ISAZISO SOKUVUNYWA YINKUNDLA KWENTLAWULO YESIMANGALO SEQELA LABANTU ABACHAPHAZELEKAYO

UKUBA NGABA ULILUNGU LENGXOWA-MALI YOMHLALAPHANTSI YENZUZO ECHAZIWEYO YESIBINI YAKWA-TRANSNET (TRANSNET SECOND DEFINED BENEFIT FUND, TSDBF) OKANYE INGXOWA-MALI YOMHLALAPHANTSI YEZOTHUTHO (I-TRANSPORT PENSION FUND, TPF) (kuya kubhekiswa kuzo zombinini ngokuhlanganyeleyo njengeeNGXOWA-MALI), NCEDA USIFUNDE ESI SAZISO NANJENGOKO UCHATSHAZELWA KUKUPHUNYEZWA KWESI SIVUMELWANO.

AMALUNGU EENGXOWA-MALI AQUKA-

- WONKE UMNTU OFUMANA IMALI YOMHLALAPHANTSI KWENYE YEENGXOWA-MALI
- WONKE UMNTU OSELILUNGU LE-TPF (UMSEBENZI NGAMNYE WASE-TRANSNET SOC LIMITED (“TRANSNET”), LE-SOUTH AFRICAN AIRWAYS SOC LIMITED (“SAA”), LE-PASSENGER RAIL AGENCY of SOUTH AFRICA (“PRASA”) NOHLAWULA IMIRHUMO KWI-TPF.

Isimangalo Seqela Labantu Abachaphazelekayo

Amagqwetha uGeyser & Coetzee ngaBameli Abasemthethweni baka-Mnumzana JPH Pretorius kunye no-Mnumzana M D Kwapa (aBameli Besimangalo Seqela Labantu Abachaphazelekayo) kwisimangalo Seqela Labantu Abachaphazelekayo esingeniswe kwi Nkundla Ephakamileyo ngakwezo Ngxowa-mali zimbini (i-TPF ne-TSDBF) kunye ne-Transnet. Isimangalo Seqela Labantu Abachaphazelekayo sasungulwa ngenxa yamabango avela:

- Kwisityholo sokuba ngonyaka ka-1989, ummeli walowo wandulela u-Transnet kunye nabo bandulela iiNgxowa-mali benza isithembiso kumalungu eeNgxowa-mali. Esi sithembiso sityholwayo sesokuba iimali zomhlalaphantsi ziya konyuka rhoqo ngonyaka ubuncinane ngeqondo eliyi-70% lokwehla nokwenyuka kwamandla emali;
- Kwisityholo sokuba u-Transnet wathathela kuye isibophelelo sabo bamandulelayo sokuhlawula kwiingxowa-mali ezindala zomhlalaphantsi (ezi ziingxowa-mali ezathi ekugqibeleni indawo yazo yathathwa ziiNgxowa-mali) iimali ezazidingeka ukugcina iingxowa-mali ezindala zomhlalaphantsi zikwisimo esamkelekayo sezimali). Le mali yayizoqinisekisa ukuba ezi ngxowa-mali zomhlalaphantsi zisoloko zikwisimo esamkelekileyo sezimali; kunye
- Nesityholo somnikelo ongekho semthethweni ekutyholwa ukuba wanikwa u-Transnet yenye yeeNgxowa-mali (phakathi kweTSDBF neTPF).

ISimangalo Seqela Labantu Abachaphazelekayo sagunyanziswa yiNkundla Ephakamileyo ngomhla we-31 Julayi ngo-2014 (Umhla Wokuqinisekiswa). Abadli-mhlalaphantsi namanye amalungu eeNgxowa-mali ngamalungu Eqela Labantu Abachaphazelekayo.

Isivumelwano Sokusombulula iSimangalo seQela Labantu Abachaphazelekayo

Abasemthethweni kunye naBameli Besimangalo Seqela Labantu Abachaphazelekayo batyikitya iSivumelwano kunye neeNgxowa-mali ne-Transnet ngomhla ka-11 Disemba 2019. Onke amalungu eSivumelwano afaka isicelo kwiNkundla ePhakamileyo sokuba iSivumelwano sisombulula kwaye sichitha Isimangalo Seqela Labantu Abachaphazelekayo, futhi sibopha bonke abasityikityileyo kunye namalungu onke Eqela Labantu Abachaphazelekayo.

Ukumanyelwa KweSivumelwano

ISivumelwano sabekwa phambi kweNkundla ePhakamileyo ngomhla we-18 Februwari 2020. Inkundla Ephakamileyo yayalela ukuba isaziso ngesiSivumelwano sipapashwe kumaphephandaba kwaziswe abanomdla nabo abanqwenela ukusiphikisa iSivumelwano ukuba bafake iziphikiso zabo kungafikanga umhla we-31 Matshi 2020. Izaziso ezifanelekileyo zapapashwa kumaphephandaba, nge-meyile nange-posi. Iziphikiso zafakwa eNkundleni Ephakamileyo. ISivumelwano sachotshelwa ngomhla we-17 Juni 2020 apho Inkundla Ephakamileyo yaqwalasela iingxoxo ezazibhalwe phantsi nenthetho-mpikiswano esuka kwabo baphikisayo.

