

**IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN**

Case No.

In the matter between:

THE DEMOCRATIC ALLIANCE

Applicant

and

**THE SPEAKER OF THE PROVINCIAL
LEGISLATURE IN THE FREE STATE PROVINCE**

First Respondent

MS. MOTLAGOMANG GRAZY QABATHE

Second Respondent

THE PREMIER OF THE FREE STATE PROVINCE

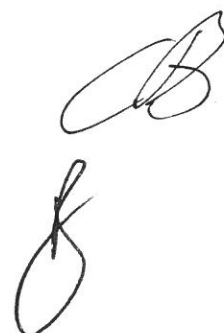
Third Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

ROY JANKIELSOHN

do hereby declare as follows under oath:



DEPONENT AND AUTHORITY:

1. I am an adult male member of the applicant ('the DA') residing at the farm Bruwershoop in the Bethlehem District of the Free State Province. For purposes of these proceedings, I point out that I am: -
 - 1.1 a duly elected public representative of the DA;
 - 1.2 serving as the DA's Leader in the Free State Provincial Legislature ('the Legislature');
 - 1.3 serving as the DA's Caucus Leader in the Legislature;
 - 1.4 serving as the recognised Leader of the Opposition in the Legislature, as contemplated by s 116(2)(d) of the Constitution of the Republic of South Africa Act 108 of 1996 ('the Constitution').

2. I hold a Ph.D in Political Sciences from the North West University, and I am duly authorised to depose to this affidavit in support of the DA's application that is essentially aimed at compelling the first respondent ('the Speaker') to convene a special meeting of the Free State Provincial Legislature to discuss a matter of

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public importance, which meeting must be held prior to the third respondent delivering his State of the Province Address for the year 2018. I attach hereto, marked annexure "RJ1", a resolution authorising the launch of the application and further authorising me to depose to the founding affidavit on behalf of the applicant.

3. Unless the context indicates otherwise, the facts contained herein fall within my personal knowledge or they have been established by me, having regard to documents under my control or under the control of the DA. The facts set out herein are, to the best of my knowledge, true and correct.
4. Where I make submissions of a legal nature, such submissions are informed by the advice of the DA's legal representatives, which advice I accept.

SUMMARY OF THE APPLICATION AND RELIEF SOUGHT:

5. In this application, the DA seeks to compel the Speaker, the First Respondent, to convene a special meeting of the Free State Legislature, in circumstances where:




5.1 Sections 114(2)(a) & (b) of the Constitution provide that a Provincial Legislature *must*: -

- (i) provide for mechanisms to ensure that all provincial executive organs of state in the province are accountable to it, and
- (ii) also, *inter alia*, maintain oversight of provincial executive authority in the province, and;

5.2 furthermore that, *inter alia*, Rules 64, 72 & 73 of the Standing Rules and Orders of the Free State Legislature ('the Rules') provide for a member of the Provincial Legislature, such as the deponent: -

- (i) to give notice of a motion to serve at a meeting of the Free State Provincial Legislature, and
- (ii) to request the Speaker to place a matter of public importance on the Order Paper for discussion, and;
- (iii) to request the Speaker in writing to allow a matter of urgent public importance to be discussed by the Free State Provincial Legislature, and;



- 5.3 the Speaker has failed to convene a meeting of the Free State Provincial Legislature (“the Legislature”) to discuss such an urgent matter of public importance, being a Motion of No Confidence in third respondent, despite the DA having complied with all the applicable Rules and having duly requested such a meeting in writing on various occasions since 29 January 2018, as will be set out herein.
6. The DA also seeks an adverse costs order, preferably to be made against the second respondent ('Ms Qabathe') in her personal capacity, in circumstances where the DA does not wish to saddle the Legislature with legal costs incurred as a direct consequence of the dereliction of the duties and deliberate failures of Ms Qabathe. The DA has been left with no option but to launch this application, since its various calls that a special meeting of the Free State Provincial Legislature be convened has fallen on deaf ears.

THE PARTIES:

7. The applicant

- 7.1 The applicant is **THE DEMOCRATIC ALLIANCE**, (“the DA”) and is:



- 7.1.1 political party;
 - 7.1.2 duly registered in terms of the Electoral Commission Act 51 of 1996;
 - 7.1.3 the official opposition in National Parliament of the Republic of South Africa;
 - 7.1.4 the official opposition in the Free State Provincial Legislature, designated herein as 'the Legislature'.
- 7.2 The DA's registered address for purposes of its business relating to the Free State Legislature is 7th Floor, Southern Life Plaza, Charlotte Maxeke Street, Bloemfontein.
- 7.3 In bringing this application, the DA acts, and enjoys standing under s 38 of the Constitution:
- 7.3.1 as a registered political party;
 - 7.3.2 in its own interests, as the official opposition in the Legislature;



7.3.3 as an association representing the interests of, and acting in the interests of, its approximately 165 000 members/voters within the Free State province; and

7.3.4 in the interests of persons residing in the Free State province and in the interests of the public more generally, given that they are entitled to insist on a properly functioning Legislature.

7.4 In bringing this application, the DA seeks to:

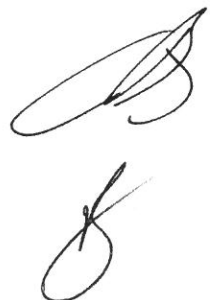
7.4.1 protect and promote the rights of its members and/or voters, *alternatively*

7.4.2 protect and promote the rights of the general public or members of the general public residing in the Free State province, *alternatively*

7.4.3 carry out the mandate of its voters through, amongst others: -

(i) protecting the dignity, credibility and integrity of the Legislature, and;

(ii) ensuring that provincial executive organs of state in the Free State province are accountable to the Legislature, and;



- (iii) maintaining oversight of provincial executive authority in the province.

8 The first respondent

8.1 The first respondent is **THE SPEAKER OF THE FREE STATE PROVINCIAL LEGISLATURE** (already designated as 'the Speaker'), in her official capacity.

The official address of the Speaker for present purposes is The Free State Provincial Legislature, 41 Charlotte Maxeke Street, Bloemfontein, Free State province.

8.2 The Speaker was duly elected as Speaker of the Legislature in accordance with s 111(1) of the Constitution. Accordingly, she

8.2.1 is the political head of the administration and serves as the executive authority of the Legislature;

8.2.2 presides over debates in the Legislature;

8.2.3 has final authority in enforcing and interpreting the Standing Rules and Orders of the Legislature;



- 8.2.4 decides on matters of order in the Legislature;
 - 8.2.5 delivers rulings in the Legislature; and
 - 8.2.6 maintains order and the quorum in the Legislature.
- 8.3 It will be argued more fully at the hearing of this application that the Speaker, being an elected official under s 111(1) of the Constitution, is:
- 8.3.1 a chosen representative, and the embodiment of the provincial legislative authority;
 - 8.3.2 supposed to be absolutely impartial and to make decisions that are in the best interests of the Legislature as whole;
 - 8.3.3 required to act as the guardian of the rights and privileges of the Legislature, and accordingly charged with a leading role in ensuring that such rights and privileges are upheld;
 - 8.3.4 obliged to carry out her functions, which includes the facilitation of special sittings of the Legislature with a view to ensuring fairness to all members of the Legislature in an effort to elevate the Legislature as an institution.



8.4 Ultimately, the Speaker must ensure that the Legislature performs its functions and conducts proceedings with order and dignity, in order to elevate the quality of debate and to preserve the dignity of the Legislature and all its members. In regulating the conduct of the Legislature, and in managing freedom of speech and debate in it, the Speaker must be guided by, amongst others:

8.4.1 the Constitution;

8.4.2 the Standing Rules and Orders;

8.4.3 the powers, privileges, and immunities of applicable to provincial legislatures; and

8.4.4 applicable legislation.

9 The second respondent

9.1 The second respondent is **MS MOTLAGOMANG GRAZY QABATHE** (already designated as 'Ms Qabate'). Ms Qabate is currently the designated Speaker of the Legislature for the time being, having been so elected in accordance with s 111(1) of the Constitution.



9.2 For purposes of service herein, the address of Ms Qabate is the same as the address of the Speaker.

9.3 Ms Qabate is cited in her personal capacity, in circumstances where the DA seeks a costs order against Ms Qabate, as is explained fully in this affidavit. It is submitted that the deliberate failure of Ms Qabate in her capacity as Speaker should not lead to the Legislature, and ultimately the tax payer, incurring unnecessary and additional costs.

9.4 The public interest demands that Ms Qabate be visited upon with the costs brought about by her continued failures to act *bona fide* whilst occupying the position of Speaker in the Legislature, and her failure to take action when directly called upon to do so by the DA and/or its representatives in the Legislature and/or its legal representatives.

10 The third respondent

10.1 The third respondent is **THE PREMIER OF THE FREE STATE PROVINCE** ('the Premier') in his official capacity. The address of the Premier for present



purposes is The Office of the Premier of the Free State province, 4th Floor OR Tambo Building, cnr. of St Andrew- & Markgraaff Streets, Bloemfontein, Free State province.

10.2 The Premier was duly elected as Premier of the Free State province in accordance with Schedule 3 of the Constitution. Accordingly: -

10.2.1 he is the head of government in the Free State province;

10.2.2 he fulfills for the Free State province a role similar to that fulfilled by the President of the country as a whole;

10.2.3 the executive authority of the Free State province is vested in him;

10.2.4 he delivers the annual State of the Province Address (already designated as 'SoPA'). SoPA usually marks the annual official opening of the Provincial Parliament and is a speech delivered in front members of the Legislature. I deal with SoPA in more detail herein later.

11 JURISDICTION

11.1 This court enjoys jurisdiction to determine the dispute as the cause of action arose within the jurisdiction of this court; the respondents being situated in,

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having their place of business in and/or exercising their functions and/or duties within the jurisdiction of this court.

