



**ISIFINYEZO  
SOMTHETHO WETHEMBA  
WE-NKULO COMMUNITY  
PARTNERSHIP TRUST**

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## 1. AMAQEMBU ABABAMBE IQHAZA

Lesi sivumelwano siphakathi:

- uMsunguli: i-Thungela Resources Limited
- AmaTrasti: abantu abaqokwe ukuthi baphathe iNkulo Community Partnership Trust egameni lemiphakathi.

## 2. UKWETHULWA NOKUTHIWA KWE-TRUST

UMsunguli usungule le Trust ukuze izinzuzo ezivela emsebenzini wezimayini nezitshalomali zibuyekelele emiphakathini.

- Igama le-Trust: Nkulo Community Partnership Trust
- UM s unguli ufake imali yokuqala nezinye izinsiza ku-Trust.
- Yonke le mali nezinye izimpahla zigcinwa ziphethwe ngamaTrasti, zenziwe zisebenzele imiphakathi ebekiwe ngokwemigomo yalesi sivumelwano.

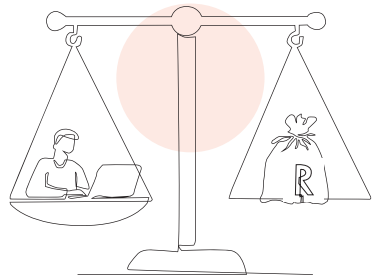
## 3. INHLOSO YENKULO TRUST

3.1. Inhloso enkulu yeNkulo Trust wukuthi:

- imali etholakala kumasheya e-South Africa Coal Operations (SACO)
- kanye nezitshalomali ezisemthethweni
- isebenzele imisebenzi yokuthuthukisa umphakathi ezindaweni eziqokiwe.

3.2. Lokhu kuhlenganisa izinhlelo ezifana nalezi:

- imfundo nesekele lwentsha
- amabhizinisi omphakathi / ama-SMME
- ezempilo nezenhlalakahle
- amanye amaphrojekthi entuthuko ahambisana nomthetho wentela wama “public benefit activities”.



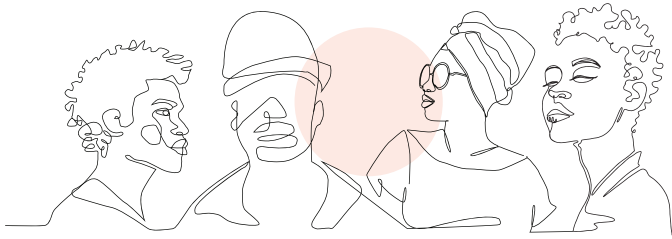
3.3. Wonke amaphrojekthi, izinqumo nezabelo zenziwa ngendlela eqinisekisa ukuthi:

- imiphakathi iyazuza
- imali isetshenziswa ngokucophelela, ngokusobala
- iNkulo Trust ihlala ihambisana nomthetho.

#### 4. ABAZUZI (BENEFICIARIES)

4.1. Abazuzi yibo abantu noma izinhlangano ezimele imiphakathi, abamukelayo izinzuzo zeNkulo Trust.

4.2. Abazuzi:



- (a) bamele imiphakathi, hhayi inzuzo yomuntu oyedwa
- (b) iningi labo (okungenani u-90%) kumele kube Abantu Abamnyama baseNingizimu Afrika ngokwemigomo ye-B-BBEE
- (c) bahlala, basebenzela noma banomthelela ezindaweni eziqokiwe nezithintekayo
- (d) banemigomo nemisebenzi ehambisana nentuthuko yomphakathi nenhloso yeNkulo Trust.

4.3. Abazuzi abakwazi ukuvuma bathi "sinesabelo esiqondile" ngaphandle kokuthi:

- a) amaTrasti asenqume ngokusemthethweni
- b) lesi sabelo sibhalwe phansi
- c) isikhathi sokukhokha noma sokuxhasa sesifikile.

