

ISAZISO ESIPHATHELENE NESINQUMO SESICELO SESINXEPHEZELO ESIHLONGOZWAYO

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 UKUQALA 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”) OKUNEZINKOKHELO AZENZAYO KU-TPF).**

Uma ungumuntu onentshisekelo kulesi sinxephezelo esihlongozwayo (uyi “Ngxenye Enentshisekelo”), khona-ke kumele ufunde lesi saziso.

Abakwa-Geyser & Coetzee Attorneys yibona Abameli abasemthethweni bamalungu e-TSDBF nawe-TPF (kubandakanya isikhwama sakwa-PRASA esingaphansi kwe-TPF nesakwa-SAA esingaphansi kwesikhwama se-TPF) Ecaleni Lesicelo Sokunxeshezela elibhekene nazo zombili Izikhwama kanye ne-Transnet SOC Ltd (**Transnet**). Isicelo sokunxeshezela saqalelwa izicelo ezivela:

- Ezinsolweni zokuthi umqashi owayengaphambi kuka-Transnet kanye nezikhwama zangaphambilini zenza isithembiso kumalungu ezikhwama ngonyaka we-1989. Isethembiso lezi okusolakala ukuthi senzeka kwaba ukuthi izimpesheni zizonuyuswa unyaka ngamunye okungenani ngamaphesenti angama-70% okwehla nokunyuka kwamandla emali

- Izinsolo zokuthi abakwa-Transnet bangena phezu kwezibopho zomqashi wangaphambilini zokukhokha isamba ezikhwameni zempesheni ezindala (lezi kwakuyizikhwama ekugcineni okwangena esikhundleni sazo yilezi ziKhwama) ezazingekala ukuze kugcinwe izikhwama zempesheni ezindala zisesimweni esihle sezimali; kanye

- Nezinsolo ezingekho emthethweni zemali eyanikelwa iTSDBF kwabakwa-Transnet.

Icala Lesicelo Sokunxeshezela lemukelwa (lagunyazwa) yiNkantolo ePhakeme ngomhlaka 31 kuNtulikazi (Julayi) 2014 (**Usuku Lokugunyazwa**). Asebetheathe impesheni kanye namanye amalungu e-TSDBF kanye ne-TPF bangamalungu aleli Qoqo Labantu. Awekho amalungu amanje ezikhwama akhethe ukungabandakanywa kuleli cala Lesicelo Sokunxeshezela.

Ummeli Wezomthetho Wesinxephezelo usenze isivumelwano futhi sasayinwa isicelo sesinxephezelo nezikhwama nabakwa-Transnet. Abamelele lesi Sinxephezelo,Mr JPH Pretorius and Mr Kwapa.baphinde basayina isivumelwano sokunxeshezela. Izinhlangothi zesivumelwano sokunxeshezzelwa ziphinde futhi zafaka isicelo eNkantolo ePhakeme ukuba ikhiphe umyalelo wokuba kwenziwe isivumelwano esibophezelayo kuzo izingxenye zaleli Cala Lesicelo Sokunxeshezela, kubandakanya onke amalungu eQoqo Labantu.

Imigomo ebalulekile yesivumelwano sokunxeshezela ifingqwe njengalokhu okulandelayo:

Imibandela

Isivumelwano sokunxeshezela kufanele senziwe umyalelo weNkantolo ePhakeme.

Ungqongqoshe Wezamabhizinisi Omphakathi kanye noNgqongqoshe WezeziMali kumele bagunyaze ukuchitshiyelwa komthetho maqondana ne-TSDBF kanye ne-Transnet Sub-Fund of the TPF (**TSF**) ukuze kukwazi ukwenyuswa kwempesheni okuchazwe esivumelwaneni sokunxeshezela bese kuqaliswa ukusebenza.

I-TSDBF kanye ne-TSF kufanele bamukele izinqubomgomo zokwenyuswa kwempesheni ezivumela ukwenyuswa kwempesheni okubaluliwe esivumelwaneni sokunxeshezela esizoqalisa ukusetshenziswa.