RELEVANT BACKGROUND:

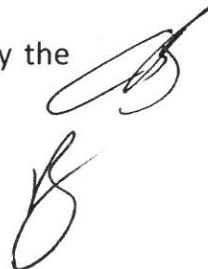
12 SoPA

12.1 SoPA, as already mentioned, is a speech delivered in front members of the Legislature, usually with the official opening of the Provincial Parliament.

12.2 The Premier, in his SoPA, *inter alia*: -

- (i) sets out the provincial government's key policy objectives;
- (ii) highlights the achievements and challenges experienced over the past year and maps the year ahead and beyond;
- (iii) covers wide-ranging political, economic and social matters and considers the general state of the province;
- (iv) sets out his personal and specific vision and goals for the province for the coming year.

12.3 SoPA is usually delivered shortly after the President of the country has delivered his State of the Nation Address, which is a similar speech by the



President of South Africa, relating to the country as opposed to SoPA relating to this province.

12.4 Members of the Executive Council, being Ministers on a provincial level, normally settle their work according to the Premier's vision and goals, contained in SoPA, for the province in the coming year, hence it makes perfectly sense, with respect, that the Premier who delivers the SoPA must remain in office for as long as possible in the coming year, preferably for the entire year.

12.5 On the contrary, should it be known that the Premier stands to resign or be replaced soon after the SoPA, it makes, once again with respect, no sense for that specific Premier to deliver the SoPA at excessive costs.

12.6 A Premier-elect would determine his own agenda and vision for the province and should communicate such agenda and vision at or during his own SoPA to the public and the Members of the Executive Council.

12.7 Then, and in such circumstances, the interests of the general public in the Free State province and effective governance much rather dictate that the Premier

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to be elected must deliver the SoPA. The DA will argue that the circumstances *in casu* indeed dictate that this should exactly be the case in relation to the SoPA in the Free State province for the year 2018.

13 The applicable Legislature

13.1 The legislative authority of the Free State province is vested in the Legislature, in accordance with s 104(1) of the Constitution.

13.2 The Legislature has the powers set out in s 114 of the Constitution, not least including the accountability of executive organs of state and oversight of the provincial executive authority. In addition, the Legislature, in accordance with s 116 of the Constitution, may determine and control its '*internal arrangements, proceedings and procedures*' and may '*make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement*'. The Legislature has in the past suspended rules in the House to make provision for practical circumstances that require this, such as sittings on days and/or times not provided for in the Rules.



- 13.3 The Legislature is elected for a term of five years, the last election having taken place in the year 2014. In accordance with s 108(4) of the Constitution, the Legislature shall remain competent to function until the day before the first day of polling for the next legislature, likely to be in the year 2019.
- 13.4 The Legislature consists of thirty elected members, as provided for in s 105 of the Constitution. Four political parties are represented, as follows:
- 13.4.1 twenty-two members of the African National Congress;
 - 13.4.2 five members of the DA;
 - 13.4.3 two members of the Economic Freedom Fighters; and
 - 13.4.4 one member of the Freedom Front Plus.
- 13.5 The Legislature determines the time and duration of its sittings and its recess periods, as provided for in s 110(1) of the Constitution. Sittings indeed take place on a regular basis.
- 13.6 In the exercise of the constitutional rule-making powers provided for in s 116(1)(b), the Legislature has adopted the Standing Rules and Orders applicable to it.



13.7 The Standing Rules and Orders have been amended over time and the publication is currently in its eighth edition, consequent upon the 2014 adoption of these Standing Rules and Orders. A copy of the applicable parts of the Standing Rules and Orders is attached as annexure "RJ2".

13.8 The Legislature is also known as the (Provincial) House of Parliament. It is often referred to in common parlance as '*The House*'. References to '*The House*' in these papers and in the accompanying annexures are references to the Free State Legislature.

14 Procedure in motions of no confidence and convening a meeting for such a motion

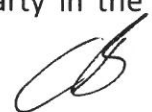
The Rules are quite vague when prescribing the procedure to lodge a motion of no confidence in the Premier, although s 102 of the Constitution indeed provides for such a motion to be tabled. The only references in the Rules remotely relating thereto are found in Rules 64, 72 and 73 read in context.



- 14.1 In fact, it can even be argued that a lacuna exists in the Rules with regards to motions of no confidence in the Premier. However, it has been ruled in our courts that motions of no confidence are inherently urgent and that it should receive precedence over other business.
- 14.2 A similar scenario previously existed on national level, and the National Assembly (Parliament) was directed by the Constitutional Court in 2013 to correct its rules to make provision for motions of no confidence in line with the provisions of the Constitution. This has been done on national level, which brought about *inter alia* Rules 129 and 130 of the Standing Rules of the National Assembly, dealing with a notice of no confidence and matters of urgent national importance on national level.
- 14.3 I hereby attach a copy of these two Rules, marked as annexure "**RJ3**", and humbly submit that these national Rules should be the guidelines and the point of departure when a motion of no confidence is tabled on provincial level in the current circumstances where there are no clear rules on how to convene a special meeting for this purpose, also bearing in mind the inherent urgency of such a motion.

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- 14.4 The DA's Counsel will address the honourable Court on these issues at the hearing of the application.
- 14.5 The Speaker, by virtue of her position as such, is the Chairperson of the Programming Committee, a Household Committee of the Legislature as provided for in rule 213(2) of the Rules).
- 14.6 The Programming Committee considers and decides upon the programming of the House and matters incidental thereto as set out in Standing Rules and Orders rule 213(1).
- 14.7 In practice a programme of the Legislature is published, and, a document termed the "Tabling Announcement and Committee Update" ('TAC') is published and distributed every Friday. The TAC sets out the programme for the week and determines which meetings will take place in the week following its publication and distribution. Members of the Legislature and members of the various Sub-Committees plan their activities for an ensuing week according to the TAC.
- 14.8 The Chief Whip of the Legislature ("the Chief Whip") is the political manager- and coordinator of all the activities of the ruling party in the Legislature.



- 14.9 A Multi-Party Whips Committee ((‘the Whips Committee’), consisting of the Whips of the representative political parties in the House, exists in the Legislature, which committee *inter alia* meets on such dates as determined by the Chief Whip.
- 14.10 The Whips Committee’s duties mainly revolve around setting procedure on how meetings are conducted, such as the time allowed for debate on a particular issue, etc. The Speaker normally refers matters to be dealt with at meetings to the Whips Committee to set the procedure for such meeting. In the current case, the Speaker has decided to refer the whole request for a special sitting of the House for a motion of no confidence to be tabled, to the Whip’s Committee, because no clear rules exist on exactly how to convene a special sitting in the instance of a motion of no confidence. She should in fact have arranged the meeting, and then referred it to the Whips Committee to set the procedure on how the meeting will be conducted, with respect. She has the authority to have done so from the outset.





- 14.11 A weekly written agenda is also usually provided to the members of Sub-Committees due to meet in a particular week, and such written agenda is ordinarily provided no less than 48 hours prior to start of the time for the scheduled meeting in terms of the TAC.
- 14.12 Meetings are therefore scheduled on a weekly basis, which makes it completely feasible for the Speaker to convene a meeting of the Legislature, such as a special sitting of the House to discuss an urgent matter of public importance and/or a motion of no confidence, within one week after having been requested to do so.
- 14.13 In the alternative, it was evenly completely feasible for the Chief Whip to forthwith have arranged a date for a meeting of the Whips Committee easily for the week after the Speaker has referred the matter to him, especially as a motion of no confidence is inherent urgent. Even if it is argued that Whips Committee must arrange a date for the motion of no confidence, a meeting of this Committee could very easily have been convened and a date set for the special sitting, with 48 hours' notice. However, the DA remains with its submission that it was not necessary for the Speaker to refer the request for a special sitting *per se* to the Chief Whip.



THE FAILURE OF THE SPEAKER TO CONVENE A SPECIAL SITTING OF THE HOUSE ON AN URGENT BASIS *IN RE* THE MOTION OF NO CONFIDENCE AND/OR THE FAILURE OF THE CHIEF WHIP TO FORTHWITH ARRANGE A MEETING OF THE MULTI-PARTY WHIPS COMMITTEE TO SET PROCEDURE TO BE FOLLOWED BY THE LEGISLATURE *IN RE* THE MOTION OF NO CONFIDENCE:

15. The DA has, since 29 January 2018, made various efforts to secure an urgent special sitting of the Legislature at the very earliest opportunity to discuss a matter of urgent public importance. In the process various correspondence were exchanged between the DA, the Legislature and the Chief Whip.
16. A notice of no confidence in the premier was duly served on 29 January 2018 on the Speaker, the Chief Whip, the Secretary of the Free State Provincial Legislature, and the Leaders of the other political parties represented in the House. A copy of this notice is attached hereto as Annexure "RJ4".
17. However, from the correspondence attached herein under, it is clear that the Speaker and the Chief Whip are frustrating this request, and in fact the business




of the Legislature, in the process proverbially kicking for the side-line without dealing with the motion of no confidence with the (utmost) urgency it deserves, clearly avoiding arranging an urgent sitting of the Legislature (the Speaker) or in the alternative a meeting of the Whip's Committee (the Chief Whip), to determine the procedure for such an urgent sitting on an urgent basis.

18. Besides the motion of no confidence being inherently urgent, immediate circumstances even make it extremely urgent in view of the SoPA which is to take place at any given time in the very near future. I will again refer herein under to the initial date set for the 2018-SoPA, the subsequent postponement thereof and the prospects of when it might take place.
19. It is clear, with respect, that the First Respondent is very hesitant to convene an urgent sitting of the Legislature to deal with the motion of no confidence before the SoPA, in the process avoiding the Premier from being held accountable, through a debate and vote by the House, on the motion of no confidence.
20. It is again humbly submitted that it will serve no purpose for the Premier to deliver the SoPA if he stands to be replaced shortly thereafter. I humbly submit that the people of the Free State province deserves better governance than



what it currently receives, and I will briefly touch on the merits of the motion of no confidence herein under, which, so I humbly submit, makes it essential that this motion be debated and voted on before the 2018-SoPA.

