

# ISAZISO ESIPHATHELENE NESINQUMO ESENZIWE YINKANTOLO EPHAKEME MAYELANA NEZICELO ZOKUNXESHEZELWA

## UMA UYILUNGU LESIKHWAMA SOMHLOMULO SAKWA-TRANSNET, PHECELEZI I-TRANSNET SECOND DEFINED BENEFIT FUND (TSDBF) NOMA ISIKHWAMA SEZIMPESHENI KWEZOKUTHUTHA (TPF) (kokubili kuzobizwa ngokudidiyela kuthiwe "IZIKHWAMA"), UYACELWA UFUNDE LESI SAZISO NJENGOBA UQUQALA KOKUSEBENZA KWALESI SINXEPHEZELO KUZOBA NOMTHELELA KUWENA.

### AMALUNGU EZIKHWAMA ABANDAKANYA:

- **WONKE UMUNTU OTHOLA IMPESHENI EVELA KWESINYE SALEZI ZIKHWAMA**
- **WONKE UMUNTU OYILUNGU LE-TPF (UMQASHWA NGAMUNYE WE-TRANSNET SOC LIMITED), I-SOUTH AFRICAN AIRWAYS SOC LIMITED ("SAA") NOMA I-PASSENGER RAIL AGENCY OF SOUTH AFRICA ("PRASA") OKUNEZINKOHELO AZENZAYO KU-TPF)**

### Icala Lamalungu Egoqo Lokunxeshelwa Ebelisenkantolo

Abakwa-Geysler & Coetzee Attorneys (**abameli Abasemthethweni BeQoqo**) abamela uMnumzane JPH Pretorius noMnumzane MD Kwapa (**Abameleli beQoqo**) abebamangalele amalungu ezikhwama zombili kulesi sicelo sokunxeshelwa ebesebhene ne-TPF ne-TSDBF kanye ne-Transnet SOC Ltd (**Transnet**). Isicelo sokunxeshelwa saqalelwa izicelo ezivela:

- Ezinsolweni zokuthi umqashi owayengaphambi kuka-Transnet kanye nezikhwama zangaphambili zenza isithembiso kumalungu ezikhwama ngonyaka we-1989. Isethembiso lesi okusolakala ukuthi senzeka kwaba ukuthi izimpesheni zizonuyiswa unyaka nonyaka, okungenani ngamaphesenti angama-70% okwehla nokunyuka kwamandla emali phecelezi i-inflation;
- Izinsolo zokuthi abakwa-Transnet bangena phezu kwezibophi zomqashi wangaphambili zokukhokha isamba ezikhwameni zempesheni ezindala (lezi kwakuyizikhwama ekugcineni okwanga esikhundleni zazo yilezi zikhwama) ezazidingeka ukuze kugcinwe izikhwama zempesheni ezindala zisesimweni esihle sezimali; kanye
- Nezinsolo ezingaqinisekiswa zokuthi kukhona imali eyanikelwa ngokungekho emthethweni ngenye yezikhwama kubakwa-Transnet.

Icala Lesicelo Sokunxeshelwa lemukelwa (lagunyazwa) yiNkantolo ePhakeme ngomhla 31 kuNtulikazi (Julayi) 2014 (**Usuku Lokugunyazwa**). Asebethathe impesheni kanye namanye amalungu e-TSDBF kanye ne-TPF bangamalungu aleli Qoqo Labantu.

### Isivumelwano samaqembu abephambi kwenkantolo sokuzalula isicelo sokunxeshelwa

Abameli Abasemthethweni beQoqo kanye nabameleli beQoqo, nabameli beziKhwama ne-Transnet basayina Isivumelwano esixazulula isicelo sokunxeshelwa (**Isivumelwano**) ngomhla 11 kuZibandela (Disemba) 2019. Amaqembu kulesi sivumelwano babesebafaka isicelo eNkantolo ePhakeme sokwenza ukuthi Isivumelwano sibe umyalelo weNkantolo oxazulula futhi oqeda leli cala, nokuthi futhi umyalelo weNkantolo wenze ukuthi Isivumelwano sibophe ngokomthetho amaqembu esicelo sokunxeshelwa kanye namalungu ezikhwama ababandakayo.