Isikhwama sakwa-PRASA esingaphansi kwe-TPF nesakwa-SAA esingaphansi kwe-TPF kufanele zithole izigunyazo ezidingekayo ukuze kuphuculwe izilungiso eziphakanyiswe esivumelwaneni sokunxephezela ezihlobene nalezo zikhwama ezimbili esingaphansi.

Eminye yale Mibandela ingagcwaliswa ngokuphelele noma ingxenye yazo kusukela ngosuku lwalesi Saziso.

Ukukhokhwa kwezimali ezizisamba

Izinhlangothi zavumelana ngokuthi esikhathini sezinyanga ezimbili kusayinwe isivumelwano sisayinwa yizo, ngisho noma imibandela yonke kungekahlangatshezwana nayo, umuntu ngamunye owamukela Impesheni angase akhokhelwe isamba sezi-R10 000.00 (izinkulungwane zamashumi amarandi). Lesi samba sakhokhwa ngoZibandlela (Disemba) 2019. Akubalwa abathola impesheni yakwa-SAA. Labo abahola impsheni yakwa-SAA, bazokhokhelwa emva kwezigunyazo zenkampani ezidingekayo zenkokhelo okumele bayinikwe.

Cishe emva konyaka owodwa (cishe ngoZibandlela 2020), umuntu ngamunye Wempesheni R10 000.00 (izinkulungwane zamashumi amarandi).

Cishe onyakeni owodwa emva kwalokho(cishe ngoZibandlela 2020), umuntu ngamunye Wempesheni uzokhokhelwa ingxenye yokuthathu okukodwa eyisamba sezi-R10 000.00 (izinkulungwane amarandi eziyishumi).

Isamba ngasinye senkokhelo kumele senziwe yisikhwama esifanele. Isikhwama esifanele sizodonsa noma sigodle intela kule samba sezinkulungwane zamarandi alishumi ngaphambi kokukhokhela umuntu ngamunye Wempesheni.

IziKhwama zigodla ilungelo lokunikeza amabhonasi phezu kwalezi zamba ngokuhambisana nemithetho nezinqubomgomo uma lokho kufinyeleleka.

Uma umuntu owayamukela iMpsheni edlula emhlabeni, noma edlula emhlabeni phakathi koSuku Lokugunyazwa kanye nosuku lapho noma iyiphi inkokhelo eyisigaxa idingeka khona, khona-ke okukodwa kwezinto ezimbili kuzokwenzeka kuncike ezimweni zomuntu Wempesheni:

- Uma umuntu Wempesheni eshiya noma yimuphi umondliwa isikhwama esifanele esimbona njengomshadikazi womuntu wempesheni ophilayo noma njengengane yomuntu wempesheni, khona-ke ngamunye walabo bantu bempesheni ‘abasha’ bazoba nelungelo lemihlomulo njengoba ibekiwe esivumelwaneni sokunxeshezelwa, kusukela ngosuku lokudlula emhlabeni komuntu Wempesheni kuqhubeka, kubandakanya uma kunokwenzeka ukukhushulwa kwempesheni kanye noma ngaphezulu kanye/noma ukuklonyeliswa kanye noma ngaphezulu ngesamba esiyisigaxa, kanye nempahla kamufi ngeke amukele (i)za)samba esiyisigaxa.

- Uma umuntu Wempesheni osedlule emhlabeni engashiyanga bantu abangabondliwa nabafaneleke ukuthola impesheni kwesinye sezikhwama noma izikhwama esingaphansi kwesikhulu. Ilifa lomufi ngeke libe nalungelo ku-TSDBF noma i-TPF noma-ke noma yisiphi isikhwama esingaphansi se-TPF noma abakwa-Transnet ngaphansi kwesivumelwane sokunxephezela noma ngenye indlela.