21. I hereby attach the following annexure to show how the DA has attempted to convince the First Respondent to set up an urgent sitting of the Legislature to have the matter of urgent public importance served and the motion of no confidence voted on. The DA had raised such requests towards the Speaker and the Chief Whip on various occasions, without having been successful in its attempts to ensure a special sitting of the Legislature before the SoPA. The annexures are:

21.1 as stated before, annexure "RJ4", being a letter from the Official Opposition addressed to the Speaker, the Chief Whip, the Secretary of the Legislature and the Leaders of the other political parties in the Free State province, dated 29 January 2018, wherein the matter of urgent public importance and the motion of no confidence was lodged, with a request for an urgent special sitting of the Legislature;




- 21.2 annexure “**RJ5**”, a letter dated 1 February 2018 from the First Respondent addressed to myself in my capacity as Leader of the Opposition, wherein the Speaker indicated that she simply refers the matter to the Whip’s Committee, which indicates her unwillingness to arrange an urgent sitting of the Legislature;
- 21.3 annexure “**RJ6**”, a letter from the DA dated 5 February 2018 addressed to the Chief Whip, requesting an urgent meeting to discuss the matter as soon as possible;
- 21.4 annexure “**RJ7**”, a letter from the Chief Whip dated 5 February 2018 addressed to the DA, indicating that a meeting of the Whip’s Committee is to be convened only on Monday 26 February 2018, *inter alia* due to “...the tight programme of the Free State Legislature...”;
- 21.5 annexure “**RJ8.1**”, a letter from the DA to the Chief Whip dated 8 February 2018, to which an article in The New Age Newspaper of 8 February 2018 is attached, which article is also attached hereto as annexure “**RJ8.2**”, wherein the DA amongst others complains in no uncertain terms about the contents of the article in the said Newspaper, in which article the spokesperson of the Chief Whip in the Legislature apparently stated that there is currently no room for the



DA's Motion of no confidence in the Premier. The DA also complained about the Chief Whip unitarily and arbitrarily deciding what business before the Legislature is feasible or not;

- 21.6 annexure "RJ9", a letter from the DA addressed to the same parties as referred to in sub-paragraph 1 above, dated 7 February 2018, again bringing it under the attention of the Speaker that a motion of no confidence is inherently urgent and that it should receive precedence over other business, again requesting an urgent sitting of the Legislature for this purpose;
- 21.7 annexure "RJ10", letter from the First Respondent to the DA, dated 8 February 2018, merely indicated that the First Respondent is still waiting for advice on the matter from the Whips Committee, clearly and proverbially again kicking for the side-line by deflecting her responsibility and failing to deal with the motion of no confidence with the urgency it deserves;
- 21.8 annexure "RJ11", a letter from the DA, again addressed to all parties as referred to above, dated 12 February 2018, again making a request that the special sitting must take place on an urgent basis, stating the authorities upon which the special sitting must be arranged on an urgent basis;




- 21.9 annexure “**RJ12**”, letter from the DA’s attorneys of record addressed to the Speaker dated 14 February 2018, again requesting an urgent sitting before the SoPA, in a final attempt to avoid an application to court;
- 21.10 annexure “**RJ13**”, a letter from the First Respondent addressed to the DA’s attorneys of record dated 15 February 2018, *inter alia* acknowledging my letters of 29 January 2018, 07, 08, 12 and 14 February 2018, in my capacity as Leader of the Opposition requesting a special sitting. This time, the First Respondent not only clearly indicates that she is not of the intention to arrange a special sitting of the Legislature on an urgent basis before the SoPA, but rather employ further dilatory tactics by indicating that the matter has now been referred to the First Respondent’s attorneys for legal advice.
- 21.11 annexure “**RJ14**”, a letter from attorneys Ngwane Sihlongonyane Inc on behalf of the Speaker, dated 16 February 2018, merely repeating the Speaker’s approach that she is waiting for the Whips Committee. It must be borne in mind, with respect, that the Speaker could have convened a sitting without even having referred the issue to the Whips Committee at all.




22. It is, with respect clear that the DA was left with no other option than to seek legal advice in view of the speaker's failure to urgently setup the special sitting of the Legislature to deal with the urgent matter of public interest and to have the motion of no confidence served before such a meeting, despite the DA's last attempt to avoid an application being lodged in the above honourable Court to compel the Speaker to do so on an urgent basis.
23. I humbly submit that the contents of all letters and correspondence as attached hereto speak for itself and clearly indicate that the DA has bent over backwards to convince the First Respondent to setup the special sitting of the Legislature for the purpose of the motion of no confidence being argued and voted on before the SoPA, with no success.
24. In the face of various calls made by the DA to the First Respondent to setup the special sitting and despite the threat of litigation in this regard formally delivered to the First Respondent by the DA's attorneys of record, the Speaker still neglects or refuses to deal with the motion of no confidence on an urgent basis.



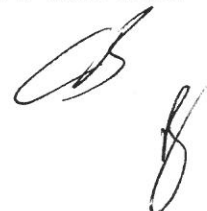

25. I humbly submit that the DA has done everything in its powers to convince the First Respondent to convene a special sitting for the motion of no confidence to be tabled and voted on before the SoPA, with no success at all. The DA has no other remedy than to approach the honourable Court for an Order as set out in the Notice of Motion herewith, to safeguard the interest of its voters and the general public in the Free State province.

MERITS FOR CALLING FOR A SITTING TO CONSIDER THE MOTION OF NO CONFIDENCE

26. I humbly submit that calling for an urgent sitting of the Legislature is a prerogative of the Speaker, who has miserably failed to deal with the motion of no confidence on an urgent basis.
27. Under the auspices and guidance of the Third Respondent, a dairy farm project was launched by the Free State Provincial Government at Vrede, which dairy farm was managed on behalf of the stakeholders by a company known as "Estina".



28. I will refer to the so-called "Estina Vrede-diary project" herein under as "the Vrede-project" *inter alia* in briefly dealing with the merits of the motion of no confidence against the Premier tabled by the DA, although many other similar examples will be presented in the debate.
29. However, and with respect, I deem it appropriate at this stage to record that the First Respondent is a previous HOD of the Department of Agriculture in the Free State province at the time when the Vrede-project was initiated by the Premier and I cannot help, again with respect, but to view the Speaker's hesitance to setup the urgent sitting for the motion of no confidence, as attempts to protect the Premier and her own culpabilities in this matter, and that she does not want to motion of no confidence to be tabled before the SoPA.
30. The motion of no confidence in the Premier revolves around various issues but is mostly centred around the Vrede-project and the apparent huge corruption relating hereto.
31. It is now common cause that 8 people have already appeared in the Bloemfontein Regional Court on Thursday 15 February 2018 on corruption charges related to the Vrede-project wherein an amount of more than R250 million rand is involved.



32. Some of the persons that have appeared in Court include the Director of the liquidated Estina-company, a certain Mr Varun Gupta and erstwhile- and current officials of the Free State Department of Agriculture.
33. The Vrede-project was the brain child of the Third Respondent and the above corruption took place under his watch as Premier and in fact under his leadership and guidance of the Vrede-project. The Premier was closely involved with the Vrede-project, to such an extent that he departed on official visits to dairy farms in India during the existence of the Vrede-project, indicating his very close involvement in the Vrede-project. In fact, the contract between Estina, an accused in the criminal case relating to the Vrede-project, and the Provincial Government, was drafted in the office of the Premier. Furthermore, even after a National Treasury Report that indicated maladministration and financial mismanagement, the MEC and the Premier continued to appropriate funds for this project.
34. It is exactly this very close involvement of the Third Respondent with the Vrede-project, also apparently involving the now very famous Gupta-family, that raises fundamental questions on the Premier's fitness to continue to hold office which forms the basis of the motion of no confidence in the Premier to be debated and voted on before the SoPA.

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35. It is humbly submitted that by avoiding the motion of no confidence, the Speaker miserably fails to play an active role in ensuring that Provincial Executive Organs of State are accountable to the Provincial Legislature as contemplated in s 114(2)(a) of the Constitution.
36. It even goes further since the Third Respondent has subsequently been designated by his political party to serve as the Secretary-General of the ANC on national level, which is a full-time position, and which requires from the Third Respondent to take up office in Luthuli House, the headquarters of the ANC in Johannesburg, Gauteng.
37. The Premier is currently serving as both the Premier of the Free State province and the national Secretary-General of the ANC, and I humbly submit that the general public of the Free State province deserves better than a part-time Premier and this submission will obviously also form part of the debate during the motion of no confidence.
38. The Premier himself has apparently indicated in a media statement that he will step down as Premier of the Free State and provincial ANC Chairman, which makes it even more strange that the Premier himself will deliver the SoPA.




39. SoPA is delivered at extremely excessive costs. It has been reported that SoPA, during 2017, cost the Legislature an amount in excess of R2 million, which apparently included a so-called Praise Singer for the Premier in an amount of R17,000.00 alone.
40. It is humbly submitted that it will be a total waste of costs if the Premier delivers the SoPA in 2018, only to be possible voted out shortly thereafter as Premier by way of the said motion, or by even resigning himself in view of his new position at national level in the ANC.
41. It is submitted that it will be contra-productive and totally unnecessary to have the Third Respondent deliver the SoPA prior to the motion of no confidence being heard and it is the applicant's fear that if the Premier delivers SoPA-2018, that it will be nothing more than an expensive farewell party to the Premier, which will be unjustified and unfair to the people of the Free State province.
42. I humbly submit that it will be more effective and fair to the people of the Free State if a new Premier delivers SoPA, which is what the DA attempted to achieve through its constant urgent requests to the First Respondent for an urgent sitting of the Legislature, unfortunately with no success.



43. I hereby attach annexure "RJ15", a media statement published on 12 January 2018, wherein the Premier indicated that he will step down as Free State Premier, which I humbly submit makes it quite strange that both the Premier and the Speaker insist on the Premier delivering the 2018-SoPA, so it seems.
44. I humbly submit that the conduct of the Speaker to convene an urgent special sitting of the Legislature to debate and vote on the motion of no confidence is a clear indication that she has no intention of calling such a meeting before the 2018-SoPA.