### Ukulalelwa kwesicelo sokwenza Isivumelwano sibe umyalelo weNkantolo ePhakeme

Isivumelwano sethulwa phambi kweNkantolo ePhakeme ngomhla 18 kuNhlolanja (Febhuwari) 2020 lapho iNkantolo ePhakeme yanquma ukuthi kufakwe isaziso kumaphendabisa kwaziswe futhi kuvelwe abantu abathintekayo nabanentshisekelo kulesi sivumelwano nabafisa ukuphikisa lesi sivumelwano ukuthi bafake ukuphikisa kwabo kungakadluli umhla 31 kuNdas (Mashi) 2020. Izaziso zafakwa emaphendabeni nakuma-imeyili kanye nangeposi. Izethulo ebeziphikisa zafakwa eNkantolo ePhakeme. Ukulala kweNkantolo ePhakeme ukuze ilalele isicelo sokwenza Isivumelwano sibe umyalelo weNkantolo kwenzeka ngomhla 17 kuNhlanguana (Juni) 2020 lapho iNkantolo ePhakeme yalalela izethulo ezakuhlunywa yabheka nezethulo ezabhalwa abantu ababandakanyekayo nabanentshisekelo kulesi sivumelwano.

Ngomhla 22 kuNhlanguana (Juni) 2020 iNkantolo ePhakeme yathola ukuthi Isivumelwano silungile, sifanele futhi sanele. iNkantolo ePhakeme yavuma ukwenza Isivumelwano sokunxeshelwa:

- Sibe umyalelo weNkantolo;
- Sibophe izinhlangothi kulesi sicelo sokunxeshelwa namalungu ezikhwama ezibandakanyekayo;
- Siqede futhi kube isiphetho salesi sicelo sokunxeshelwa.

Ngomhla 3 kuNtulikazi (Julayi) 2020 imibandela yokugcina yesivumelwano yafezwa, Isivumelwano saba Isivumelwano esisebenzayo futhi esingenamibandela.

### Imigomo efanelekile yesivumelwano

Isivumelwano sinika abantu abathola impesheni kulezi zikhwama inzuzo elandelayo:

Izikhwama zizonikeza ukwenyuswa kwempesheni okukhethekile, kubo bonke abathola impesheni ngama-11% (amaphesenti ayishumi nanye) nokunyuka kokukhulisa impesheni ngama-2% (amaphesenti amabili) kubantu abathola impesheni kwi-TSDBF nesikhwama saTransnet esingaphansi kwe-TPF (kodwa abantu abathola impesheni ezikhwameni ze-SAA ne-PRASA esingaphansi kwe-TPF ababalwa – incazelo ingezansi).	Ngomhla-30 kuMandulo (Septemba) 2020. Izikhwama zifisa ukwenyusa impesheni ngoNcwaba (Agasti) 2020
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Abathola impesheni esikhwameni sakwa-SAA esingaphansi kwe-TPF bazonyuselwa impesheni ngokukhethekile umuntu ngamunye ukuze bafinyelele ukuthola impesheni ebekufanele bayithole ukube bakhushulelwa ngaphambili ngama-70% e-inflation (izinguquko zonyaka nonyaka nge-CPI).	Ngomhla-30 kuMandulo (Septemba) 2020. Izikhwama zifisa ukwenyusa impesheni ngoNcwaba (Agasti) 2020
Abathola impesheni esikhwameni sakwaSAA esingaphansi kwe-TPF bazokhokhelwa isamba sika-R10 000.00 (izinkulungwane eziyishumi zamarandi) (kusazokhishwa intela).	Ngomhla-30 kuMandulo (Septemba) 2020. Izikhwama zifisa ukwenyusa impesheni ngoNcwaba (Agasti) 2020
Umuntu ngamunye owamukela impesheni uzokhokhelwa isamba sika-R10 000.00 (kusazokhishwa intela). Futhi bazothola lesi samba ngaphezu kwalesi sokuqala sika-R10 000.00 esakhokhelwa abantu abaningi abamukela Impesheni kuZibandela (Disemba) 2019 emva kokusayina Isivumelwano nokukhokhelwa kulaba abathola impesheni esikhwameni sakwa-SAA esingaphansi kwe-TPF makuphela uMandulo (Septemba) ngo-2020.	Ngomhla-31 kuMasingana (Januwari) 2021
Bonke abathola impesheni kwi-TSDBF, isikhwama sakwa-Transnet esingaphansi kwe-TPF nesikhwama sakwa-PRASA esingaphansi kwe-TPF (abathola Impesheni kwa-SAA esikhwameni esingaphansi kwe-TPF ababalwa) banesiqiniseko sokuthola ukunuyuswa okulingana nama-9% (amaphesenti ayisishiyagalolunye) ku-2021 (kubalwa no-2% wokunyuka kokukhulisa impesheni ozoqhubeka unikwe mayelana nemithetho yezikhwama).	Ngo-2021*
* <b>Qaphela</b> ukuthi izikhwama ezingaphansi kuka-PRASA zisachibiyela imithetho yazo ukuze zikwazi ukunikeza nokukhokhela ukunuyusela okukhethekile kubantu bazo abahole lempesheni, ngakho-ke ukwenyuswa okukhethekile okunikwa yisikhwama esingaphansi sakwa-PRASA ngeke kwenzeka ngaphandle kwemvume kaNgqongoshe mayelana nokuchitshiyelwa kwalo mthetho. Uma imvume itholakala emva kokunuyuswa kwempesheni kwezinye izikhwama, isikhwama samalungu esikhwameni sakwa-PRASA esingaphansi kwe-TPF bazothola isamba esingaphezulu ukuze bathole imali ababezoyithola uma isikhwama sakwaPRASA sashintsha imithetho yayo ngaphambi kwa-3 kuNtulikazi (Julayi) 2020.	
Umuntu ngamunye owamukela Impesheni uzokhokhelwa isamba sika-R10 000.00 (izinkulungwane eziyishumi zamarandi) (kusazokhishwa intela).	Ngomhla-31 kuMasingana (Januwari) 2022
Bonke abathola impesheni kwi-TSDBF, isikhwama sakwa-Transnet esingaphansi kwe-TPF nesikhwama sakwa-PRASA esingaphansi kwe-TPF (abathola Impesheni kwa-SAA esikhwameni esingaphansi kwe-TPF ababalwa) banesiqiniseko sokuthola ukunuyuswa okulingana nama-6% (amaphesenti ayisithupha) ku-2022 (kubalwa no-2% wokunyuka kokukhulisa impesheni ozoqhubeka unikwe mayelana nemithetho yezikhwama).	Ngo-2022**
** <b>Qaphela</b> ukuthi izikhwama ezingaphansi kuka-PRASA zisachibiyela imithetho yazo ukuze zikwazi ukunikeza nokukhokhela ukunuyusela okuyisipesheli kubantu bazo abahole lempesheni, ngakho-ke ukwenyuswa okuyisipesheli okunikwa yisikhwama esingaphansi sakwa-PRASA ngeke kwenzeka ngaphandle kwemvume kaNgqongoshe mayelana nokuchitshiyelwa kwale mithetho. Uma imvume itholakala emva kokunuyuswa kwempesheni kwezinye izikhwama, isikhwama samalungu sakwa-PRASA esingaphansi kwe-TPF sizothola isamba esingaphezulu ukuze amalungu athole imali ababezoyithola uma isikhwama sakwaPRASA sashintsha imithetho yayo ngaphambi kuka-3 kuNtulikazi (Julayi) 2020.	
Kusuka ngonyaka ka2023 kunesiqiniseko sokunuyuswa kwempesheni ngo-2% kwimpesheni yawonke umuntu. Izikhwama zinomgomo wokuzama ukunuyusa Impesheni ngokulingana ngama-70% e-inflation (kubalwa no-2% oqinisekisiwe wokunyuka kwempesheni). Izigungu zezikhwama zizokwazi ukunuyusa impesheni kakhulu namabhonasi uma kungabizi, kodwa abaQhishi kumele bavume (abathola Impesheni esikhwameni sakwa-PRASA esingaphansi kwe-TPF, le nzu ingatholakala uma umbandela wokuchibiyela esikhulume ngawo ngaphezulu usufeziwe).	Ngo-2023 naphambili

### Isivumelwano nokuvalwa kwesicelo sokunxeshelwa

Ngoba yonke imibandela yesivumelwano isifezekile neNkantolo ePhakeme yenze isicelo sokunxeshelwa siphethe ngokugcwele, isicelo sokunxeshelwa siyavalwa.

Isivumelwano esenziwe umyalelo weNkantolo ePhakeme sicitha zonke izicelo ezingaba khona zamalungu alezi zikhwama (nabonke abantu ababalandelayo) mayelana namandla eZikhwama okunuyusa impesheni ngaphezu kuka-2% ngonyaka, ukutshala imali neminye imgingo ethinta amandla eZikhwama nezikweleto zakudala phecelezi i-“legacy debt” okukhulunywe ngayo ngesicelo sokunxeshelwa.

### Ukuthola Isivumelwano nomyalelo weNkantolo ePhakeme

Abafuna ukuthola Isivumelwano nomyalelo weNkantolo ePhakeme bengaya kulama-webhusayithi:

- Geysler & Coetzee Attorneys ([www.geyslercoetzee.co.za](http://www.geyslercoetzee.co.za))
- Transnet ([www.transnet.net](http://www.transnet.net))

Imibuzo mayelana nenzenzo kumele isive kungsingathi wezikhwama ngendlela ejwayelekile.

Nayi imininingwane yokubiza imibuzo mayelana nenzenzo: **Momentum Retirement Administrators Call Centre Number 011 587 8000.**