4.4. Ilungelo livela lapho isabelo sesivunyiwe, hhayi ngaphambi kwalokho.

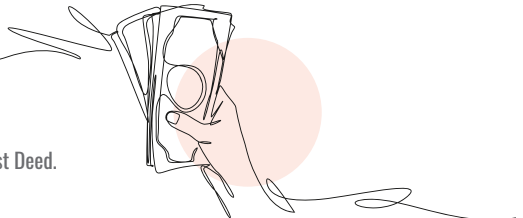
## 5. IZINDAWO EZIQOKIWE NEZITHINTEKAYO

- 5.1. I-Nkulo Trust isebenza kuphela ezindaweni ezibekwe ngokucacile ku-Trust Deed ephelele. Lezi zindawo zibizwa:
- a) Izindawo eziqokiwe (Designated Areas)
  - b) Izindawo ezithintekayo (Affected Areas)
- 5.2. Ngokuvamile kuhlenganisa:
- a) imiphakathi ezungeze imigodi yeThungela
  - b) izindawo ezinemisebenzi yokuthumela abasebenzi (labour-sending areas)
  - c) ezinye izindawo ezikhethiwe ngaphakathi kwesifundazwe / izifunda ezithintekayo.
- 5.3. Imiphakathi ethola usizo kumele ibe kulezi zindawo, noma ihlotshaniswe ngqo la.

## 6. IFUND YENKULO TRUST (TRUST FUND)

- 6.1. IFund yeNkulo Trust yiyo yonke impahla nemali ephethwe iNkulo Trust, okuhlenganisa:
- a) umnikelo wokuqala owenziwe uMsunguli
  - b) amasheya e-SACO nezimali ezitholakala kuwo
  - a) izitshalomali ezisemthethweni (njenge-akhawunti zemali, izinsimbi zezimali ezivunyelwe)
  - a) imali esandleni
  - a) yonke iminikelo, amafa neminye iminikelo yomphakathi
  - a) noma iyiphi enye impahla etholwa yiNkulo Trust ngokusemthethweni.
- 6.2. Izindleko zokuphatha iNkulo Trust (isb. accounting, auditing, ukuphatha amaphrojekthi) zikhokhwa:

- a) ngemali engenayo evela e-SACO
- b) ngemali engenayo yezitshalomali
- c) noma kwenye imali evunyelwe yi-Trust Deed.



- 6.3. Okungenani u-75% wemali engenayo kunoma yiliphi unyaka wezimali:
- a) kufanele isetshenziselwe imisebenzi yokuthuthukisa umphakathi
  - b) kulo nyaka noma unyakeni olandelayo, ngaphandle kokuthi uMnyango Wentela uvume enye indlela.

## 7. ISIMO SENKULO TRUST NJENGE-PUBLIC BENEFIT ORGANISATION (PBO)

7.1. INkulo Trust kufanele:

- a) ifake isicelo futhi igcine ukuvunywa njenge Public Benefit Organisation (PBO) ngaphansi koMthetho Wentela
- b) lapho kudingeka, ivunyelwe ukukhulula ama-Section 18A receipts kubanikeli abafanelekayo.

7.2. Lokhu kusho ukuthi:

- a) iNkulo Trust isebenza njengenhlangotho engenzi nzuzo, esebenzela umphakathi
- b) imali yayo isetshenziswa kuphela emisebenzini yokuthuthukisa umphakathi
- c) abaphathi kumele bagcine amarekhodi acacile futhi babike ngendlela edingwa umthetho.

7.3. Lapho iNkulo ikhipha Section 18A receipt kumuntu ofake isandla:

- a) kubhalwa imininingwane edingwa umthetho
- b) umnikelo kufanele usebenzele imisebenzi yomphakathi ehambisana nemithetho ye-Section 18A.