Esikhathini esizayo, emva kwezinkokhelo ezintathu eziyisamba esikhulu sezenziwe, ibhodi labaqondisi besiKhwama ngasinye bazoba namandla okwenza izinkokhelo lapho bebona kunesidingo futhi kufinyeleleka, ngesamba abasibona sifinyeleleka.

Izinguquko empeshenini

Abakwa-TSDBF nabakwa-TPF bazoqhubeka nokukhulisa impesheni ngenani eliphansi kuka-2% ngonyaka ngamunye, ngesikhathi sakhona esijwayelekile.

Abahola impesheni bazothola ukwenyuselwa okwahlukene kwempesheni kuncike ekutheni lowo muntu ohola impesheni uyilungu le (i) TSDBF, TSF noma isikhwama sakwa-PRASA singaphansi kwe-TPF; noma (ii) esakwa-SAA esingaphansi kwe-TPF.

Lokhu kwenyuswa kwempesheni okuyisipesheli kuzokwenziwa phezu kokwenyuswa kwempesheni okuphansi kuka-2% ngonyaka ngamunye.

Ukwenyuswa okuyisipesheli kwe-TSDBF, TSF kanye nokwabahola impesheni besikhwama esingaphansi kwa-PRASA:

Esikhathini esiphakathi kwezinyanga ezimbili sayo yonke Imibandela okuhlangatshezvene nayo izikhwama zizonikeza ukwenyuswa kwempesheni okuyisipesheli, kubo bonke ngama-11% (amaphesenti ayishumi nanye).

Cishe emva konyaka owodwa, izikhwama zizonikeza ukwenyuswa kubo bonke ngama-7% (amaphesenti ayisikhombisa).

Cishe esikhathini sonyaka owodwa emva kokunyuswa ngama-7%, izikhwama zizonikeza ukwenyuswa ngama-4% kubo bonke (amaphesenti amane).

Qaphela ukuthi izikhwama ezingaphansi kuka-PRASA zizodinga ukuchibiyela imithetho yazo ukuze zikwazi ukunikeza nokukhokhela ukunyusela okuyisipesheli kubantu bazo abahola leMpsheni, ngakho-ke ukwenyuswa okuyisipesheli okunikwa yisikhwama esingaphansi sakwa-PRASA ngeke kwenzeke ngaphandle uma noma kuze kube yisikhathi lapho umqashi ofanele noma imvume kaNgqongqoshe mayelana nokuchitshiyelwa kwalo mthetho sekutholakele esikhwameni.

Ukwenyuselwa okuyisipesheli kwabantu abahola impesheni esikhwameni esingaphansi kuka-SAA

Esikhathini esiphakathi kwezinyanga ezimbili sekuhlangatshezvene nayo yonke Imibandela yesikhwama esingaphansi kwa-SAA i-TPF ikonikeza ukwenyuswa kwempesheni okuyisipesheli kumuntu ngamunye owabo hola Impesheni yabo yenani elinqunywe umcbunguli wabo njengempesheni llingu lelo elihola Impesheni ebelizobe lifanele ukuyithola ngosuku okunyuswa ngalo uma bekwenzekile lowo muntu ohola Impesheni ethole ukwenyuselwa kwempesheni konyaka ngamunye, njengoba impesheni yayiholelwe okokuqala, kulingana nama-70% e-inflation (izinguquko zonyaka nonyaka nge-CPI).

Okunye ukunyuswa kwempesheni

Kusukela ngonyaka olandela ukunyuswa ngama-4% okuyisipesheli, ukuya phambili, isikhwama esingaphansi se-TSDBF nakwa-Transnet sezingqubomgomo zokunyuswa kwezimpesheni ze-TSF zizobhekisa ekukhushulweni kwempesheni okungenani ngama-70% (amaphesenti angamashumi ayisikhombisa) e-CPI (kubandakanya ukwenyuswa okungengaphansi kwama-2% ngesibalo sama-70% e-CPI). Ukunikezwa kokunyuswa okuhlosiwe kungase kuthole ukwenyuswa uma kufinyeleleka kanye nangemvume yomqashi.

