



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY

**OFFICE OF THE CHIEF WHIP OF THE
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12 April 2017

Hon B Mbete MP
Speaker of the National Assembly
Parliament of the Republic of South Africa

Dear Madam Speaker,

**FURTHER CORRESPONDENCE REGARDING REQUEST FOR THE POSTPONEMENT OF THE VOTE OF NO
CONFIDENCE IN PRESIDENT JACOB ZUMA**

Further to my correspondence dated 11 April 2017 to which I have not had the courtesy of a response, I have had sight of your press statement issued this morning in terms of which you indicate that a motion before the house may only be withdrawn by the MP who sponsored it.

Your press release appears to conflate two separate processes, namely, the withdrawal of a motion (which can only be done by the Member of Parliament in whose name the motion was tabled), and the power to determine when to schedule a debate on a motion of no confidence (which rests with the Speaker).

Rule 129(5) of the Rules of the National Assembly (ninth edition) provides as follows:

*“(5) After proper consultation and once the Speaker is satisfied that the motion of no confidence complies with the aforementioned prescribed law, rules and orders of the House and directives or guidelines of the Rules Committee, **the Speaker must ensure that the motion of no confidence is scheduled, debated and voted on within a reasonable period of time given the program of the Assembly.**” (my emphasis)*

This rule gives the Speaker the power to schedule the motion and obliges the Speaker to determine the “reasonable period of time” within which the motion must be debated and voted on. This plainly includes the power to postpone and to re-schedule such a motion.

This differs from the scheduling of other business of the Assembly which would require the programming committee to either schedule or reschedule business of the Assembly. Business that has been scheduled (bills, reports, deliberations) have often been re-scheduled in the past.

As you are aware, there is a pending urgent application in the Constitutional Court under case CCT 89/17. The outcome of that application will determine the method by which Members of Parliament are to vote on the motion of no confidence.

The Leader of the Opposition has no intention to withdraw the motion tabled under his name. Instead he is asking the Speaker to postpone the debate and vote on the motion in order to allow the Constitutional Court to rule on the matter.

Should the Speaker refuse to postpone the motion despite the fact that the Constitutional Court has indicated that it will hear argument in in case CCT 89/17, this would amount to constructive contempt of the Constitutional Court.

As the National Assembly Guide to Procedure (2004) sets out, one of the duties of the Speaker is to be *“the spokesperson for the House in its relations with the Council, the other arms of government - the Executive and the Judiciary- and with other outside bodies and persons. In this role Speakers are careful to maintain the authority of the House, and to protect its rights and privileges.*

It is our view that it would be improper for the National Assembly to proceed with the debate until such time as Constitutional Court has given its judgment in the matter.

We confirm that the Leader of the Opposition will not withdraw the motion of no confidence, but again reiterates our request for it to be re-scheduled. The decision to reschedule the motion lies with the Speaker. We urge you to do so, to a date as soon as possible after the Constitutional Court has given judgment in the matter.

We require your response to our request by no later than 17:00 today, 12 April 2017.

I look forward to your consideration of this request and direction.

Yours faithfully,

A handwritten signature in purple ink, appearing to read 'John Steenhuisen', with a large, stylized 'S' and a horizontal line extending to the right.

John Steenhuisen MP
Chief Whip of the Official Opposition
Parliament of RSA