we do not take that approach we are, perhaps, being patronising to people by saying that we must decide what people need money for. In a sense they have lost support or they have lost earnings and we should be putting them back in the position that they would have been”.

TRUTH AND RECONCILIATION COMMISSION (TRC)

What transpired:

- The President's Fund.
- Former President Thabo Mbeki lowered individual reparations from R 20,000 a year for 6 years to a once off amount of R 30,000 per victim or surviving family.
- Compensation was restricted to victims as registered by the TRC.
- Complaints that there was a lack of transparency and victims' participation in developing regulations on community reparations and rehabilitation.
- Lack of clarity on the distribution of funds from The President's Fund.

MARIKANA

NATIONAL

Marikana matter not quite over for Ramaphosa

Emsie Ferreira 6 Jul 2022



MARIKANA

Background

- On 16 August 2012 a police tactical response team shot and killed 34 striking workers and seriously wounded and arrested many others, who were part of a gathering on public land near the town of Marikana.
- Single most lethal use of force by South African security forces against civilians since the Sharpeville massacre during the apartheid era.
- The plaintiffs are 329 mineworkers who have instituted action against Mr Ramaphosa, Sibanye (formerly Lonmin) and the government (three defendants).
- They seek R977 million as patrimonial loss (actuarial involvement) and R164 million as constitutional/exemplary/punitive damages.
- Mr Ramaphosa and Sibanye have raised several grounds of exception in relation to the plaintiffs' particulars of claim.

MARIKANA

Outcome of court ruling on 30 June 2022

- The liability of Mr Ramaphosa is premised on emails exchanged between him and his colleagues at Sibanye; and the allegations that his interventions caused pressure to be exerted on the police leadership and that he made several phone calls to ministers to exert pressure on them to take violent action with speed.
- Mr Ramaphosa contended that the emails and phone calls did not constitute actionable incitement or other wrongful conduct – the Court agrees.
- As to Mr Ramaphosa's interventions and pressure exerted and causation and whether the chain of events was too remote, the court finds that the plaintiffs' allegations satisfied the test of causation – hence liability may still be applicable.

LIFE ESIDIMENI

IN FULL | Life Esidimeni arbitration handed down by Moseneke

20 March 2018 - 11:00
BY TIMESLIVE



+SECTION27
catalysts for social justice
10 YEARS OF IMPACT

Newsflash: Life Esidimeni families awarded R1.2-million compensation each

By Greg Nicolson • 19 March 2018



Some of those who died in the Life Esidimeni tragedy. Photo: A photographic collage was presented at the hearings by Section27 in memor...



LIFE ESIDIMENI

Background

- Death of 143 people at psychiatric facilities in Gauteng from causes including starvation and neglect.
- Incident has been called “the greatest cause of human rights violation” in democratic South Africa.

Involvement

- Instructed by Section 27.
- No such thing as punitive damages in SA.
- What were savings to the state? Transference methodology referred to by Mickey Lowther.

Outcome

- R 1 million in constitutional damages.
- Can refer to SAAJ 2018.
- Inquest commenced on 19 July 2021.

LIFE ESIDIMENI

15 Feb 2022

DAILY MAVERICK

MAVERICK CITIZEN

SPOTLIGHT OP-ED

No end in sight for Life Esidimeni inquest while health officials continue denying responsibility for the tragedy



SCHOOL INFRASTRUCTURE (MICHAEL KOMAPE)

Judge lashes Limpopo education department over Michael Komape's pit toilet death

The state's case against the family of a drowned four-year-old schoolboy was insensitive, says supreme court judge


03 September 2019 - 10:35

BY CIARAN RYAN AND GROUNDUP



FIVE YEARS ON

On 2 September 2019, the Supreme Court of Appeal in Bloemfontein will hear an appeal against a judgment that dismissed the main claims of the Komape family following the drowning in a pit toilet at school of their son and brother, Michael, in 2014.



DO YOU REMEMBER MICHAEL?

Five years after 5 year old Michael Komape fell into a pit toilet at his school and died, children are still dying and suffering injuries because of #UnSAFEtoilets.

#JUSTICE4MICHAEL

+SECTION27 catalysts for social justice #FIXSANITATIONNOW

SCHOOL INFRASTRUCTURE (MICHAEL KOMAPE)

Background

- Case relates to the death of Michael Komape after he fell into a pit latrine at his school when the seat collapsed due to lack of maintenance.
- Case originally heard in Polokwane High Court.

Actuarial involvement

- Initially an attempt at a damages claim.
- Sampling issues.

Outcome

- SCA awarded R 1.4 million in damages.
- Historical problem of pit latrines that continue to be used in public schools. They were banned in 2013 and were meant to have been completely eradicated by 2016.