## 8. IZINTO EZINGAVUNYELWE (UKUZIPHATHA OKWENQATSHELWE)

8.1. INkulo Trust:



- a) ayisebenzisi izinsiza zayo ukuxhasa noma ikhulise noma yiliphi iqembu lezombusazwe
- b) ayisebenzisi imali yayo ukwakha ingcebo yomuntu ngamunye noma umndeni othile
- c) ayithathi imihlo nezibonelelo eziphezulu ezingachazeki.

8.2. INkulo Trust ayivumeli iminikelo:

- a) ebuyele emuva ngendlela engahambisani nomthetho wentela
- b) eveza umnikeli athole inzuzo ngqo / ngokungaqondile ngendlela engahambisani nemi thetho ye-PBO.

8.3. INkulo Trust ayibandakanyeki:

- a) ezinhlelweni zokugwema intela
- b) noma ezinhlelweni ezingahambisani nemithetho yokuba yi-PBO.

## 9. AMATRASTI (TRUSTEES)

9.1. INkulo Trust iphethwe ngamaTrasti.

- a) Kudinga okungenani amaTrasti amathathu (3) ngesikhathi esisodwa
- b) okungenani abathathu kumele bangabi nabudlelwane obuseduze ngendlela ephikisana nomthetho wentela ("connected persons").

9.2. AmaTrasti:

- a) basebenza ngobuqotho nangokunakekela
- b) bahlala bebhaka umphakathi neNkulo Trust kuqala
- c) balandela i-Trust Deed nomthetho
- d) baphethe IFund yeNkulo Trust ngendlela ephephile, ecacile.

9.3. AmaTrasti:

- a) bangabuyiselwa izindleko abebehamba zona ngenxa yomsebenzi weNkulo
- b) bangakhokhelwa imali yokuhola engaphakathi komqondo
- c) kodwa abakwazi ukuba ngamabhizinisi abazuza ezabelweni zemali yeNkulo Trust njengezinkampani noma abantu ngabanye.

9.4. AmaTrasti banesibopho:

- a) sokuvula ama-akhawunti asebhange egameni leNkulo Trust
- b) sokubhalisa impahla egameni leNkulo Trust
- c) sokugcina amarekhodi ezimali acacile
- d) sokulungiselela ama-financial statements wonyaka kanye nama-audit lapho kudingeka.

9.5. AmaTrasti banesibopho:



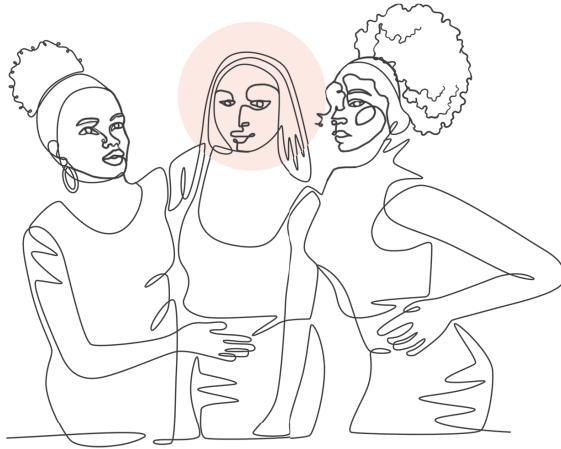
- a) sokuvula ama-akhawunti asebhange egameni leNkulo Trust
- b) sokubhalisa impahla egameni leNkulo Trust
- c) sokugcina amarekhodi ezimali acacile
- d) sokulungiselela ama-financial statements wonyaka kanye nama-audit lapho kudingeka.

**10. UKUKHETHWA KWABAZUZI NAMAFORAMU OMPHAKATHI**

10.1. Lapho kukhethwa abazuzi, amaTrasti asebenzisa izinkomba zokukhetha (Selection Criteria) echazwe ku-Trust Deed.

10.2. Imiphakathi ingamamelwa: Ama-Representative Forums (Amafomu amele \ umphakathi) la maforamu:

- a) alawulwa okungenani u-90% Abantu Abamnyama
- b) amele imiphakathi ephathekayo ezindaweni eziqokiwe
- c) anemigomo ehambisana nenhloso yeNkulo Trust
- d) afaka abantu abaningi emphakathini, hhayi iqembu elincane.