INITIAL DATE SET FOR THE SOPA, POSTPONEMENT THEREOF & POSSIBLE URGENCY:

45. An initial date for the SoPA was set for Tuesday 20 February 2018.
46. The State of the Nation Address ('SoNA') by the President of South Africa was initially arranged to take place on February 8, 2018. However, and because of a transition of power and eventually a new President having been sworn in, SoNA was postponed and delivered by our country's new President on Friday 16 February 2018.



47. The above circumstances resulted in the First Respondent having postponed the SoPA on 13 February 2018 for an indefinite period, as per the attached notice, annexure "RJ16".
48. However, the First Respondent may at any given time announce the 2018-SoPA to take place with 48-notice. The First Respondent's power in this regard, renders this application as being urgent and the applicant reserves its rights to amend the notice of motion and approach the honourable Court on an urgent basis to ensure that the motion of no confidence is argued and voted on before the SoPA, should circumstances require same.

COSTS:

49. Ms M Qabathe, the Second Respondent, is the Speaker. She is, and must be, aware of her duties, responsibilities and obligations as Speaker. The consistent failure of Ms Qabathe to act in compliance with these duties, responsibilities and obligations by failing to call and/or convene a special sitting of the Legislature for the motion of no confidence before the SoPA, constitutes a breach of her responsibilities.

Handwritten signature in black ink, consisting of a stylized, cursive script.

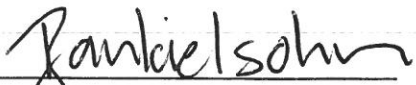
50. It is the DA's position that the Second Respondent Ms Qabathe, through her inaction, acts in a grossly reckless and dilatory manner. Her failure is firstly clouded by her erstwhile position as MEC in the Department of Agriculture during the implementation- and appropriation of funds in the Vrede-project which forms the essence of the motion of no confidence against the Third Respondent and secondly by her political allegiance to the Third Respondent which explains her unreasonable protraction of the matter.
51. Although it is Ms Qabathe's failures in her capacity as Speaker that form the basis for this application, the DA will argue at the hearing of this application that it constitutes a gross injustice if the Legislature or the State is made to incur expenses in the form of legal costs occasioned by the defense of this application when the blame is squarely to be placed on Ms Qabathe. Full legal argument will be presented at the hearing of this application. Suffice it to say that reliance will be placed on case precedent suggesting that the public ought not to bear the expense of public officials and/or -representatives who fail to comply with their duties.




52. It is not the first time that the DA must approach the above Honourable Court to compel the First Respondent to convene meetings. The DA has done so under case number 3362/16 in which case the Speaker was ordered to convene regular meetings of the Rules and Orders Committee of the Legislature. I hereby attach a copy of the applicable Court Order under case number 3362/16 in the above honourable Court, marked as annexure "**RJ17**".
53. It is evenly not the first time that the Speaker has failed to allow opposition parties to debate issues of public importance. I hereby attach, as annexure "**RJ18**" a copy of a letter from the Economic Freedom Fighters ('EFF') addressed to the Speaker, dated May 19, 2017 wherein a meeting was requested to debate a matter of public importance, which meeting has until date hereof, simply not convened by the Speaker.
53. Of course, if the Court is not convinced to hold the Second Respondent liable for the costs in her personal capacity, the DA will seek a costs order against the Speaker in her official capacity.



WHEREFORE the applicant prays for an order in the terms set out in the notice of motion to which this affidavit is attached.


 DEPONENT: R JANKIELSOHN

I certify that the deponent has acknowledged that he understands the contents of this affidavit, that he has no objection to taking the prescribed oath, that he has declared that he considers the oath to be binding on his conscience and that he has sworn to the veracity of the contents of this affidavit before me at Bloemfontein on this 20th day of FEBRUARY 2018 and signed the affidavit in my presence; the regulations contained in Government Notice No. 1258 of 21 July 1972, as amended by Government Notice No. 1648 of 17 August 1977, as amended, having been complied with.


 COMMISSIONER OF OATHS

FULL NAMES:

ADDRESS:

CAPACITY:

AREA:


PEYPER ATTORNEYS
 CHRISTOFFER CHARLES BOUCHE
 COMMISSIONER OF OATHS
 PRACTISING ATTORNEY RSA
 HANNES PEYPER INC.
 DYNARC HOUSE | 200 NELSON MANDELA DRIVE
 BRANDWAG | BLOEMFONTEIN

"RTI"

RESOLUTION: DEMOCRATIC ALLIANCE

It is decided at a meeting of the Management Committee of the Representatives of the Democratic Alliance in the Free State Provincial Legislature, held on Thursday 23 June 2016, that The Democratic Alliance ("the DA") will institute legal action in the Free State High Court, Bloemfontein in terms of which an order is sought against the Speaker of the Legislature. Compelling her:

1. To convene a meeting of the Rules & Orders Committee of the Free State Legislature, within 14 days of date of this order, which meeting must take place within 21 days of this order, and which meeting must be preceded by an agenda for such meeting, to be provided to all members of the Rules & Orders Committee of the Free State Legislature at least 48 hours prior to the meeting, and which agenda must contain all matters referred to the Rules & Orders Committee by the Free State Legislature and/or referred to it by members of the Rules and Orders Committee since 11 February 2015, and also that;
2. She be ordered to frame a rule at the next sitting of the Legislature in respect of future meetings of the Rules & Orders Committee, to take place on a quarterly basis, that is at least once a quarter, and that this ruling by first respondent shall remain in force until the Free State Legislature has amended its Standing Rules and Orders to provide for timeframes for such meetings to take place on a regular basis.

That **ROY JANKIELSOHN** in his capacity as duly elected official of the DA, and Leader of the party in the Free State, also being a member of the Provincial Legislature in the Free State Province, be authorized to issue instructions to attorneys and/or advocates with reference to the decisions hereinabove, and that the said **ROY JANKIELSOHN** also be authorized to sign all statements, affidavits and other documentation that might be necessary in the execution of the aforesaid decision.



DE JANSE VAN VUUREN
MEMBER OF THE PROVINCIAL
LEGISLATURE IN THE FREE STATE
FOR THE DEMOCRATIC ALLIANCE
& SECRETARY OF THE MEETING

23 JUNE 2016



MOTIONS IN HOUSE

"RJ2"

61. Nature of motions

A Member may propose a subject for discussion, or a draft resolution for approval as a resolution of this House.

62. Same question rule

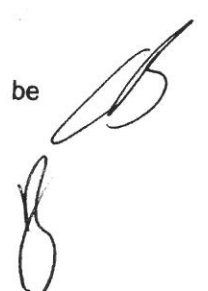
- (1) No matter shall be proposed for discussion in this House which is the same in substance as a matter that has been discussed in it during the same session.
- (2) (a) No draft resolution shall be moved in this House which is the same in substance as a draft resolution which has been approved or rejected by it during the same session.
- (b) The order, resolution or vote on such previous draft resolution may be amended or rescinded.

63. Motions without notice

- (1) Every motion requires notice, except a motion –
 - (a) by way of amendment to a draft resolution permitted in terms of these Rules;
 - (b) raising a point of order or a question of privilege;
 - (c) for the postponement or discharge of, or giving precedence to, an order of the day;
 - (d) referring a bill to a committee;
 - (e) by the Member in charge, proposing a draft resolution on the report of a committee immediately after the debate on the report has been concluded;
 - (f) specially excepted by these Rules;
 - (g) with the concurrence of the Whips' Committee or
 - (h) in regard to which notice is dispensed with by the unanimous concurrence of all the Members present.

64. Notice of motion

- (1) When giving notice of a motion a Member shall –
 - (a) read it aloud and deliver at the Table a signed copy of the notice; or
 - (d) deliver to the Secretary a signed copy of the notice on any working day of this House, for placing on the Order Paper.
- (2) Written notices of motion delivered to the Secretary after 12:00 on any working day of this House may be placed on the Order Paper of the second sitting day thereafter and not earlier, unless in a particular case the Speaker determines otherwise.
- (3) Except with the unanimous concurrence of all the Members present, no motion shall be moved on the day on which notice thereof is given.



- (4)(a) When this House is not in session, a Member who intends to move a motion during the ensuing session or after the resumption of a session after a recess, shall submit a notice thereof, clearly written and subscribed with his name, to the Secretary, so as to reach the latter not later than 21 days before the day for which it is to be set down.
- (b) A motion referred to in paragraph (a) shall be treated as if notice of motion had been given in terms of Sub-rule (1), and shall be set down by the Secretary on the Order Paper for a day determined by the Chief Whip.
- (c) If the motion is set down for the first day of the ensuing session or for the first day on which the session is to be resumed, the Secretary shall send by ordinary post at least 14 days before the day of commencement of the session or of resumption after a recess a copy of such Order Paper to every Member.





DISCUSSION OF MATTERS OF PUBLIC IMPORTANCE

72. Matters of Public Importance

- (1) A private Member may request the Speaker to place a matter of public importance on the Order Paper for discussion.
- (2) The Member shall make the request to the Speaker before the adjournment of this House on the previous sitting day.
- (3) Such a discussion shall not exceed the time allocated for it by the Speaker after consultation with the Chief Whip.
- (4) If 15 minutes before the expiration of the allocated time a Member other than the responsible Member of the Executive Council is speaking, the Presiding Officer shall interrupt such Member and shall ascertain from the Member of the Executive Council whether or not he or she wishes to reply.
- (6) Questions of privilege may not be discussed under this Rule.
- (7) Matters already discussed by this House during the same session may not be discussed under this Rule.