Amabhodi ezikhwama esingaphansi zakwa-PRASA nakwa-SAA anganikeza ukwenyuswa kwemali kulabo abahola Impesheni okulingana noma okukhulu, kodwa okungengaphansi, kwalokho kwenyuswa okubalulwe ngenhla.

Izibopho zezinkampani ezingabaqashi abathintekayo (abakwa-Transnet, SAA nakwa-PRASA) malungana nezikhwama, kubandakanya izibopho zokwesekwa ngezimali zalaba baqashi, ziqhubeka nokusebenza kulezi ziKhwama futhi kufike ekwenziweni ngcono kwemihlomulo okukhulunywe ngayo esivumelwaneni sokunxeshezela.

Umthelela wokukhokhwa kwesinxephezelo kumalungu e-TPF

Amalungu aziwayo e-TPF ngeke athole noma yimiphi imihlomulo yemali esheshayo ngendlela yokukhokhelwa imali noma ukukhushulelwa impsheni ngokushesha njengoba kuchaziwe ngenhla. Amalungu athatha umhlalaphansi ngaphambi kwesikhathi sokugcwaliseka komhlomulo wokugcina njengokusho kwesivumelwano sokunxeshezelwa, lawo malungu azohlomula kulezo zinzuzo zokunxeshezelwa eziqala ukusebenza kusukela ngosuku lokuthatha umhlalaphansi. Amalungu aziwayo athatha umhlalaphansi ngemuva komhlomulo wokugcina njengokusho kwesivumelwano sokunxeshezelwa azohlomula kunoma yikuphi ukunyuswa kwemali yempsheni isikhwama sawo noma isikhwama esingaphansi kwaso esikunikezayo ngaphezulu kuka-2% ngokuhambisana nenqubomgomo yokunyuswa kwempesheni yesikhwama esifanele.

Izindleko Zezomthetho Zesinxephezelo

Abakwa-Transnet bazokhokhela izindleko zezomthetho zabantu (abaholelwa impsheni) malungana Necala Lokunxeshezela ngokuhambisana nemibandela okuvunyelwene ngayo noMmeleli Wezomthetho Esicelweni Sokunxeshezela.

Ukunxeshezelwa nokunqanyulwa Kwecala Lesicelo Sokunxeshezelwa

Ummeli Wezomthetho Wesicelo Sokunxeshezela uzothola umyalelo ovela eNkantolo wokuthi Icala Lesicelo Sokunxeshezelwa kanye nezicelo zabantu sezikhokhwe ngokugcwele futhi ekugcineni Icala Lesicelo Sokunxeshezelwa selisuliwe.

Isivumelwano sokunxeshezela, njengoba kusho umyalelo weNkantolo ePhakeme, sizoqeda noma yiziphi nazo zonke izicelo zanoma yiliphi ilungu leQoqo Labantu ezibhekiswe kunoma yimuphi umuntu ngokuqondene nomlando wezimali zesiKhwama (noma ababengaphambi kwabo ngesikhundla), amandla ezikhwama okunyusa impesheni ngaphezu kuka-2% ngonyaka ngokwasemlandweni, umlando wotshalomali kanye nokunye ukusebenza kwemali okube nomthelela noma okubonakala sengathi kungase kube naleyo miphumela, kanye nokuba khona noma isimo salokhu okubizwa ‘ngefa lesikweletu’ njengoba kubhekiswe kukho eCaleni Lesicelo Sokunxeshezela.

Ukuhlelwa kabusha kwezizimali okunomthelela eziKhwameni

Impahla ethile, njengoba kuhlongozive ngabacubungulilwazi (actuaries) beziKhwama njengoba kuvunywe yiziKhwama, izodluliswa isuka kwa-Transnet esikhwameni esingaphansi sakwa-TSF iya kwa-TSDBF ukuze isize i-TSDBF ikwazi ukwenza izinguquko ezidingekayo kanye nezinkokhelo ngenkathi ezidingeka ngazo.