10.3. Ama-Representative Forums angakwazi:

- a) ukufaka izicelo zokuxhaswa ngamaphrojekthi
- b) ukwamukela izabelo zemali egameni labantu bomphakathi
- c) ukubika kumaTrasti ngendlela ecacile mayelana nokusetshenziswa kwemali nenqubekelaphambili yamaphrojekthi.

## 11. IZICELO NEZABELO ZEMALI (APPLICATIONS AND ALLOCATIONS)

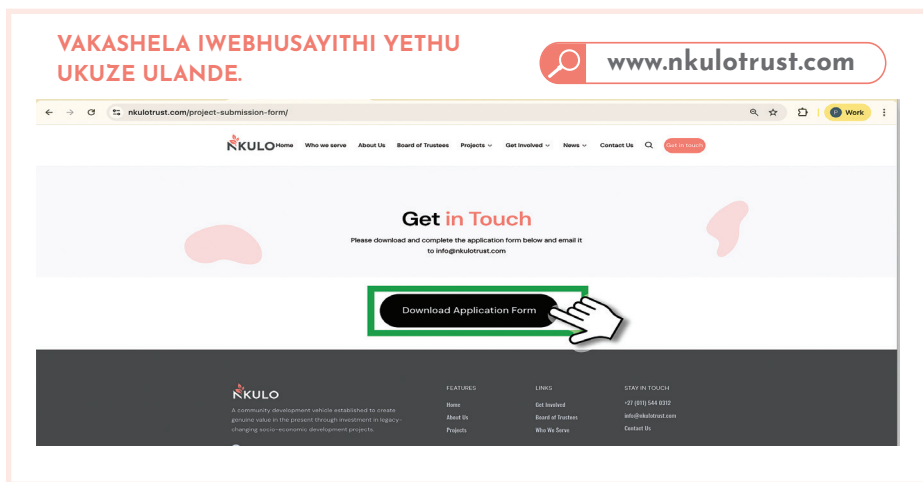
11.1. Abazuzi noma ama-Representative Forums bangafaka izicelo zokuxhaswa.

11.2. Isicelo kufanele:

- senziwe ngokubhala, kusetshenziswe ifomu leNkulo Trust
- sichaze kahle umfakisicelo nemiphakathi ezothola inzuzo
- sibonise ukuthi leyo miphakathi ise ndaweni eqokiwe
- sichaze iphrojekthi, izinhloso zayo nokuthi izosiza kanjani umphakathi
- sibe nebhhalansi yezindleko (bhajethi ecacile)

11.3. sibonise ukuthi iphrojekthi ihambisana kanjani:

- nenhloso yeNkulo Trust
- nemisebenzi yokuthuthukisa umphakathi
- nezinhlelo zentuthuko zendawo / zesifunda.



11.4. AmaTrasti, besizwa uMphathi wePhrojekthi uma ekhona, bazohlola izicelo:

- bebhaka izinkomba zokukhetha
- bebhaka imihlahlandlela yamaphrojekthi
- bese benquma ukuthi bazoxhasa kangakanani futhi kanjani.

11.5. Izabelo zemali:

- a) zisezingeni leNkulo Trust, aziziveleli
- b) zivame ukukhokhwa ngezigaba (tranches), lapho iphrojekthi ifinyelela kumamayela athile (milestones)
- c) zingakhokhwa ngqo kubahlinzeki bezinsiza / ezimpahla lapho kunengqondo.

11.6. Ukufeza izinkomba zokukhetha akusho ukuthi isicelo siyavunywa. AmaTrasti anesibopho sokunquma ngaphakathi komgomo we-Trust Deed.