73. Matters of urgent public importance

- (1) A private Member may on any sitting day request the Speaker in writing to allow a matter of urgent public importance to be discussed by this House.
 - (2) The request shall be made to the Speaker before 12:00 on days when this House sits at 14:15 or at least one hour prior to the time appointed for a sitting at an earlier or later time.
 - (3) If the Speaker grants the request, the Presiding Officer shall announce it in this House, and debate on the matter shall stand over until the time appointed by the Presiding Officer.
 - (4) Such a discussion shall not exceed the time allocated for it by the Speaker after consultation with the Chief Whip.
 - (5) If 15 minutes before the expiration of the allocated time a Member other than the responsible Member of the Executive Council is speaking, the Presiding Officer shall interrupt such Member and shall ascertain from the Member of the Executive Council whether or not he or she wishes to reply.
 - (6) Questions of privilege may not be discussed under this Rule.
 - (7) Matters already discussed by this House during the same session may not be discussed under this Rule.
- 
- 

- (8) The rule of anticipation shall not apply during such debate.
- (9) Not more than one matter shall be discussed on the same day under this Rule.

A handwritten signature in black ink, consisting of a stylized, cursive letter 'B' with a long, sweeping tail that loops back up and to the left.

"RJ3"

Part 2: Motions of no confidence in terms of Section 102 of Constitution

129. Motions of no confidence in terms of Section 102 of Constitution

- (1) A member may propose that a motion of no confidence in the Cabinet or the President in terms of Section 102 of the Constitution be placed on the Order Paper.
- (2) The Speaker must accord such motion of no confidence due priority and before scheduling it must consult with the Leader of Government Business and the Chief Whip.
- (3) The motion must comply, to the satisfaction of the Speaker, with the prescripts of any relevant law or any relevant rules and orders of the House and directives and guidelines approved by the Rules Committee, before being placed on the Order Paper, and must include the grounds on which the proposed vote of no confidence is based.
- (4) The Speaker may request an amendment of, or in any other manner deal, with a notice of a motion of no confidence which contravenes the law, rules and orders of the House or directives and guidelines approved by the Rules Committee.
- (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 programme of the Assembly.
- (6) The debate on a motion of no confidence may not exceed the time allocated for it by the Speaker, after aforesaid consultation process.
- (7) If a motion of no confidence cannot reasonably be scheduled by the last sitting day of an annual session, it must be scheduled for consideration as soon as possible in the next annual session.
- (8) Rules 120, 123 and 127 do not apply to motions of no confidence in terms of this rule.



CHAPTER 8

DISCUSSION OF URGENT MATTERS OF NATIONAL PUBLIC IMPORTANCE

130. Urgent matter of national public importance

- (1) A private member may request the Speaker in writing to schedule without delay an urgent matter of national public importance for discussion by the House.
- (2) In submitting the request, the member must motivate why the matter is of so urgent a nature that it should be dealt with in terms of this rule.
- (3) In granting such a request, depending on the urgency of the matter, the Speaker may at his or her discretion —
 - (a) if, on a sitting day, the request is received at least by midday, schedule the discussion for the same day;
 - (b) if the House is not programmed to meet at an early date that will accommodate the urgency of the matter, convene a special sitting of the House for the discussion; or
 - (c) schedule the matter for discussion at the earliest opportunity.
- (4) If the Speaker grants the request, he or she must without delay inform the House, the Leader of Government Business and the responsible Minister of the date and time set for the discussion.
- (5) Such a discussion may not exceed the time allocated for it by the Speaker, after consultation with the Leader of Government Business and the Chief Whip.
- (6) In the absence of the responsible Minister, any other member of the executive may respond to the discussion on that Minister's behalf; provided that, at the Speaker's discretion, the discussion may proceed



even if no member of the executive is available to respond.

- (7) There may only be one discussion in terms of this rule on a sitting day, and if the Speaker receives more than one request, he or she must decide which matter is more urgent or important.

- (8) In exercising his or her discretion, the Speaker must apply the following criteria:
 - (a) Matters already discussed by the House during the same annual session may not be discussed under this rule;
 - (b) the matter must be raised at the earliest opportunity;
 - (c) the matter must be —
 - (i) of so serious a nature that it requires urgent attention, or
 - (ii) of sufficient immediate public importance to warrant it taking precedence over other programmed business;
 - (d) the request must deal with a matter of national importance for which the government can be held responsible, or that falls within the scope of ministerial action;
 - (e) the subject must relate to a specific matter of recent occurrence, and not to a general state of affairs or to a matter of policy;
 - (f) the matter must be defined and specific;
 - (g) the request must deal with only one substantive matter;
 - (h) the request will not be granted if the matter can be considered by some other means in the near future; and
 - (i) the sub judice rule (Rule 89) applies to such a discussion.





**THE OFFICIAL OPPOSITION
FREE STATE PROVINCIAL LEGISLATURE**

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www.da.org.za
P.O. Box 81, Bloemfontein, 9300

"RJ4"

Date:	29 January 2018
To:	Ms M Qabathe (MPL) The Speaker of the Free State Provincial Legislature
Cc:	Mr L Mofokeng The Secretary to the Free State Provincial Legislature Mr N van Rooyen (MPL) The Chief Whip Mr K Morapela (MPL) The Leader of the EFF in the Free State Provincial Legislature Ms T Wessels (MPL) The Leader of the FF+ in the Free State Provincial Legislature
From:	Roy Jankielsohn (MPL) The Leader of the Official Opposition
Subject:	Matter of Urgent Public Importance - Motion of No Confidence in the Premier

Dear Speaker,

We write to you in terms of Section 114(2)(a) and (b) of the Constitution of the Republic of South Africa (1996) and Rule 73 of the Standing Rules and Orders (Eighth Edition 2014), to urgently convene a special sitting of the Free State Provincial Legislature at the very earliest opportunity, to discuss a matter of urgent public importance.

In terms of Rule 64, as Leader of the Official Opposition and on behalf of the Democratic Alliance, we herewith serve notice that this House resolves, in terms of Section 130(3)(a), (b) and (c) of the Constitution of the Republic of South Africa (1996), that it has no confidence in Mr Segobelo Elias Magashule (MPL) as Premier of the Free State Province on the grounds that he has been implicated in serious violations of the Constitution and the Law, most notably with regards to, but not limited to, the controversial Vrede Dairy Project.

Furthermore, that Premier Magashule has since inception of the Vrede Dairy Project known about the controversies surrounding project and failed to intervene even after a National Treasury report into the project found gross irregularities. That Premier Magashule has on numerous occasions been informed of the corrupt and illegal activities taking place at the project. His failure to investigate allegations and continued support for funding towards this project in spite of holding such knowledge is clear breach of his oath of office to uphold the Constitution and the Rule of Law.

In addition, following the internal party election of Premier Magashule to serve as the Secretary-General of the ANC in December last year which is generally accepted as a full-time remunerated official position, Premier Magashule is unable to adequately perform the executive functions associated with the Office of the Premier.

FREEDOM. FAIRNESS. OPPORTUNITY.

LEADER: Mmusi Maimane | **CHAIRPERSON:** Athol Trollip

Furthermore, the Code of Conduct for Members of the Free State Legislature states that:

"A Member may only engage in remunerated employment outside the Legislature when such employment is:

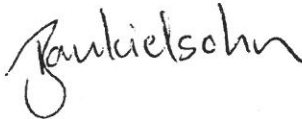
- a) sanctioned by the political party to which the Member belongs and*
- b) compatible with that Member's function as a public representative."*

The position of Secretary-General of the ANC, which is a full-time administrative position within his party, is not compatible with a full-time position as Premier in which he has to serve the interests of all the people of the Free State regardless of political affiliation.

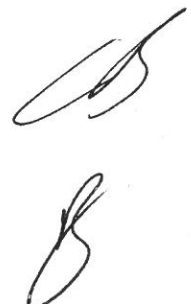
Considering the serious violation of Law, wilful misconduct as well as the full-time position of Secretary-General, Premier Magashule should be removed from Office without delay.

Your favourable and urgent consideration would be appreciated. Should you require any further information, please feel free to contact me at any time.

Thank you,



Roy Jankielsohn
Member of the Free State Provincial Legislature
Leader of the Official Opposition
082 562 4120
roy@da.fs.org.za





"RJ5"

OFFICE OF THE SPEAKER

Our reference:
Ons verwysing:
Tshupo ya rona:

Date: Thursday, 01 February 2018

To: Hon. Jankielsohn
Member of the Legislature

MATTER OF URGENT PUBLIC IMPORTANCE-MOTION OF NO CONFIDENCE IN THE PREMIER

Kindly take note that I have referred the notice of motion Hon. Jankielsohn served on the Speaker on 29 January 2018, for the advice of the Whips Committee as a matter of urgency on the procedure to be followed by the Legislature on the matter.

As soon as the Whips Committee gives feedback on the matter, the Speaker shall proceed with the matter in accordance with the procedure as may be determined by the Speaker in terms of the Standing Rules and Orders.

Yours faithfully,

Hon. M. Qabathe

Speaker: Free State Legislature

☎ 051 - 407 1111/1146 (FAX) 051 - 430 3761

Private Bag / Privaatsak / Mokotla wa poso X20561 BLOEMFONTEIN 9300

E-mail: kgothatsom@fsl.gov.za

"RJ6"



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P.O. Box 81, Bloemfontein, 9300

Date:	05 February 2018
To:	N van Rooyen (MPL) The Chief Whip of the Free State Legislature
From:	David van Vuuren (MPL) The Chief Whip of the Official Opposition
Cc:	Mr L Mofokeng The Secretary to the Free State Provincial Legislature Mr K Morapela (MPL) The Leader of the EFF in the Free State Provincial Legislature Ms T Wessels (MPL) The Leader of the FF+ in the Free State Provincial Legislature
Subject:	Matter of Urgent Public Importance - Motion of No Confidence in the Premier

Dear Chief Whip,

Following the correspondence from the Speaker dated 01 February 2018 (see attached), referring the matter of the Motion of No Confidence in the Premier, tabled by the Leader of the Official Opposition Dr Roy Jankielsohn (MPL) on 29 January 2018, for consideration on the procedure to be followed to debate the motion by the Whips Committee, we herewith request an urgent meeting to discuss the matter as soon as possible.

