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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Pretoria, Monday 6 July 2020
Before the Hon Madam Justice Tolmay

Case no.: 29148/2020

In the matter between:

**NATIONAL BARGAINING COUNCIL FOR THE
ROAD FREIGHT & LOGISTICS**

Applicant

And

ALL TRUCK DRIVERS FORUM NPC

1st Respondent

SIPHO SIBUSISO ZUNGU

2nd Respondent

SIFISO NYATHI

3rd Respondent

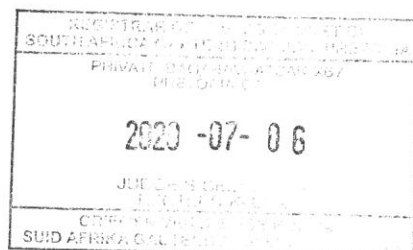
**SOUTH AFRICAN NATIONAL CARGO
TRANSPORT DRIVERS ASSOCIATION**

4th Respondent

**THE NATIONAL COMMISSIONER, SOUTH
AFRICAN POLICE SERVICE**

5th Respondent

~~DRAFT ORDER~~



6/7/2020

Having read the papers filed of record and having heard counsel for the applicant and the fifth respondent in a recorded virtual hearing conducted via Zoom, it is ordered that:

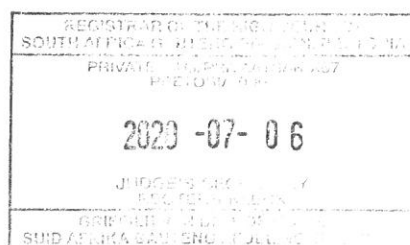
1 A rule *nisi* is hereby issued calling upon the first, second and third respondents to show cause to this Honourable Court at 14h00 on Thursday, 9 July 2020 why an order in the terms set out in paragraph 2 below should not be made.

2 The first to third respondents and any other person acting on the instructions of, directed or encouraged by, or otherwise associated with the first to third respondents are:

2.1 interdicted and restrained from organising, encouraging, inciting any other person to, and/or participating in protest action or “national shutdown” against the employment of foreign nationals in the Road Freight and Logistics Industry on 7 July 2020 or at any time thereafter unless the first to third respondents have received the relevant authorisations for such protest action from the relevant authorities;

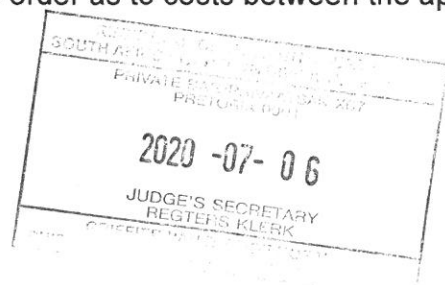
2.2 ordered to:

2.2.1 cease and desist from physically or otherwise preventing, obstructing and/or interfering in the normal operations of commercial trucks in the Republic, including by or otherwise preventing or obstructing the normal functioning of commercial truck operators, their clients and/or employees;



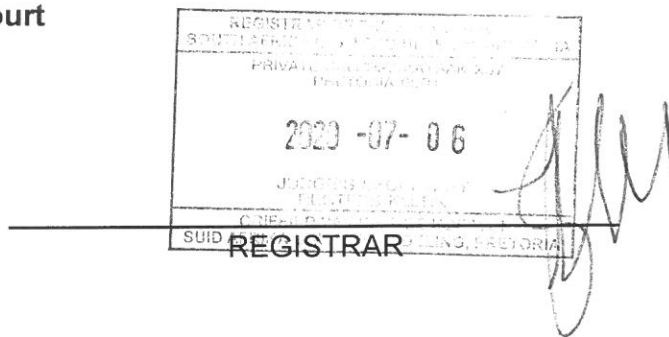
Handwritten signatures and the number 2.

- 2.2.2 cease and desist from assaulting, abusing, harassing, threatening and/or intimidating commercial truck operators and/or their employees, and from damaging, stoning, burning and destroying trucks and/or other property of commercial truck operators, their clients and/or their employees;
- 2.3 ordered to cease and desist from publishing, publicising or disseminating material through social media or any other platform whatsoever that has the potential of inciting violence against commercial truck operators, their assets, customers and/or employees;
- 2.4 pay the applicant's costs of occasioned by their opposition (if any) of the relief set out in this paragraph 2.
- 3 The orders set out in paragraph 2 above shall have immediate effect pending the finalisation of this application.
- 4 The applicant shall make available the recording(s) of the virtual hearing of this matter on 6 July 2020 to any of the respondents upon written request.
- 5 It is recorded that the fifth respondent and members of the South African Police Service (SAPS), undertake to prevent, combat and investigate criminal conduct reported to the SAPS, and to maintain public order in respect of the protest action or "national lockdown" against the employment of foreign nationals in the Road Freight and Logistics Industry on 7 July 2020 and thereafter, as provided for in section 205(3) of the Constitution of the Republic of South Africa (1996).
- 6 There is no order as to costs between the applicant and the fifth respondent.



Handwritten signatures and initials, including a prominent signature that appears to be "M.B." and another signature to its right.

By order of the court



Applicant's Attorneys: Moeti Kanyane Attorneys

Fifth Respondent's Attorneys: State Attorney, Pretoria

A handwritten signature.

A handwritten signature and the date 6/7/2020.