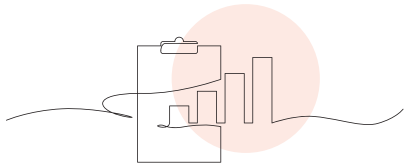
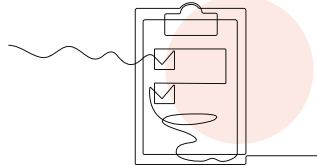
## 12. UKUSETSHENZISWA KWEMALI NEMIBANDELA YOKUXHASWA

12.1. Uma iphrojekthi isixhaswe:

- imali isetshenziswa kuphela kulokho okuchazwe esivumelwaneni sokuxhaswa
- izindleko kufanele zibe nesizathu, zicace futhi zingabi yizindleko zempilo yomuntu, ngaphandle kwalapho kuhlobene nomsebenzi.

12.2. Abazuzi / ama-Representative Forums:

- a) bagcina amarekhodi ezimali (imali engenayo nemali ephumayo)
- b) bathumele imibiko yokusebenza kanye nemibiko yezimali ngesikhathi
- c) bavumele ukuqashwa, ukuqinisekiswa, noma ukuhlola lapho kudingeka.



12.3. Uma kunephutha elikhulu noma imali isetshenziswa ngendlela engavunyelwanga:

- a) izinkokhelo ezingakakhishwa zingamiswa
- b) isivumelwano sokuxhaswa singavalwa
- c) imali esetshenziswe ngendlela engalungile ingabuyiselwa, lapho kunengqondo.

### 13. IMIHLANGANO NABANTU BOMPHAKATHI

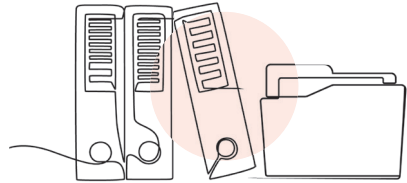
13.1. AmaTrasti agcina ukuxhumana nomphakathi kubalulekile.

13.2. Ngakho-ke:

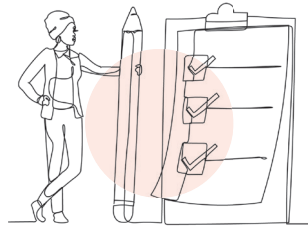
kubanjwa umhlangano omkhulu wonyaka (AGM) kanye neminye imihlangano yokubuyekeza amaphrojekthi, kungadluli izinyanga eziyi-14 phakathi kwemihlangano.

13.3. Kule mihlangano, amaTrasti:

- a) achaza ngemali engenile nemali ephumile (umbiko wezimali ongqinisiswe ama-auditors)



- b) aveza ibhajethi yonyaka olandelayo



- c) abike ngamaphrojekthi: aqhubekayo, aqediwe nalawo ahleliwe



- d) avumele imibuzo nemibono evela kubantu bomphakathi.

13.4. AmaTrasti futhi:

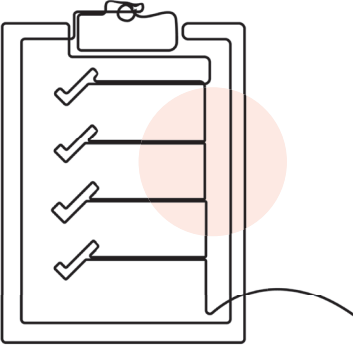
- a) aqaphe inqubo yokukhetha amaTrasti bomphakathi  
b) angabiza imihlangano ekhethekile uma kudingeka, noma uma inani elithile labantu bomphakathi licela umhlangano ngenhloso ecacile.

**14. UKUHAMBISANA NOMTHETHO, IZINGUQUKO NOKUPHELA KWENKULO TRUST**

14.1. AmaTrasti kumele baqinisekise ukuthi iNkulo Trust ihlala ihambisana:

- a) nale Trust Deed
- b) nomthetho wentela ophethe ama-PBO ne-Section 18A
- c) neminye imithetho efanele.

14.2. Uma kudinga ukuguqulwa i-Trust Deed:



a) izinguquko zidinga ukugunyazwa ngen-dlela echazwe ephepheni eliphelele

b) uKhomishana Wentela ubikwa lapho kudingeka.