Your favourable consideration would be appreciated.

Should you require any further information, please feel free to contact me.

Thank you,

David van Vuuren
Member of the Free State Provincial Legislature
Chief Whip
082 928 1355
davidv@da.fs.org.za

FREEDOM. FAIRNESS. OPPORTUNITY.



"RJ7"

OFFICE OF THE CHIEF WHIP

Tel (051) 407 1126 • Ext 1135 • Fax (051) 448 5584
North Wing 3rd Floor • Southern Life Plaza • Maitland Street • Bloemfontein • 9301

Ref: Brenda Kakudi
E-mail: BrendaK@fsl.gov.za
Tel: 082 480 0975

The Chief Whip of the Official Opposition

Hon D. Van Vuuren

Date: 05 February 2018

Subject: Your Correspondence dated 05 February 2018: Matter of Urgent Public Importance

Dear Hon. Van Vuuren,

Your letter dated 05 February 2018 refers.

Please be informed that owing to the tight programme of the Free State Legislature and also legislative commitments informed by the programme of National Parliament, it is my opinion that it would not be feasible to convene an urgent meeting of the Multi-Party Whips Committee meeting to attend and discuss the matter mentioned above.

I therefore direct that the meeting of the Multi-Party Whips Committee be convened on Monday, 26 February 2018 at 14:00.

I trust that you will find the above in order.

Sincerely,


N. Van Rooyen

Chief Whip of the Free State Legislature

5/02/2018

NEELS VAN ROOYEN
E-mail: CVanrooyen@fsl.gov.za

"RJ8"



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Date:	08 February 2018
To:	N van Rooyen (MPL) The Chief Whip of the Free State Legislature
From:	David van Vuuren (MPL) The Chief Whip of the Official Opposition
Cc:	Ms M Qabathe (MPL) The Speaker of the Free State Provincial Legislature Mr L Mofokeng The Secretary to the Free State Provincial Legislature Mr K Morapela (MPL) The Leader of the EFF in the Free State Provincial Legislature Ms T Wessels (MPL) The Leader of the FF+ in the Free State Provincial Legislature
Subject:	RE: Dismissal of the Motion of No Confidence by the Spokesperson of the Chief Whip of the Legislature

Dear Chief Whip,

The attached article, The New Age, 08 February, Page 3, bears reference:

The comments attributed to your spokesperson, Phiwe Mathe, as reported in the article, contradicts your letter dated 05 February 2018.

We would like to take this opportunity to remind you that it is the Multi-Party Whips Committee and the Programming Committee, of which we are members, who plan and finalise the programme of the legislature.

Furthermore, affecting changes to the programme is a general occurrence and there is no reason, apart perhaps from a party political reason by the ANC, why a meeting of the Multi-Party Whips Committee cannot be called for immediately.

We would also like to draw your attention to the fact that even Parliament has amended its programme postponing the Joint Sitting scheduled to hear the State of the Nation Address this year.

It is unacceptable that the Office of the Chief Whip unilaterally decides what business before the Legislature is indeed feasible or not.

FREEDOM. FAIRNESS. OPPORTUNITY.

LEADER: Mmusi Maimane | **CHAIRPERSON:** Athol Trollip

We also express our strong objection to the fact that your spokesperson is reported as politicising the matter when he should act in a capacity as spokesperson to the Chief Whip of the Legislature and not for the ANC. His is a funded position of the Legislature and he should confine his communication to the business of the Office of the Chief Whip. It is extremely inappropriate of him to offer party political commentary. We expect you to take the necessary corrective steps to ensure this does not repeat itself.

Yesterday, the Leader of the Official Opposition, Dr Roy Jankielsohn (MPL), wrote to yourself, the Speaker and the Secretary, motivating for the urgent need to convene a special sitting to debate and vote on the motion of no confidence in Premier Ace Magashule without any further delay. Our arguments are supported by judgements from the Constitutional Court and the Western Cape Division of the High Court.

We urge you to clarify your position and await your urgent response to this letter and the correspondence submitted to your office yesterday.

Failing which, we reserve our rights in this matter.

Thank you,



David van Vuuren
Member of the Free State Provincial Legislature
Chief Whip
082 928 1355
davidv@da.fs.org.za



'No room for DA's motion of no confidence'

MICHAEL TLHAKUDI

THE programme for the first quarter of the year for the provincial legislature was finalised and adopted a week before the opposition DA made a submission to table a motion of no confidence in Premier Ace Magashule, the office of the provincial ANC chief whip said.

This means the DA's request would not be feasible.

The DA last week requested the legislature to hold a special sitting where it planned to table the motion.

Spokesperson for the office of the chief whip, Phiwé Mathe, this week confirmed the receipt of the motion of no confidence.

However, the programming committee of the legislature, which decides on the formal programme that informs the activities, said there was just no room for the special sitting.

"Owing to the tight programme of the provincial legislature and also the legislative commitments informed

by the programme of national Parliament, it would not be feasible to convene an urgent meeting of the multiparty whips committee to attend and discuss the matter," Mathe said.

"In light of this, we thus view this motion as another obscenely politically opportunistic stunt by the DA which is overly concerned by what the impact of the renewed hope which South Africans have in the ANC post the 54th national conference."

Mathe said the insinuation that Magashule did not want to vacate his office despite having assumed a new political role which requires him to be at the headquarters of the ANC on a full-time basis, exposes the depth of the political crisis which the DA finds itself in.

Mathe said this would be another frivolous motion which would yet again fail to remove the ANC as a popularly elected majority party in government.

DA provincial leader Patricia Kopane said they were surprised with

the latest developments.

She said they did receive an acknowledgment letter from the speaker Mamiki Qabathe and they were still awaiting her official response relating to their request.

"We have not received any information from the speaker so what you are talking about is news to us.

"As far as we are concerned, our request is being processed and we await the response from the speaker," she said.

The party said it wanted the motion to be tabled before the state of the province address on February 20 in Parys because they didn't want Magashule to address the legislature.

The move follows a raid by the Hawks a fortnight ago at the premier's offices and agriculture department as part of its investigation into the allegations of fraud at the Vrede Dairy Farm.

Kopane said they would seek clarity from the speaker.

michael@thenewage.co.za



NOT FEASIBLE: The DA made a submission to table a motion of no confidence against Free State Premier Ace Magashule. PICTURE: VOORSTREKKE

[Handwritten signatures]



**THE OFFICIAL OPPOSITION
FREE STATE PROVINCIAL LEGISLATURE**

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"RJ9"

Date:	07 February 2018
To:	Ms M Qabathe (MPL) The Speaker of the Free State Provincial Legislature
Cc:	Mr L Mofokeng The Secretary to the Free State Provincial Legislature Mr N van Rooyen (MPL) The Chief Whip of the Free State Provincial Legislature Mr K Morapela (MPL) The Leader of the EFF in the Free State Provincial Legislature Ms T Wessels (MPL) The Leader of the FF+ in the Free State Provincial Legislature
From:	Roy Jankielsohn (MPL) The Leader of the Official Opposition
Subject:	RE: Correspondence received on the matter of urgent public importance - motion of no confidence in the Premier

Dear Speaker,

With reference to your letter dated 01 February 2018, and the letter received from the Chief Whip, dated 05 February 2018, the matter refers:

With regards to your referral of the matter to the Multi-Party Whips Committee to consider the procedure to be followed on the motion of no confidence, since we agree that there is currently a lacuna in the Standing Rules and Orders, we contend that legal precedent has already been set. We refer you to the judgements of the High Court and the Constitutional Court as well as Rule 129 of the National Assembly (attached.)

It is the view of the DA that the same rules adopted by the National Assembly can be incorporated in the Legislature's Standing Rules and Orders and used in the interim to immediately debate the motion of no confidence in Premier Ace Magashule.

We also dismiss the suggestion by the Chief Whip that due to commitments of the Legislature, the next available opportunity to meet to discuss this matter is the 26 February 2018, six days after the State of the Province Address scheduled for 20 February 2018 in Parys.

This is quite unacceptable.

The High Court ruled in 2012 that motions of no confidence are inherently urgent and that they should receive precedence over other business. In 2013 the Constitutional Court ruled that the National Assembly should correct its rules to make provision for matters of no confidence in line with the provisions of the Constitution

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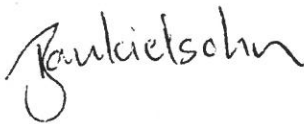
LEADER: Mmusi Maimane | **CHAIRPERSON:** Athol Trollip

We urge you to immediately consider our request to hold a special sitting to debate and vote on the motion of no confidence in Premier Magashule.

Now that the State of the Nation Address has been postponed to a date yet to be decided, it is likely the State of the Province Address will also be postponed. This allows the Legislature ample time to schedule a special sitting.

Your favourable and urgent consideration would be appreciated. Should you require any further information, please feel free to contact me at any time.

Thank you,



Roy Jankielsohn
Member of the Free State Provincial Legislature
Leader of the Official Opposition
082 562 4120
roy@da.fs.org.za





"RJ10"

OFFICE OF THE SPEAKER

Our reference:
Ons verwysing:
Tshupo ya rona:

Date: Thursday, 08 February 2018

To: Hon. Jankielsohn
Member of the Legislature

Re: **Correspondence received on the matter of urgent public importance-motion of no confidence in the Premier**

The above matter and your letter dated 07 February 2018 refer.

Kindly be advised that the Speaker has not received an advice on the matter from the Whips Committee to date. Feedback from the Whips Committee is expected as a matter of urgency to enable the Speaker to take an informed decision.

However, the Speaker is of the view that a suitable date should be discussed by the multi-party Committee with all Members afforded the opportunity to participate.