Ngomhla we-**22 Juni 2020**, Inkundla Ephakamileyo yafumanisa ukuba iSivumelwano sifanelekile, silungile kwaye sanele, yakhupha umyalelo wokuba iSivumelwano:

- senziwe umyalelo weNkundla;
- sibophe bonke abasityikityileyo kudibanise namalungu onke eSimangalo Seqela Labantu Abachaphazelekayo; kwaye
- sisombulula futhi sichitha iSimangalo seQela Labantu Abachaphazelekayo

Ngomhla **we-3 Julayi 2020**, yonke imiqathango yesi Sivumelwano yafezekiswa neSivumelwano saphunyezwa kungekho miqathango kwimiqolo yaso.

Imiqolo ephambili ngeSivumelwano

ISivumelwano sinika abahlaliphantsi beeNgxowa-mali le nzuzo ilandelayo:

Ukonyuselwa okukhethekileyo nge-11% komhlalaphantsi wabo bonke abadli-mhlalaphantsi beNgxowa-mali ye-TSDBF, nengxowa-mali ye-Transnet ephantsi kwe-TPF, ngaphezu kokonyuka komhlalaphantsi ogunyazisiweyo we-2% wonyaka nonyaka (ngaphandle kwabadli-mhlalaphantsi beengxowa-mali ze-TPF eziphantsi kwe-SAA ne-PRASA)	Kungadlulanga umhla we-30 Septemba 2020. Iingxowa-mali zijole ekuwunyuseni umhlalaphantsi ngo-Ogasti 2020.
Abadli-mhlalaphantsi kwingxowa-mali ye-SAA ephantsi kwe-TPF bazofumana ukonyuselwa okukhethekileyo komhlalaphantsi ukuze Iomhlalaphantsi ufike kwiqondo engewukulo ukuba ubunyuswe nge-70% (yamandla okunyuka nokwehla kwemali), ukusukela ngomhla abaqala ngawo ukudla umhlalaphantsi.	Kungadlulanga umhla we-30 Septemba 2020. Iingxowa-mali zijole ekuwunyuseni umhlalaphantsi ngo-Ogasti 2020.
Abadli-mhlalaphantsi bengxowa-mali ye-SAA bazofumana isixa-mali esiyi-R10 000.00 (kungekatsalwa irhafu).	Kungadlulanga umhla we-30 Septemba 2020. Iingxowa-mali zijole ekuwunyuseni umhlalaphantsi ngo-Ogasti 2020.
Bonke abadli-mhlalaphantsi bazofumana isixa-mali esiyi-R10 000 (kungekatsalwa irhafu) (ngaphezu kwe-R10 000 ehlawulwe uninzi lwabadli-mhlalaphantsi ngoDisemba 2019 emva kokutyikitywa kweSivumelwano nebifunyenwe ngabadli-mhlalaphantsi bengxowa-mali ephantsi ye-SAA ekupheleni kukaSeptemba ka-2020.	Kungadlulanga umhla we-31 Janyuwari 2021
Bonke abadli-mhlalaphantsi bengxowa ye-TSDBF, ingxowa-mali ephantsi yeTransnet, ingxowa-mali ephantsi ye-PRASA (ngaphandle kwabadli-mhlalaphantsi bengxowa-mali ephantsi ye-SAA) banikwa isiqinisekiso sokunyuselwa umhlalaphantsi wabo nge-9% ngonyaka ka-2021(esi sonyuselo sidibanisa isonyuso-mali se-2% ebebehleli besifumana ngokwemigaqo nemithetho yeeNgxowa-mali kwaye esiqhubeka sifumaneka) * **Isazio Esibalulekileyo:** Ingxowa-mali ye-PRASA iphakathi namalungiselelo okutshintsha imithetho nemigaqo yayo ukuze ikwazi ukuvuma ukuhlawula izonyuselo-mali ezikhethekileyo kubadli-mhlaliphantsi bayo. Ezo zonyuselo ezikhethekileyo zizakwenziwa xa uMphathiswa elugunyazisa olu tshintsho lwemithetho nemigaqo. Xa esi sigunyaziso sifumaneka emva kokuba olunye ulonyuso-mali sele lwenzekile njengokuba sekuchaziwe apha ngentla, lo nto iyakuthetha ukuba amalungu engxowa-mali ephantsi ye-PRASA azofumana esinye isongezelelo semali esiza kulingana nemali ebebeza kuyifumana ukuba imithetho nemigaqo yengxowa-mali ye-PRASA ibitshintshwe ngaphambi komhla we-3 Julayi 2020.	Phakathi nonyaka ka-2021*
Bonke abadli-mhlalaphantsi bazokufumana isixa-mali se-R10 000 (kungekatsalwa irhafu).	Kungadlulanga umhla we-31 Janyuwari 2022
Bonke abadli-mhlalaphantsi beengxowa-mali ye-TSDBF, ingxowa-mali ephantsi ye-Transnet, nengxowa-mali ephantsi ye-PRASA (ngaphandle kwabadli-mhlalaphantsi bengxowa-mali ephantsi ye-SAA) banikwa isiqinisekiso sokunyuselwa komhlalaphantsi wabo nge-6% ngonyaka ka-2022 (esi sonyuselo sidibanisa isonyuso se-2% ebebehleli besifumana ngokwemigaqo nemithetho yeeNgxowa-mali kwaye esiqhubeka sifumaneka) ** **Isazio Esibalulekileyo:** Ingxowa-mali ephantsi eye-PRASA iphakathi namalungiselelo okutshintsha imithetho nemigaqo yayo ukuze izokwazi ukuvuma ukuhlawula izonyuselo-mali ezikhethekileyo kubadli-mhlalaphantsi bayo. Ezo zonyuselo ezikhethekileyo zizakwenziwa xa uMphathiswa elugunyazisa olu tshintsho lwemithetho nemigaqo. Xa olugunyaziso lufumaneka emva kokuba olunye w sele lwenzekile njengokuba sekuchaziwe apha ngentla, lo nto iyakuthetha ukuba amalungu engxowa-mali ephantsi ye-PRASA azofumana esinye isongezelelo semali esiza kulingana nemali ebebeze kuyifumana ukuba imithetho nemigaqo yengxowa-mali ye-PRASA ibitshintshwe ngaphambi komhla we-3 Julayi 2020.	Phakathi nonyaka ka-2022**
Ukusukela ngonyaka ka-2023, abadli-mhlalaphantsi baqinisekiswa ukufumana isonyuselo esibuncinane buyi-2%. Iingxowa-mali kufuneka zingqale ekonyusweni kwemali yomhlalaphantsi yobuncinane be-70% bokuhla nokunyuka kwamandla emali (sekudityaniswa ne-2% eqinisisekiweyo), kwaye iibhodi zeeNgxowa-mali zinelungelo lokuthatha isigqibo sokunyusa imali yomhlalaphansi xa olo nyuselo lufikeleleka futhi umqashi evuma. (Kumalungu engxowa ephantsi ye-PRASA, oku kuza kuxhomekeka ekubeni kuvunywe utshintso lwemithetho nemigaqo yengxowa-mali ephantsi ye-PRASA nanjengoba sekuchaziwe apha ngentla).	Ukusukela ngonyaka ka-2023 ukuya phambili

