



IN THE LABOUR COURT OF SOUTH AFRICA

(HELD AT JOHANNESBURG)

CASE NO. J3699/18

Honourable Acting Justice Snyman **ORDERED** on 05 NOVEMBER 2018

In the matter between

SOUTH DEEP GOLD MINE JOINT VENTURE

Applicant

and

THE NATIONAL UNION OF MINeworkERS

First Respondent

THE MINISTER OF POLICE

Second Respondent

JUSTICE KGAUHELO MOKOENA

Third Respondent

STRIKE WABILE

Fourth Respondent

MOTINI MNCIKANANA

Fifth Respondent

SIBONGISINI MPETSHU

Sixth Respondent

Seventh Respondent



KERESEMESE JOSHUA LEPHOTO

Eight Respondent

MICHAEL NQINA

PRINCESS YEKELA

Ninth Respondent

THE TENTH TO FURTHER RESPONDENTS
WHOSE NAMES APPEAR LISTED IN
ANNEXURE "A" TO THE NOTICE OF
MOTION

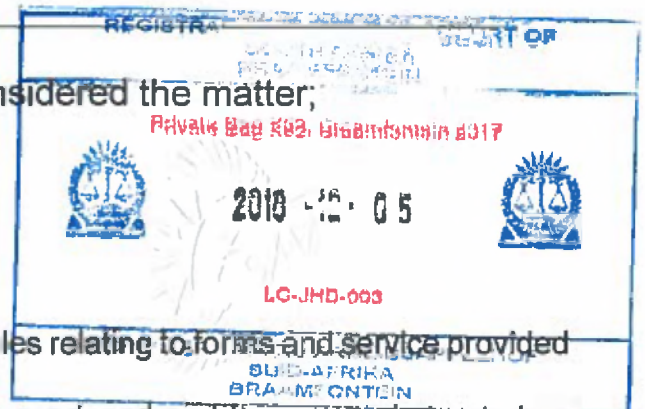
Tenth to Further Respondents

ORDER

Having read the documents and having considered the matter;

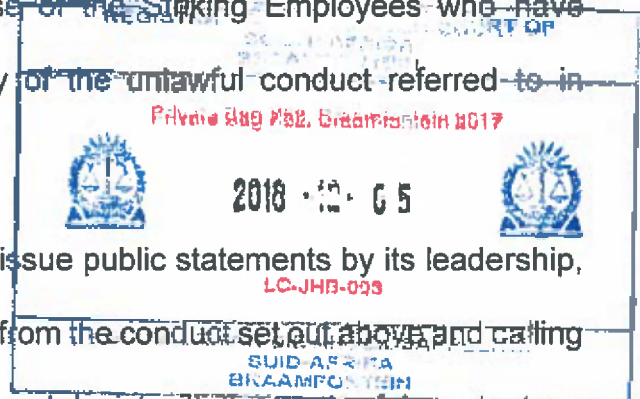
IT IS ORDERED THAT:

1. The Applicants' non-compliance with the Rules relating to forms and service provided for in the Rules of this Honourable Court is condoned and this matter is treated as one of urgency.
2. A rule nisi is hereby issued calling upon the Respondents to show cause on 28 February 2019 at 10H00 or so soon thereafter as the matter may be heard, why a final order in the following terms should not be granted:
 - 2.1. The First and Tenth to Further Respondents ("Striking Employees") are interdicted and restrained from engaging in the following unlawful conduct:



[Handwritten signature]

- 2.1.1. Engaging in Violent Conduct, including the pointing and discharging of firearms, the throwing of petrol bombs and/or stones,
- 2.1.2. Intimidation of non-striking employees, employees of contractors/suppliers of the Applicant and Striking Employees who may wish to return to work;
- 2.1.3. Damage to property belonging to the Applicant, its employees, contractors/suppliers of the Applicant and employees of contractors/suppliers of the Applicant;
- 2.1.4. Preventing Striking Employees who may wish to do so, from returning to work; and
- 2.1.5. Preventing non-striking employees from reporting to work;
- 2.2. The First Respondent is ordered to take reasonable steps to take disciplinary or other lawful action against those of the Striking Employees who have engaged in or may engage in any of the unlawful conduct referred to in paragraphs 2.1 – 2.1.5 above;
- 2.3. The First Respondent is ordered to issue public statements by its leadership, disassociating the First Respondent from the conduct set out above and calling on the Striking Employees to cease and desist with their unlawful conduct,
- 2.4. The Second Respondent is ordered to give effect to this interim Court Order by providing the Applicant with all necessary personnel and assistance and maintaining law and order at the Applicant's Mine, including the arrest and incarceration of the Striking Employees and/or third persons who are participating in the unlawful conduct set out in paragraphs 2.1 – 2.1.5 above;



2.5. The Third to Ninth Respondents (“the Respondents in Contempt”) are ordered to show cause on the return date as to why they should not be held in contempt of Court for not complying with the interim Court Order of this Honourable Court dated 3 November 2018 under case number J3699/18 (“Court Order”) and to show cause on the return date of this application as to why they should not be incarcerated for a period of 30 (thirty) days;

2.6. The issue of costs are reserved for argument on the return date;

2.7. Service of this order shall be effected as follows:

2.7.1. Upon the First Respondent per fax to the following fax address: 086 663 0635, and by email to the following email addresses:

nrakau@num.org.za;

Thulani.Mashibini@goldfields.com;

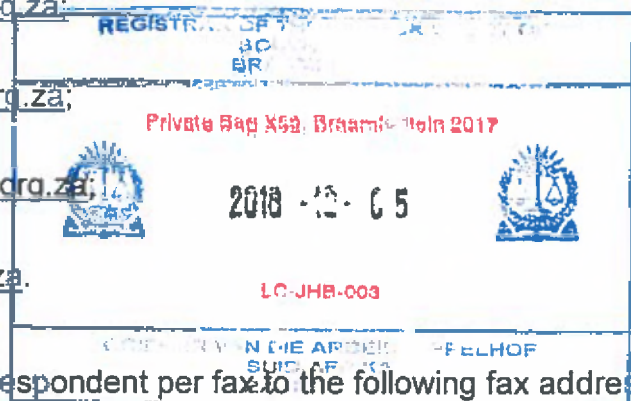
Kanetso.Matabane@goldfields.com;

iradebe@num.org.za;

cnhlapo@num.org.za;

dsiphunzi@num.org.za;

IKazi@num.org.za.



2.7.2. Upon the Second Respondent per fax to the following fax address:

012 393 2812, and per email the following email address:

GaehlerSMK@saps.gov.za;

2.7.3. Upon the Third to Ninth Respondents by the Sherriff;

2.7.4. Upon the Tenth to Further Respondents by affixing a copy of the Interim Order at the various entrances to the Mine and notice boards at the hostels and by a duly authorised employee of the Applicant reading out the Interim Order with a loud hailer to such of the Tenth to Further Respondents who may have assembled at the Main Gate to the Mine and sending the Interim Order by short message service (SMS) to such of the Tenth to Further Respondents whose mobile telephone numbers are known to the Applicant.

2.7.5. The rule nisi issued in paragraph 2.1, 2.2, 2.3, 2.4 and 2.5 of this order shall operate as an interim order with immediate effect

BY THE COURT

REGISTRAR