Yours faithfully,

Hon. M. Qabathe

Speaker: Free State Legislature

☎ 051 - 407 1111/1146 (FAX) 051 - 430 3761

Private Bag / Privaatsak / Mokotla wa poso X20561 BLOEMFONTEIN 9300

E-mail: kgothatsom@fsl.gov.za



**THE OFFICIAL OPPOSITION
FREE STATE PROVINCIAL LEGISLATURE**

Tel: +27 51 407.1234
Fax: +27 51 430 8338
Email: secretary@da.fs.org.za
www.da.org.za
P.O. Box 81, Bloemfontein, 9300

"RTI"

Date:	12 February 2018
To:	Ms M Qabathe (MPL) The Speaker of the Free State Provincial Legislature
Cc:	Mr L Mofokeng The Secretary to the Free State Provincial Legislature Mr N van Rooyen (MPL) The Chief Whip of the Free State Provincial Legislature Mr K Morapela (MPL) The Leader of the EFF in the Free State Provincial Legislature Ms T Wessels (MPL) The Leader of the FF+ in the Free State Provincial Legislature
From:	Roy Jankielsohn (MPL) The Leader of the Official Opposition
Subject:	RE: Correspondence received on the matter of urgent public importance - motion of no confidence in the Premier

Dear Speaker,

With reference to your letter dated 08 February 2018, the matter refers:

Rule 73 of the Standing Rules and Orders of the Legislature empowers the Speaker to consider and decide on matters of public importance.

While we appreciate that you have referred the matter to the Multi-Party Whips Committee to decide on the technicalities to be considered for the debate and vote on the motion of no confidence in the Premier, the decision to convene a special sitting to hear the debate as well as the date and time of such remains the prerogative of the Speaker. In fact, the Office of the Chief Whip has already expressed itself in this regard as indicated in a letter cc'ed to your office dated 08 February 2018 from the Chief Whip of the Official Opposition, David van Vuuren (MPL), to the Chief Whip of the Legislature, Neels van Rooyen (MPL).

As such, we would appreciate a decision on whether a special sitting of the Legislature will be called to consider the motion before the State of the Province Address scheduled for 20 February 2018 before Wednesday, 14 February 2018, at 12:00 noon.

As our correspondence to you on 07 February 2018 indicated, motions of no confidence are inherently urgent and should be considered before other business on the order paper, as supported by 2012 judgement by the Western Cape Division of High Court, also submitted to your office.

Should we not receive your response as requested we will be forced to approach the Free State Division of the High Court in order to obtain the required relief.

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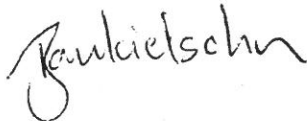
LEADER: Mmusi Maimane | **CHAIRPERSON:** Athol Trollip

A legal precedent has already been set in our courts that compels Speakers to call special sittings to hear motions of no confidence in the Executive on request from members of their relevant legislative bodies.

Your favourable and urgent consideration within the requested time frames would be appreciated.

Should you require any further information, please feel free to contact me at any time.

Thank you,



Roy Jankielsohn
Member of the Free State Provincial Legislature
Leader of the Official Opposition
082 562 4120
roy@da.fs.org.za





HORN & VAN RENSBURG

ATTORNEYS • PROKUREURS

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Posbus 453, Bloemfontein, 9300

DOCEX 111, Bloemfontein
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☎ 051 448 9987

4 Nobel Street, Brandwag,
Bloemfontein, 9301
PO Box 453, Bloemfontein, 9300
BTW / VAT : 4200 162 347

"RT12"

U VERW / YOUR REF: MS. MG QABATHE
ONS VERW / OUR REF: MR MJ VAN RENSBURG/Maryke/DM1117

14/02/2018

**THE HONOURABLE SPEAKER OF THE
FREE STATE PROVINCIAL LEGISLATURE
MS. MG QABATHE
C/O THE FREE STATE PROVINCIAL LEGISLATURE
41 CHARLOTTE MAXEKE STREET
BLOEMFONTEIN**

BY HAND

Dear Honourable Speaker

THE DEMOCRATIC ALLIANCE IN THE FREE STATE PROVINCIAL LEGISLATURE

We act on behalf of the above client and have received instructions from the Leader of the Official Opposition in the Free State Provincial Legislature, Mr Roy Jankielsohn, that the Democratic Alliance ("the DA") has requested you as Speaker of the Free State Provincial Legislature, on numerous occasions since 29 January 2018 to urgently convene an special sitting of the Free State Provincial Legislature at the very earliest opportunity to discuss a matter of urgent public importance, being a Motion of o confidence in the Premier of the Free State province.

This request was made in terms of s 14(2)(a) and (b) of the Constitution of the Republic of South Africa, read with Rule 73 of the Standing Rules and Orders of the Free State Provincial Legislature (Eighth Edition, 2014).

The urgency of the request to convene a special sitting of the Free State Provincial Legislature for the above purpose, *amongst others*, lies in such a Motion and debate to be conducted **before** the Honourable Premier of the Free State was to deliver the State of the Province Address (SOPA), which was initially scheduled for Tuesday February 20, 2018.

It has been noted that the Official Opening and the SOPA was in the meantime postponed on 13 February 2018, without a new date for the SOPA having been set yet, apparently since a new date for the State of the Nation Address has not been set either.

It remains of the utmost importance that the special sitting of the Free State Provincial Legislature be arranged **before the SOPA**, hence our client's urgent request that you set a date for such an urgent special sitting of the Free State Provincial Legislature to take place **before the SOPA**, preferably within the next 7 days.

It is reiterated that it is of the utmost importance that the special sitting of the Free State Provincial Legislature must take place before the SOPA to discuss the matter of urgent public importance. We confirm that we have received instructions on 13 February to approach the High Court with an urgent application that the SOPA be postponed indefinitely until the above special sitting and Motion has taken place and the Motion as referred to above has been debated. The announcement that the SOPA has been postponed, resulted in the application not having been lodged.

We also confirm that our client has addressed a letter to you as the Honourable Speaker on 14 February 2018, wherein client made a request that, in view of the date of 22 February 2018 scheduled on the program for a sitting and furthermore in view of the fact that this sitting (SOPA) has been postponed, the date is now open to accommodate our client's request for a special sitting of the Free State Provincial Legislature.

Client has requested that you reply to his letter on an urgent basis. Unfortunately, no reply has been received until date and time hereof.

A handwritten signature in black ink, consisting of a stylized 'S' followed by a flourish.

3.

This letter serves as an official, and very last, formal request through our offices that you as the Honourable Speaker convey to us a date on which the special sitting of the Free State Provincial Legislature for the purpose to discuss the matter of urgent public importance (Motion of no confidence in the premier), will take place, which **must be before the SOPA.**

We friendly request that you inform us on/or before closure of business on **Thursday 21 February 2018 at 16h30** when such a special sitting will take place, on non-receipt of a reply of which we hold firm instructions to approach the High Court, Free State Division without any further notification, with an application to compel you as the Honourable Speaker in the Free State Provincial Legislature to arrange and conduct such a meeting to take place for a debate on the above **before the SOPA.**

We trust that such urgent measures will not be necessary and wish to hear from you as a matter of urgency.

Please revert to us urgently.

Yours faithfully



HORN & VAN RENSBURG

Direct email: mjvr@hvrprok.co.za

Direct fax: 0866012514





"RJ13"

OFFICE OF THE SPEAKER

Our reference:
Ons verwysing:
Tshupo ya rona:

Date: Thursday, 15 February 2018

To: Mr. MJ Van Rensburg

Horn & Van Rensburg Attorneys

And to: Hon. Jankielsohn

Member of the Free State Legislature

Dear Sir,

RE: Matter of Urgent Public Importance- Motion of No Confidence in the Premier

1. We refer to your letter dated 14 February 2018, read with letters from Hon Jankielsohn dated 29 January 2018, 07, 08, 12 and 14 February 2018, the contents of which are noted.
2. Kindly be advised that the Legislature has referred the matter to its attorneys for legal advice as the Hon. Member is contemplating approaching the High Court whilst Speaker in the process of engaging him on the matter.

Yours faithfully,

Hon. M. Qabathe

Speaker, Free State Legislature

☎ 051 - 407 1111/1146 (FAX) 051 - 430 3761

Private Bag / Privaatsak / Mokotla wa poso X20561 BLOEMFONTEIN 9300

E-mail: kgothatsom@fsl.gov.za

"RJ14"

OFFICE OF THE DIRECTOR



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Welkom Branch

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Civic Centre
Welkom, 9460
P.O Box 1192, Welkom, 9462
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Nelspruit Branch

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Piet Retief Street, Nelspruit, 1206
Tel: (013) 741 1098
Fax: 0867321830
E-mail: infonst@ngwanelaw.co.za
REG NO: 2017/22144/21

HORN & VAN RENSBURG ATTORNEYS
4 NOBEL STREET
BRANDGWAG
BLOEMFONTEIN
9300

Date : 16 February 2018
Our ref : E Ngwane/FPL013/ms
Your Ref : Yet to be advised

Per E-mail : mjrvr@hvrprok.co.za

Dear Sir (s)

IN RE: THE DEMOCRATIC ALLIANCE IN THE FREE STATE PROVINCIAL LEGISLATURE

1. We herein act on behalf of the Speaker of the Free State Provincial Legislature and acknowledge the receipt of your letter dated the **14 February 2018**, read with letters from **Hon Jankielsohn** dated **29 January 2018, 07, 08, 12 and 14 February 2018**, which have been handed to us for reply.
2. The Legislature takes note that the letter dated **29 January 2018**, from **Hon. Jankielsohn** raises a request for a discussion of a Matter of Urgent Public Importance in terms **Rule 73** of the **Standing Rules and Orders of the Legislature**. The letter also refers to a motion of no confidence in the Premier which is provided for in section **141(2)** of the **Constitution**. The letter dated **29 January 2018**, also invokes **section 130(3)** of the **Constitution** which would require the Legislature to institute an Inquiry in the Premier.
3. Whilst a motion of no confidence and **section 130(3)** procedure may be instituted through a notice of motion in **Rule 64**, a request by the **Hon. Member** in a letter dated **29 January 2018**, to discuss a matter of Urgent public importance requires a different process contemplated in **Rule 73**. The letter dated **14 February 2018** from **Hon Jankielsohn** seems to contradict the letter dated **29th January 2018**, as he now seems to be relying on **Rule 72** of the **Standing Rules and Orders**, adding to the already existing contradiction in the application by the Hon. Member of **Rule 73**, motion of no confidence as well as the **section 130(3)** procedure.
4. In what seems to be reliance to **Rule 72**, the letter dated **14 February 2018** further complicates the issue as it also brings to the attention of the Speaker a matter of public importance and thereafter allow a motion in this regard. However, your letter indicates that the **Hon. Member** seeks a discussion on a matter of urgent public

Director: Suprise Emanuel Ngwane LLB (UL)
Associates: Tiisetsang Motaung LLB (UKZN) | Tumelo Semino LLB (UNW)
General Manager: Matsobane Machaka

OFFICE OF THE DIRECTOR

importance as a motion of no confidence. There appears to the Speaker four different and conflicting procedures articulated in the letters.