Intlawulo nokupheliswa kweSimangalo Seqela Labantu Abachaphazelekayo

Nanjengoba yonke imiqathango yeSivumelwano ifezekisiwe, nenkundla ikhuphe umgaqo wokuba iSimangalo Seqela Labantu Abachaphazelekayo sisonjululiwe ngokupheleleyo, iSimangalo Seqela Labantu Abachaphazelekayo siphelile.

ISivumelwano, ngokuqinisekiswa kwaso yinkundla, siphelisa zonke izityholo zanaliphi ilungu Leqela Labantu Abachaphazelekayo kunye nezithyolo zonke ezibhekiswe nakubani na malunga nokufakwa kwezimali kwiiNgxowa-mali nezandulela zazo, isikhalazo sokungonyuselwa kwangaphambili komhlalaphantsi ngaphezu kwe-2% ngonyaka, isikhalazo sokungazaliswa ngokufanelekileyo kwemali yeeNgxowa-mali nezandulela zazo, nazo zonke iinzame ezisolwa ngokudala okanye ezibonakala zingunobangela wokuba iimali ezigcinwe kwiiNgxowa-mali zibonakale zingenanzalo intle, kunye nesikrokro sokuba ikhona okanye ayikho i-‘legacy debt’ njengokuchazwa kwayo kwiSimangalo Seqela Labantu Abachaphazelekayo.

Ukufumaneka kweSivumelwano nesigqibo senkundla

Isigqibo senkundla neSivumelwano zifumuneka:

- Kwi-website yamagqwetha i-Geyser & Coetzee (www.geysercoetzee.co.za); nakwi-
- website ye-Transnet (www.transnet.net)

Yonke imibuzo malunga nokuphuculwa ngokutsha kwenzuzo, nazo naziphi na iziphuculo, mazijoliswe kumphathi-zincwadi weeNgxowa-mali ngokwesiqhelo. Iinkcukacha malunga nemibuzo ephathelene nokuphuculwa kwenzuzo azitshintshanga, zihleli izezi: **Momentum Retirement Administrators Call Centre, kwinombolo-011-587 8000**.

GEYSER & COETZEE PROKUREURS ATTORNEYS

TSDBF TRANSNET SECOND DEFINED BENEFIT FUND

TPF Transport Pension Fund