SCHOOL INFRASTRUCTURE (MICHAEL KOMAPE)

2016

Pits Only And No Sanitation Report
Site Type : Ordinary Operational Schools

15/06/16
TABLE 5 A

| Province Name | Number Of Site | Pit Only | No Sanitation |
|---------------|----------------|-------------|---------------|
| Western Cape | 1441 | 0 | 0 |
| Eastern Cape | 5433 | 1893 | 62 |
| Northern Cape | 534 | 10 | 0 |
| Free State | 1227 | 223 | 6 |
| KwaZulu Natal | 5839 | 1380 | 0 |
| North West | 1485 | 146 | 0 |
| Gauteng | 2069 | 1 | 0 |
| Mpumalanga | 1715 | 392 | 0 |
| Limpopo | 3834 | 941 | 0 |
| Total | 23577 | 4986 | 68 |

2021

Pits Only And No Sanitation Report

12-04-21

Site Type : Ordinary Operational Schools

TABLE 5 A

| Province Name | Number Of Site | Pit Only | No Sanitation |
|---------------|----------------|-------------|---------------|
| Western Cape | 1457 | 0 | 0 |
| Eastern Cape | 5291 | 944 | 0 |
| Northern Cape | 544 | 0 | 0 |
| Free State | 1084 | 47 | 0 |
| KwaZulu Natal | 5803 | 901 | 0 |
| North West | 1471 | 18 | 0 |
| Gauteng | 2074 | 0 | 0 |
| Mpumalanga | 1718 | 1 | 0 |
| Limpopo | 3834 | 219 | 0 |
| Total | 23276 | 2130 | 0 |



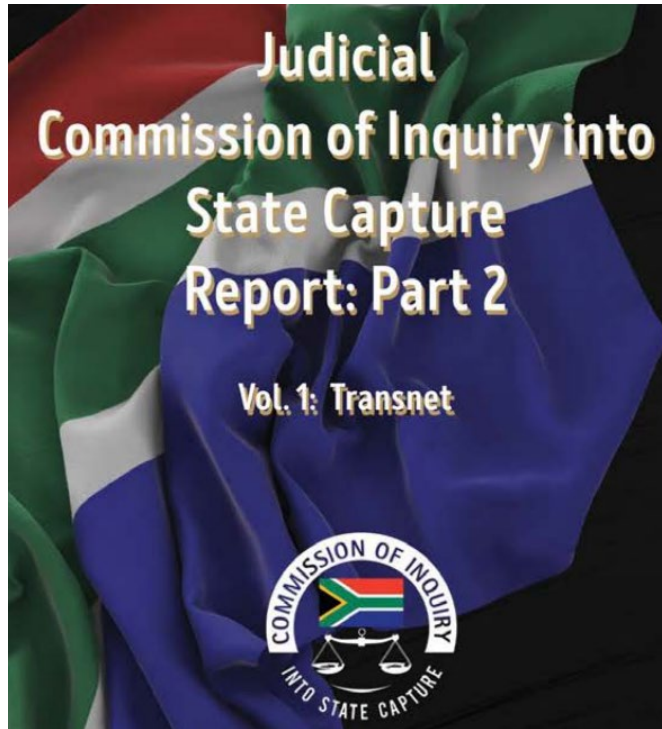
Over 300 schools in Limpopo still using pit toilets - Section 27

7 July 2022 10:49 AM by Zanele Zama Tags: Section 27 • pit latrine toilet • pit latrine

Share This:

Section 27 attorney Demichelle Petherbridge says missing data makes it impossible to really assess the problem.

STATE CAPTURE



🕒 27 Nov 2019

R15.9bn rise in cost of Transnet locomotives 'not justifiable', State Capture inquiry hears

fin24 Jan Cronje

SHARE



A 41% escalation in the estimated total cost for 1 064 locomotives meant to upgrade Transnet's ageing fleet was not justifiable, the judicial commission of inquiry into state capture has heard from an actuary.

STATE CAPTURE

Background

- The Zondo Commission is a public inquiry launched by the government of Former President Jacob Zuma, in 2018, to "investigate allegations of state capture, corruption, fraud and other allegations in the public sector including organs of state"
- Transnet irregular handling of a contract to acquire 1,064 locomotives that saw price balloon from R 38 billion to R 54 billion.

Actuarial involvement

- Actuary Alister Chabi gave evidence that the R15.9 billion increase in the cost of Transnet's 1,064 locomotives deal was unjustifiable.

STATE CAPTURE

Outcome

- The increase in the price of the 1064 locomotives is discussed in paragraphs 467 to 512 of the Zondo Commission report (Part 2 Volume 1).
- Evidence of Alister is discussed in these sections.

05 Jul



By end of September, architects of state capture will be arrested - NPA, Hawks promise

news24 Ntwaagae Seleka

SHARE



BUILDING THE SKILLS

- “Wicked problems”

BUILDING THE SKILLS



- What can actuaries do?
- Culture of volunteerism among skilled professionals.
- Supporting NGO's and public interest initiatives.
- Public interest research opportunities.
- Skills such as resilience, collaboration, critical thinking.
- Upcoming paper on the actuary as a friend of the court.