

GOITSEONA PILANE ATTORNEYS INC.

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Our Ref: Mr G Pilane/MMR0001

Your ref: CMI260/Mr A Vos/Ms K Kalan/Ms J Pinto

Date: 13 September 2017

NORTON ROSE FULBRIGHT SOUTH AFRICA Inc.

By email to: andre.vos@nortonrosefulbright.com

Dear Mr. Vos

**RE: CASE NUMBER 43621/17: HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION,
PRETORIA – THE MINISTER’S UNDERTAKING**

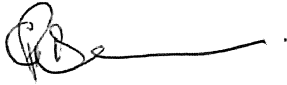
1. The Minister gives the following undertaking:
 - 1.1. The Minister, including his delegates and other officials and functionaries of the Department of Mineral Resources, undertakes not to implement or apply the provisions of the 2017 Mining Charter in any way, directly or indirectly, pending the judgement in the review application set down for hearing on 13 and 14 December 2017 under case number 43621/17;
 - 1.2. If the Minister makes any reference in public to the 2017 Mining Charter, the Minister will simultaneously make reference to the undertaking given in paragraph 1.1 above and that the Chamber of Mines of South Africa has brought review proceedings in the High Court of South Africa, Gauteng Division, Pretoria to set aside the 2017 Mining Charter;
2. By agreement between the parties the undertaking will be noted by the High Court of South Africa, Gauteng Division, Pretoria on Thursday 14 September 2017.
3. The parties will also, by agreement, request that the High Court of South Africa, Gauteng Division, Pretoria reserve costs relating to the urgent interdict application set down for 14 and 15 September 2017 under case number 43621/17.
4. The undertaking contained in paragraph 1 above, is given without any concessions made by the Minister or any admission of the merits by the Minister in respect of the Chamber’s urgent interdict application and / or the review application.
5. The Chamber has agreed to the Minister’s request that the review be heard on an expedited basis by a full bench and to that end 13 and 14 December 2017 has been allocated for the hearing of the review.

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6. For ease of reference, we attach a schedule setting out the agreed procedural timetable for the exchange of the papers by the parties (including the National Union of Mine Workers) and the date of the hearing of the review application before a full bench.

Kind Regards



Goitse Pilane

Copied to: Mr Finger Phukubje, Director, Finger Phukubje Attorneys

also copied to: Mr Modisane, Finger Phukubje Attorneys

Attorneys for the Intervening Party

**The Chamber of Mines of South Africa v The Minister of Mineral Resources
Case No. 43621/17
The High Court of South Africa, Gauteng Division, Pretoria
Review Application to be heard 13 and 14 December 2017**

	Service / Filing / Activity	Agreed Dates
1.	Submission of the record	19 September 2017
2.	Filing of the Review Application	17 October 2017
3.	Filing of the Minister's and the National Union of Mine Workers' ("NUM") Answering Affidavit	10 November 2017
4.	Filing of the Chamber's Replying Affidavit	22 November 2017
5.	Filing of the Chamber's Heads of Argument	30 November 2017
6.	Filing of the Minister's and NUM's Heads of Argument	5 December 2017
7.	Review Application to be heard by a full bench	13 & 14 December 2017