

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

Handwritten signature

CASE NO : 63101/18

*Before Judge Thopi
31 August 2018*

In the matter between:

**ASSMANG (PROPRIETARY) LIMITED
(trading as BEESHOEK MINE)**

Applicant

and

THE CHIEF INSPECTOR OF MINES

First Respondent

THE PRINCIPAL INSPECTOR OF MINES

Second Respondent

NATIONAL UNION OF MINeworkERS

Third Respondent

SOLIDARITY

Fourth Respondent

**ASSOCIATION OF MINeworkERS AND
CONSTRUCTION UNION**

Fifth Respondent

**THE PERSONS WHOSE NAMES APPEAR ON
ANNEXURES "A1" TO THE FOUNDING AFFIDAVIT
WHO ARE EMPLOYEES OF THE
APPLICANT**

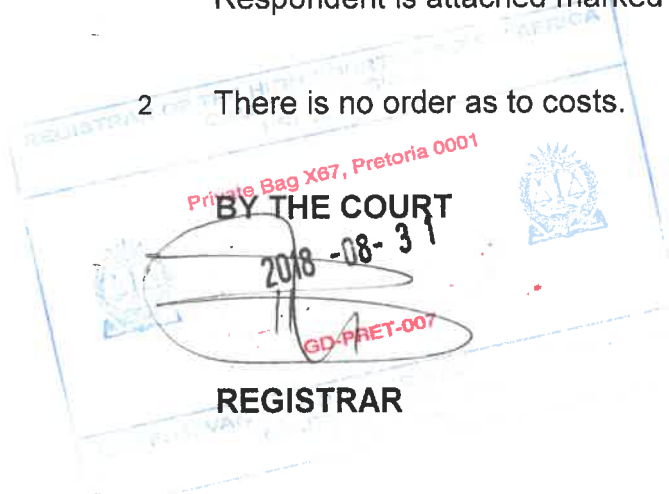
Sixth Respondent

Handwritten signature
DRAFT ORDER

HAVING heard Counsel for the Applicant and having read the papers filed on record, it is recorded:

- 1 The Applicant has been granted leave to conduct production, maintenance, necessary and ancillary work on a Sunday by the First Respondent, for the period from 1 September 2018 until such time as the Minister of Mineral Resources considers the Applicant's pending application for a Sunday Labour Permission in terms of section 9(1)(f) of the Mines and Works Act 27 of 1956 ("the MWA"). A copy of the Temporary Permission issued by the First Respondent is attached marked "A".

- 2 There is no order as to costs.





MD 305

TEMPORARY SUNDAY LABOUR PERMISSION

Granted under section 9 of the Mines and Works Act, 1956

**PERMISSION is hereby granted to: ASSMANG (PTY) LIMITED-
BOEESHOEK IRON ORE MINE**

TO PERFORM MINING OPERATIONS ON SUNDAYS

from: 01/09/2018

**to: UNTIL THE MINISTER
CONSIDERS THE APPLICATION**



CHIEF INSPECTOR OF MINES

DATE: 30/08/2018

MINE HEALTH AND SAFETY ACT, ACT NO. 29 OF 1996

The employer's attention is drawn to the requirements of Section 2.(1)(b) of the Mine Health and Safety Act. (Act No 29 of 1996, as amended), which states that, a mine must be operated in such a way that employees can perform their work without endangering the health and safety of themselves or of any other person.

The employer of every mine that is being worked must therefore prepare and implement a health and safety management system, which includes, but is not limited to, adequate management and supervision; fatigue management; alcohol and drug testing; as well as all other necessary operational requirements as per the risk assessment process.

NOTE

EXTRACTS FROM THE REGULATIONS OF THE NOW- REPEALED MINERALS ACT, STILL IN FORCE
IN TERMS OF SCHEDULE 4 OF THE MINE HEALTH AND SAFETY ACT

"Reg. 3.3 Every permission or a copy thereof granted by the Chief Inspector of Mines under section 9 of the Act shall be posted up in a suitable place at the mine or works."

"Reg. 3.8.1 (Renewals of Notice). So often, as any posted notice or copy thereof become defaced, obliterated or destroyed it shall be renewed with all reasonable despatch."

"Reg. 3.8.2 (Interfering with notices). No unauthorised person shall remove or deface any of the before mentioned notices or copies thereof."