Izikhwama nabakwa-Transnet bangavumelana ngokudidiyela iziKhwama kanye nobulungu bakhona esikhathini esizayo, futhi akekho noyedwa kumalungu noma kubameleli beQoqo Labantu ongaphazamisa noma avimbe lokho.

Ukulalelwa kokugunyazwa kwesicelo sokunxeshezela

Ulwazi olulandelayo lusebenza kumalungu eQoqo Labantu noma kunoma yiluphi uhlangothi olunentshisekelo kulesi sivumelwano sokunxeshezela.

- Ukulalelwa kwalolu daba lapho iNkantolo ePhakeme izobuka ukuthi isamukele na isivumelwano esihlongozwayo sokunxephezela kuzobe kungomhlaka **14 KUMBASA 2020 (Usuku Lokubuya) enkantolo ePhakeme Pitoli, Paul Kruger & Madiba St, Pretoria Central, Pretoria, ngo-10:00 ekuseni.**

- Noma yiliphi ilungu LeQoqo Labantu noma uhlangothi olunentshisekelo olufisa ukubamba iqhaza ekulalelweni kodaba ngoSuku Lokubuya, lungakhuluma phambi kweNkantolo ePhakeme mayelana nokuthi isivumelwano esihlongozwayo sokunxeshezela silungile na, sifanele futhi siyamukeleka na, kuncike kulokhu okubhekiswe kukho ngezansi.

- Noma yiliphi ilungu Leqembu nanoma yiluphi uhlangothi olunentshisekelo olufisa ukuphikisa isivumelwano sokunxeshezelwa esihlongozwayo, noma nanoma iyiphi ingxenye yalokho, kufanele ithathe izinyathelo ezilandelayo ukuze yenze lokho:

- Isaziso sokuba khona, kuncike kufomu elikwazi ukufinyelelwa kusizindalwazi soMmeleli Wezomthetho Esicelweni Sokunxeshezela (www.geysercoetzee.co.za), kufanele sihanjiswe kuMmeleli Wezomthetho Esicelweni Sokunxeshezela, bese sifayelwa eNkantolo ePhakeme engenhla, engakadluli umhlaka **31 kuNDASA (MASHI) 2020.**

- Njengelungu Leqembu elizonxeshezela noma ingxenye enentshisekelo efaka isaziso sokuthi izoba khona kanye nencwadi efungelwe kubhekiswa kukho, engxenyeni esele yalesi sishicilelo, njengo njengo **“MPHIKISI”**.

- UMphikisi kufanele ahambise kuMmeleli Osemthethweni Wesicelo Sokunxeshezela, bese efayela eNkantolo ePhakeme engenhla, incwadi efungelwe yokuphendula ebeka ngokucacile ukuthi uyaphikisa kungakadluli umhlaka **7 KUMBASA (EPHRELI) 2020.**

- Abaphikisayo kufanele balethe amadokhumenti okukhulunywa ngawo ngenhla (isaziso sokuba khona kanye nencwadi efungelwe yokuphendula) kuMmeleli Osemthethweni Esicelweni Sokunxeshezela ngesandla noma ngefeksi noma nge-imeyli, kanti imininingwane ithi:

GEYSER & COETZEE ATTORNEYS

The Class Legal Representative

9 Baobab Nook

Zwartkop x 4

Centurion

Ilreferensi: WW Coetzee

Ucingo: 012 663 5247

Ifeksi: 012 663 5719

I-imeyli: wynanda@geysercoetzee.co.za

- Qaphela ukuthi uma kungekho zaziso zokuba khona noma ukuhambela icala nokuphendulwa izincwadi ezifungelwe zifayelwa ngezikhathi ezibalulwe ngenhla, lapho-ke udaba luzobekelwa usuku lokulalelwa kodaba **kungabi nakuphikiswa** Ngosuku Lokubuyela (**14 KUMBASA (EPHRELI) 2020**)

- Uma udaba luphikiswa, khona-ke Usuku Lokubuyela **luzohlehliswa** kusukela ngomhlaka **14 KUMBASA (EPHRELI) 2020** kuya **17 KUNHLABA (KUJUNI) 2020** noma ngaluphi olunye (u)zin)suku oluzobekwa yiNkantolo ephakeme.

