



CHAMBER OF MINES
of South Africa

MEDIA STATEMENT

CHAMBER WELCOMES JUDGMENT BY LABOUR COURT TO SET ASIDE SECTION 54 ORDER AT ANGLOGOLD ASHANTI'S KOPANANG MINE

15 November 2016, Johannesburg: The Chamber of Mines welcomes the recent urgent judgment handed down by the Labour Court setting aside a Section 54 order issued and confirmed by the mining inspectorate that effectively halted operations at AngloGold Ashanti's Kopanang mine. The judgment provides greater clarity which will be useful to industry and the inspectorate.

In particular, the judge pointed out that the Mine Health and Safety Act requires an inspector to objectively establish a state of affairs which would lead a reasonable person to believe that it may endanger the health or safety of any person at the mine, and contemplates an instruction that is proportionate to the infraction and the risk that it poses to health and safety.

The Chamber and its members fully recognise the important role played by the inspectorate in enhancing health and safety conditions in the industry, including through the use of Section 54 orders where justified.

We believe that the Labour Court has, in this case, clarified the limits on the powers of the inspectorate. This is in line with the approach of which the industry has sought to persuade the Department of Mineral Resources in engagements on this issue, to avoid unjustified stoppages that are responsible for compounding industry losses in already trying financial times.

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