

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

Case No: 58950/2021

In the matter between:

THE PRUDENTIAL AUTHORITY

Applicant

and

3SIXTY LIFE LIMITED

First respondent

**NATIONAL UNION OF METAL WORKERS OF SOUTH
AFRICA**

Second respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned

MARNUS FOURIE

state under oath that:

1. I am an adult male employed by the BDO Advisory Services (Pty) Ltd as the Head of Insurance.
2. Unless the context indicates otherwise, I have personal knowledge of the facts set out in this affidavit and they are, to the best of my belief, true and correct.
3. I have read the supplementary replying affidavit of **SUZETTE JEANNE VOGELSANG** and confirm its contents insofar as it relates to me.
4. In particular, I confirm that:
 - 4.1. I received the email from Ms Ram attached as annexure RA16.1 to the supplementary replying affidavit in which she advised she was at Sandton



Mediclinic, after she had a blackout and was rushed to the clinic. She also advised that she was unable to work and she requested me to step in as Acting Curator until she was discharged. This was followed up by a Whatsapp message on 7 March 2022 at 19:55, informing me that she has been discharged. However, she shared a doctor's note indicating that she will be offline until she is better. The date of the note booked her off from 7 March 2022 to 14 March 2022.

- 4.2. Despite asking me to step in for her in her absence, Ms Ram refused to authorise that I be given access to the Vox email system, even though I had access to the system prior to the urgent variation application.
- 4.3. Our access was only revoked once the urgent variation application had been instituted.
- 4.4. In terms of an executive salaries agreement, 3Sixty is liable to pay 30% of the remuneration of the Group's CFO, Company Secretary, Chief Information Officer, Enterprise Risk Executive, Human Resources Executive, Marketing Executive, Business Development Executive, Strategist and Supply Chain Executive. Further analysis is required in order to determine whether the amounts invoiced and paid in this regard equate to 30% of the amounts due to the abovementioned persons in terms of their employment contract or are commensurate with the service provided, as required by the outsourcing Prudential Standard GOI 5 applicable to licensed insurers.
- 4.5. The BDO support teams have not completed an investigation in regard to the control environment for payment of commissions and the implementation of relevant controls where gaps are identified.

A handwritten signature in black ink, consisting of a stylized, cursive script that is difficult to decipher. It appears to be a personal signature, possibly of the author of the document.

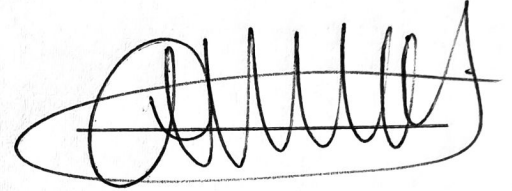
- 4.6. It is necessary that the correct accounting treatment for various transactions be investigated, including the R70 million transferred in the 2021 financial year from With-Profit Policyholder Funds and whether these funds have been reimbursed.
- 4.7. The review of the 2021 financial statements and accounting records for accuracy, validity and completeness have still not been completed by Ms Ram and the BDO support teams.
- 4.8. The invoices in respect of the reportable irregularity relating to the irregularly incurred expenses, approved by the then Chief Executive Officer of 3Sixty with no value being received by 3Sixty, totalled approximately R14 million. 3Sixty has taken no steps to recover these funds. Neither I nor the BDO support teams are aware of a criminal case being pursued against the previous CEO and save for terminating his employment, it does not appear that further steps have been taken to recover these funds.



MARNUS FOURIE



I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at Durbanville on this 14 day of March 2022, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended by R1648 of 19 August 1977, and as further amended by R1428 of 11 July 1989, having been complied with.



COMMISSIONER OF OATHS

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