

**IN THE LABOUR APPEAL COURT OF SOUTH AFRICA
HELD AT CAPE TOWN**

CASE NO: CA4/2020

In the matter between:

GOLDEN ARROW BUS SERVICES (PTY) LTD

Appellant

and

**THE SOUTH AFRICAN ROAD PASSENGER BARGAINING
COUNCIL OF SOUTH AFRICA**

First Respondent

PAT STONE N.O.

Second Respondent

TRANSPORT AND OMNIBUS WORKERS UNION

Third Respondent

**NATIONAL UNION OF METALWORKERS
OF SOUTH AFRICA**

Fourth Respondent

**SOUTH AFRICAN TRANSPORT AND
ALLIED WORKERS UNION**

Fifth Respondent

UNITED ASSOCIATION OF SOUTH AFRICA

Sixth Respondent

NON-UNIONISED EMPLOYEES LISTED

IN ANNEXURE "A" TO THE NOTICE OF APPEAL

Seventh & Further Respondents

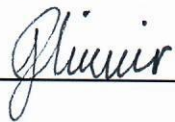

APPELLANT'S POWER OF ATTORNEY AUTHORISING PROSECUTION OF APPEAL


I, **John Herman Dammert**, in my capacity as Human Resources and Corporate Affairs Executive of the Appellant and having been duly authorised by the Board of the Appellant, as appears from a copy of the resolution of the Board annexed hereto marked "**JD1**", hereby:

- (a) authorise and grant power of attorney to Edward Nathan Sonnenbergs Inc. ("**ENSAfrica**"), the Appellant's attorneys and legal representatives in this matter, to prosecute to finality on behalf of the Appellant, the Appellant's appeal under Labour Appeal Court case number CA4/2020;
- (b) authorise ENSAfrica to do or cause to be done whatsoever shall be necessary to prosecute the above-mentioned appeal as fully and effectually as I might or could do if personally present; and
- (c) ratify the steps already taken by ENSAfrica in this appeal and whatsoever ENSAfrica have shall lawfully do by virtue of this power of attorney.

THUS DONE and EXECUTED at Elling on this 7 DAY OF JULY 2020 in the presence of the undersigned witnesses.

AS WITNESSES:

- 1. 
- 2. 



JOHN HERMAN DAMMERT

RESOLUTION OF THE BOARD OF DIRECTORS OF GOLDEN ARROW BUS SERVICES (PTY) LTD
("COMPANY") PROPOSED AND PASSED ON 8 JULY 2020

Resolution : 2020-09

NOTED:

That the Company lodged an exemption application with the South African Road Passenger Bargaining Council ("SARPBAC") in respect of the main collective agreement concluded in May 2018 for the periods 2018/2019 and 2019/2020.

The exemption application was unsuccessful and the Company subsequently lodged an exemption appeal with SARPBAC. The said appeal was also unsuccessful.

The Company made an application to the Labour Court on 16 November 2018 to review the exemption appeal ruling. The exemption appeal ruling was reviewed and set aside by the Labour Court, and the exemption appeal was remitted back to SARPBAC for rehearing. The remitted exemption appeal was re-heard and was yet again unsuccessful.

The Company made another application to the Labour Court at the end of May 2019 (under case number C351/2019) to review the second exemption appeal ruling. The second exemption appeal ruling was reviewed and set aside by the Labour Court in a judgment dated 17 October 2019, but the exemption appeal was again remitted back to SARPBAC for rehearing. The Company applied for and was recently (on 9 June 2020) granted leave to appeal against the remittal of the matter back to SARPBAC for rehearing. A notice of appeal to the Labour Appeal Court was recently delivered on behalf of the Company and this appeal needs to be prosecuted.

RESOLVED:

1. THAT the Company prosecute the appeal to the Labour Appeal Court in respect of the Labour Court's judgment under case number C351/2019.
2. THAT Edward Nathan Sonnenbergs Inc. ("**ENSafrica**") be and are appointed as attorneys for the Company for the purposes of the abovementioned proceedings.
3. THAT John Dammert, the Company's Human Resources and Corporate Affairs Executive is authorised to provide a power of attorney on behalf of the Company authorising ENSafrica to prosecute the abovementioned appeal on the Company's behalf, and he and such other persons as are nominated by him ("**Designated Representatives**") are authorised to do all such things and to sign all such documents on behalf of the Company as are necessary to enable the proceedings as



aforesaid and to act on behalf of the Company and settle the terms of, depose to and execute such documentation and affidavits as may be necessary for the purpose thereof.

4. THAT all steps already taken by the Company and/or the Designated Representatives and/or ENSafrica (and any other representatives that they may appoint) in pursuance of any of the above are hereby ratified and endorsed.
5. THAT this resolution may be executed in separate counterparts, none of which need contain the signatures of all of the directors, each of which shall be deemed to be an original and all of which taken together constitute a valid resolution of the directors of the Company.

SIGNATORY NAME	SIGNATORY SIGNATURE	DESIGNATION OF SIGNATORY
FRANCOIS E MEYER		DIRECTOR
MARK L WILKIN		DIRECTOR
NAZIEMA B JAPPIE		Non-Executive Director