- Ummeli Weqoqo Labazonxeshezela (uMnu. JPH Pretorius kanye noMnu DM Kwapa), abeziKhwama kanye nabakwa-Transnet (bebonke “abaFakizicelo”) bangafaka izincwadi ezifungelwe zokuphendula kunoma yiziphi izincwadi ezifungelwe ezifakwe Izinhlangothi Eziphikisayo ungakadluli umhlaka-**4 KUNHLABA (uMeyi) 2020**.

- Abafakizicelo kumele bafake izicelo ezibhaliwe ungakadluli ngomhlaka-**18 KUNHLABA 2020**.

- Noma yiluphi Uhlangothi Oluphikisayo kufanele lufake izicelo ezibhaliwe ngawo noma ngaphambi komhlaka-**25 KUNHLABA 2020**.

- Abafakizicelo kumele bafake izicelo ezibhaliwe eziphendula Izinhlangothi Eziphikisayo ngomhlaka **2 KUNHLANGULANA (kuJuni) 2020**.

- Abafakizicelo bazohlizneka ngesaziso Kubaphikisi balolo olunye usuku noma ezinyeizinsuku zokubuya futhi bazoshicilela isaziso kuzizindalwazi zabaMmeli Abasemthethweni Beqoqo Labazonxeshezela Nabakwa-Transnet.

- Uma sebezibhekisisile izicelo, iNkantolo izonikeza umyalelo, zingakadluli izinsuku ezinhlanu (5) zenkantolo ngaphambi koSuku Lokubuya, ukuthi izicelo ezilethiwe zizovunyelwa yini. Umyalelo okhishwa yiNkantolo uzoshicilelwa kuzizindalwazi zabaMmeli Abasemthethweni Beqoqo Labazonxeshezela Nabakwa-Transnet.

- Insizakalo kunoma yiluphi Uhlangothi Oluphikisayo izokwenziwa nge-imeyli ekhelini le-imeyli elichazwe esazisweni sokulela soHlangothi Oluphikisayo.

- UYACELWA** uqinisekise ukuthi uvakashela izizindalwazi ze-Class Legal Representative noma kwa-Transnet (www.transnet.net) ukuze uthole noma yiluphi ulwazi olusha kanye/noma izinguquko ezinsukwini zokulalelwa kwamacala -

- Ungathola ikhophi yomyalelo weNkantolo, isivumelwano sokunxeshezela namakhophi amaphepha athe afayelwa eNkantolo Ephakeme yilowo Omele Ngokwezomthetho Isicelo Sokunxeshezela, abakwa-Transnet kanye nezikhwama kuvela kulowo Omele Ngokwezomthetho Isicelo Sokunxeshezela (imininingwane yokuxhumana iyatholakala ngenhla).

- Amakhophi ekhompyutha alawa madokhumenti azotholakala kusizindalwazi soMmeli Osemthethweni Kulesi Siculo Sokunxeshezela.

Isivumelwano sokugcina sokukhokhelwa

- Uma iNkantolo igunyaza ukunxeshezela, kuzoba nesishicilelo esifingqiwe sesinqumo seNkantolo emaphephandabeni.

- Imininingwane ephelele ngokuphathelene nesinqumo seNkantolakanye nesinqumo sesinxepheelo sokugcina:

- izotholakala emahhovisi akwa-Geyser & Coetzee Attorneys (ikheli lingenhla);
- izobhalwa kusizindalwazi se-Class Legal Representative nesakwa-Transnet; kanti futhi

- izothunyelwa kuMphikisi.



GEYSER & COETZEE
P R O K U R E U R S
A T T O R N E Y S



TSDF
TRANSNET SECOND
DEFINED BENEFIT FUND



TPF
Transport
Pension
Fund