



**RESOLUTION OF THE SPECIAL BOARD OF CONTROL MEETING HELD ON  
WEDNESDAY, 22 FEBRUARY 2023, HELD AT 11 FLOOR, 30 WOLMARANS STREET,  
BRAAMFONETIN AT 10H00**

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**ITEM 1: MS MARTHA NGOYE MATTER**

**RESOLUTION 02 OF 2 FEBRUARY 2023**

- 1.1 The arbitration award of Commissioner Imthiaz Sirkhot dated 1 February 2023 under case number TCR 014637 was brought to the Board's attention on 1 February 2023. The Board noted and considered the arbitration award. The Board considered the legal memorandum by Senior Counsel on the reasonableness of the award.
- 1.2 The Board has authorised the Chairperson of the Board to make decisions with the regards to the matters of the Executives including but not limited to the matter of Martha Ngoye. The Chairperson of the Board exercised this authority and instructed De Swardt Myambo Hlahla Attorneys to launch a stay application and a review application in the Labour Court.
- 1.3 Having studied the arbitration award and the legal memorandum by Senior Counsel, the Board is of the view that indeed the arbitration award under case number TCR 014637 is unreasonable in light of the evidence that was before Commissioner Imthiaz Sirkhot. The Board further maintains a reasonable apprehension that Martha Ngoye committed serious misconduct in light of the evidence that was before Commissioner Imthiaz Sirkhot.
- 1.4 In consideration of the above, the Board hereby nominates, constitutes, and appoints De Swardt Myambo Hlahla Attorneys with place of business situated at 941 Jan Shoba Street, Brooklyn, Pretoria, and resolve as follows:
- a) We confirm the instruction and authority to De Swardt Myambo Hlahla Attorneys of Pretoria to institute and proceed on the Board's behalf, an application in the Labour Court to stay the operation of the arbitration award under case number TCR 014637 until the finality of the matter.
  - b) We confirm the instruction and authority to De Swardt Myambo Hlahla Attorneys to institute and proceed on the Board's behalf, an application in the Labour Court to review and set aside the arbitration award under case number TCR 014637 until the finality of the matter.
  - c) We ratify all steps taken by, De Swardt Myambo Hlahla Attorneys including but not limited to, the filing of any notices, pleadings and/or any documentation to date hereof.

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- d) We herewith authorise De Swardt Myambo Hlahla Attorneys to take whatever reasonably necessary steps to prosecute the stay application and the review application as well as any further steps that may be reasonably necessary, including but not limited to appoint advocates and/or correspondents and/or experts, in order to prosecute the said matters in my best interest.
- e) We hereby confirm and condone, if at all necessary, all steps taken by De Swardt Myambo Hlahla Attorneys to date hereof.

1.5 The Chairperson of the Board, by the authority vested to him, extended the suspension of Martha Ngoye pending the outcome of the review application in the Labour Court. The Board resolves, confirms and ratifies the extension of Martha Ngoye's suspension pending the outcome of the review application in the Labour Court.

Certified as a true representation of the extract of the resolution from the Board of Control decision taken on 22 February 2023.

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| <b>PREPARED BY:</b><br><br><b>MS LBOGANG N MATSEMELA</b><br><b>ACTING DEPUTY GROUP COMPANY SECRETARY</b><br><b>DATE:22/02/2023</b>  | <b>COMMENTS:</b><br><br><br><br><br><br> |
| <b>APPROVED ON BEHALF OF THE BOARD OF CONTROL</b><br><b>BY:</b><br><br><b>MR LEONARD RAMATLAKNE</b><br><b>CHAIRPERSON OF THE BOARD OF CONTROL</b><br><b>DATE:22/02/2023</b> | <b>COMMENTS:</b><br><br><br><br><br><br> |

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