14.3. Uma iNkulo Trust iphela noma kuvalwa:

- a) izikweletu ezisemthethweni zikhokhwa kuqala
- b) impahla eseleyo idluliselwa kwezinye izinhlangano zomphakathi ezisemthethweni
- c) impahla ayabiwa kuMsunguli, kumaTrasti noma komunye umuntu ngamunye.

**15. I-TRUST DEED EPHELELE IYABUSA**

15.1. Le ncazelo yesiZulu yibhukwana elilula nelomphakathi elichaza iNkulo Community Partnership Trust.

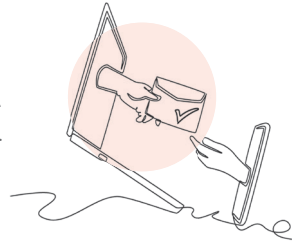
15.2. Uma kukhona umehluko sibonel kwaleli bhukwana ne-Trust Deed ephelele:

- i-Trust Deed ephelele yiyo ebusa
- lokhu kubalulekile ezindabeni zomthetho.

## 16. INCAZELO YAMAGAMA (DEFINITIONS - NGOLIMI LOMPHAKATHI)

Le ngxenye ichaza amagama asetshenziswa kakhulu, ngolimi olucacile.

- 16.1. **Isabelo semali:** Isinqumo esenziwa amaTrasti sokuthi iphrojekthi ethile izothola malini nokuthi le mali izokhishwa nini, ngaphansi kwemigomo ethile.



- 16.2. **Abazuzi:** Imiphakathi, amaqembu noma izinhlangano:
- ezisemazingeni ekhaya / esifundazweni
  - ezihambisana nenhloso yeNkulo Trust
  - ezihlangabezana nezidingo zomthetho (okungenani u-90% kungaba Abantu Abamnyama).
- 16.3. **Abantu Abamnyama:** Utrasti oqhamuka emphakathini, oqokwe \ ngenqubo evumelwene ngayo, omele sibonelo ebhodini lamaTrasti.
- 16.4. **Izindawo eziqokiwe:** Utrasti oqhamuka emphakathini, oqokwe ngenqubo evumelwene ngayo, omele sibonelo ebhodini lamaTrasti.
- 16.5. **Izindawo eziqokiwe:** Izindawo zomhlaba ezibalwe ku-Trust Deed:
- ezifana nemiphakathi ezungeze imigodi
  - nezinye izindawo ezithintekayo lapho imiphakathi izokwazi khona ukufaka izicelo.
- 16.6. **uMsunguli:** i-Thungela Resources Limited, eyasungula iNkulo Trust futhi yafaka imali yokuqala.
- 16.7. **uTrasti ozimele:** Utrasti ongenawo umthelela wobudlelwano bezimali / bomndeni noMsunguli, i-SACO noma abanye amaTrasti ngendlela ephikisana nokuzimela.
- 16.8. **Izitshalomali ezivunyelwe:** Izinhlobo zezinto iNkulo Trust evunyelwe ukutshala kuzo imali yayo:
- ama-akhawunti asebhange
  - izincwadi zemali ezisemthethweni
  - ezinye izinsimbi zezimali ezivunyelwe ngumthetho.

- 16.9. **Iphrojekthi:** Uhlelo oluthuthukisa sibonelo, sibonelo:
- izinhlelo zemfundo
  - izinhlelo zokuqeqesha intsha nabesifazane
  - amabhizinisi omphakathi
  - izinhlelo zezempilo nezenhlalakahle
  - kanye namanye amaphrojekthi ahambisana nenhloso yeNkulo Trust.
- 16.10 **Imihlahlandlela yamaphrojekthi:** Imithetho nemigomo amaTrasti ayisebenzisayo:
- ukubona ukuthi yiziphi izinhlobo zamaphrojekthi angaxhaswa
  - ukuthi afakwe kanjani
  - nokuthi aqhutshwe kanjani.

- 16.11. **uMphathi wePhrojekthi:** Umuntu noma inhlangothi eqokwe amaTrasti ukusiza:
- ekuhloleni izicelo
  - ekuqapheni amaphrojekthi
  - nasekuqinisekiseni ukuthi imali isetshenziswa ngendlela efanele.



- 16.12. **Imisebenzi yokuthuthukisa umphakathi:** Imisebenzi ehleliwe ezuzisa umphakathi:
- njengemfundo, ezempilo, ukulwa nobubha, ukuthuthukisa umnotho womphakathi, njll.
  - le misebenzi ichazwe emthethweni wentela (Ninth Schedule).
- 16.13. **Inhlangothi yokuzuzisa umphakathi:** Inhlangothi engasebenzi ngenhloso yokwenza inzuzo, evunywe yi-SARS, efana neNkulo Trust:
- esebenzela umphakathi
  - enezibopho ezicacile zokubika nezokusetshenziswa kwemali.
- 16.14. **iFomu elimele umphakathi:** Ikomidi noma inhlangothi emele imiphakathi ethile:
- ilawulwa ikakhulukazi Abantu Abamnyama
  - inezinhloso zokuthuthukisa umphakathi
  - ixhumana neNkulo Trust egameni labantu.
- 16.15. **Amasheya e-SACO:** Amasheya enkampanini i-South Africa Coal Operations (SACO) aphethwe iNkulo Trust:
- inzuzo ephuma kulawa masheya ingenye yemithombo eyinhloko yemali yeNkulo Trust.

- 16.16. **Isitifiketi se-Section 18A:** Isitifiketi esikhishwa yiNkulo Trust kumuntu ofake isandla:
- esivumela lowo mnikeli ukuthi afake lowo mnikelo esibuyisweni sakhe sentela, uma kuvunyelwe umthetho.
- 16.17. **Izinkomba zokukhetha:** Izindinganiso amaTrasti awasebenzisayo:
- ukubona ukuthi umfakisicelo ufanelekile yini
  - nokuthi iphrojekthi ifanele ukuxhaswa.
- 16.18. **iNkulo Community Partnership Trust:** Inhlangothi uqobo eyasungulwa uMsunguli, ephethwe ngamaTrasti, esebenza egameni lemiphakathi.
- 16.19. **Isivumelwano seNkulo Trust:** Umbhalo ophelele womthetho:
- ochaza igunya lamaTrasti
  - imithetho yokuphatha iNkulo Trust
  - nenhloso yokusetshenziswa kwezimali.
- 16.20. **IFund yeNkulo Trust:** Yonke imali nezimpahla:
- eziphethwe yiNkulo Trust nganoma yisiphi isikhathi
  - okuhlanganisa umnikelo wokuqala, amasheya e-SACO, izitshalomali neminikelo yomphakathi.
- 16.21. **Inhloso yeNkulo Trust:** Inhloso eyisisekelo:
- ukwenza ukuthi izinzuzo ezivela emsebenzini nasezitshalomali zibuyele emphakathini
  - ngokusebenzisa amaphrojekthi okuthuthukisa imiphakathi ezindaweni eziqokiwe.
- 16.22. **AmaTrasti Abantu abaqokwe ngokusemthethweni:**
- ukuba baphathe iNkulo Trust
  - balawule IFund
  - benze izinqumo egameni lemiphakathi.

- 16.23. **Izigaba zokukhokha:** Lapho imali ingakhokhwa yonke kanye:
- ihlukaniswa izigaba, ngokuvumelana namamayela (milestones) ephrojekthi
  - ukugcina ukuthi imali isetshenziswa kahle futhi iphrojekthi iya phambili ngendlela ebekiwe.



**UDINGA OLUNYE ULWAZI?  
LELI YISIFINYEZO ESISEMAZINGENI APHEZULU  
SENKULO COMMUNITY PARTNERSHIP TRUST DEED.**

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Uma udinga i-Trust Deed ephelele esemthethweni,  
noma unemibuzo yezomthetho, sicela uxhumane:

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