5. Kindly take note that the matter was referred to the **Whips Committee** for urgent advice to the Speaker on proper procedures to be followed, as there was no proper clarity on the three aforementioned matters which all seek different procedures for calling a sitting and determination of the Order of the day, and also affording the multi-party committee the opportunity to determine the times of the sitting as required by **Rule 23(1)** of the **Standing Rules and Orders** of the Legislature. The Legislature is of the view that the demand for the date of a special sitting of the Legislature must be informed by a clear purpose for the sitting because the Order Paper must set out the agenda of the House on any given sitting day as well as the order of business as required by **Rule 31(2)(a)**.
6. In order to enable the Speaker to grant any request or facilitate any motion from **Hon. Members**, relevant procedures must be followed. Assuming that your letter is referring to **section 114(2) of the Constitution**, the Speaker is of the view that the Hon Member has not submitted a request or motion in a manner that would assist the Speaker with regard to a mechanism to be applied as contemplated in **section 114(2) of the Constitution** in holding the executive accountable.
7. The Speaker is also of the view that your client acted prematurely by contemplating to approach the High Court as she is still engaging him to come to a common understanding of the procedures which must be followed in the Legislature.
8. Should you elect to approach the High Court in this instance, such an application to be brought thereat, will be met by the necessary opposition.

Yours Faithfully,

(Electronically dictated to, thus unsigned)

NGWANE SIHLONGONYANE INC

Issuing Office: Head Office - Bloemfontein

Per: Emanuel Ngwane

Mobile #: 078 802 3551



"RTG"
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Weather Update: Scattered showers across most of SA, thunderstorms expected in southern interior
However, no rain is expected over the drought-stricken Mother City and Nelson Mandela Bay on Thursday.

LAST UPDATED: 2018-02-15, 07:48

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I will step down as Free State premier and provincial ANC chair in March – Magashule

2018-01-12 15:36

Lizeka Tandwa

news24

East London – Newly elected ANC secretary general Ace Magashule will vacate his office as Free State premier and provincial ANC chairperson by March, he said during a press briefing in East London on Friday.

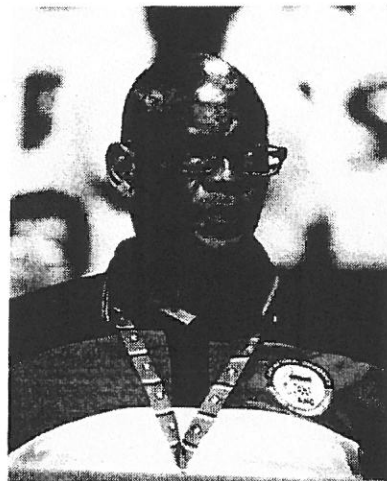
Magashule said he and Paul Mashatile – who was elected as ANC treasurer general in December – had to vacate their positions as chairs in their respective provinces, he said.

Mashatile is currently ANC chairperson in Gauteng and serves as MEC for human settlement. Both secretary general and treasurer general positions are full-time in the ANC.

In his statement on the party's state of readiness for the 106th birthday celebrations, Magashule said they both intended vacating these positions to allow for new elections.

"We will vacate our positions at the right time so that we hand over government, and we have agreed that, by the end of March, the financial year, we will vacate our positions as premiers and MEC."

Magashule, however, denied that this would cause further instability in the Free State.



Ace Magashule after the result announcement at the ANC 54th national conference in December. (Elizabeth Sejake, City Press)

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[Handwritten signature]

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"RJ16"



POSTPONEMENT OF SOPA

Postponement of the Official Opening and State of the Province Address 2018

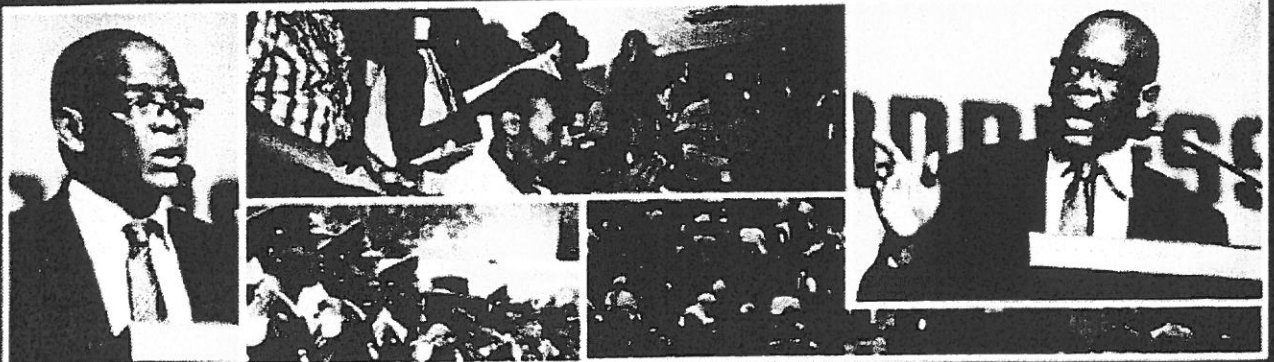
13 February 2018

To: All Media Houses

Bloemfontein – The Speaker of the Free State Legislature Hon. Mamiki Qabathe, subsequent to the request by the Premier of the Free State, Hon. E.S. Magashule acceded to the request and decided to postpone the Official Opening and the State of Province Address until further notice.

This is due to the fact that the new date for the State of the Nation Address (SONA) has not been set. This further means that all other activities prepared in line with the SOPA has equally been postponed. Details of the new date will be communicated once they are readily available.

For Enquiries Contact:
Life Mokone (Mr.)
Spokesperson
Email: lifem@fsl.gov.za
Tel: 051 407 1100
Cell: 076 231 6810



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MEDIA ADVISORY



"RJ17"

IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN

Case No: 3362/2016

Before the Honourable Justice **KJ MOLOI**

On the 1st day of **SEPTEMBER 2016**

In the matter between:

THE DEMOCRATIC ALLIANCE

Applicant

and

**THE SPEAKER OF THE PROVINCIAL
LEGISLATURE, FREE STATE**

1st Respondent

QABATHE, MOTHLAGOMANG GRAZY

2nd Respondent

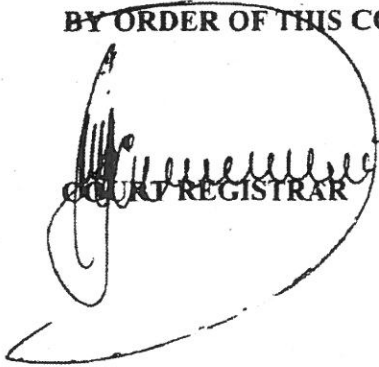
Having considered the notice of motion and the other documents filed of record and having heard Counsel for applicant,

IT IS ORDERED THAT:

1. The first respondent ("**the speaker**") shall convene a meeting of the Rules and Orders Committee of the Free State Legislature ("**the Rules and Orders Committee**") at least once every quarter, with effect from the third quarter of 2016, until such time as the Speaker has framed a rule providing for the regular conduct of meetings of the Rules and Orders Committee, with an agenda provided to all members of the Rules & Orders Committee at least 48 hours prior to each such meeting.
2. The next meeting as referred to in 1. above will proceed in accordance with an agenda providing for discussion and decision-making on all matters referred to the Rules & Orders Committee (a) by the Free State Legislature and/or (b) by members of the Rules and Orders Committee, since 11 February 2015.

3. The first respondent shall pay the costs occasioned by the application up to and when this draft order is made an order of court.

BY ORDER OF THIS COURT



COURT REGISTRAR

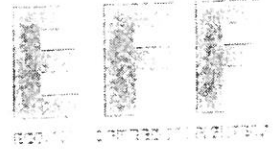
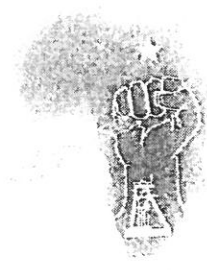
**HORN & VAN RENSBURG
STATE ATTORNEY**



RM



"RJ18"



FRONT OF PARLIAMENT BUILDING

EFF (Economic Freedom Fighters)

EFF (Economic Freedom Fighters) Party Office
Fourth Wing 5th Floor, Southern Cross Tower, 1473, All Stars Tower, Westgate Estate, Sandton City, 2008

Friday, May 19, 2017

To: The Honorable Speaker of the Free State Legislature
Hon. M. Qabathe

From: EFF Party Leader
Kgotsso Morapela (MPL)

Subject: Matter of public importance

Dear Honorable Speaker,

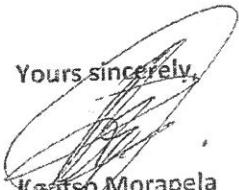
The EFF will want to put a request on a matter of public importance, as provided by the rules of the legislature (Rule 73).

The problem of gangsters that are victimizing communities in our province can no longer be tolerated, in particular here in Mangaung, whereby notorious groups such as (Maroma and BTK's) who are killing, assaulting and harassing our communities unabated. Before the matter get out of hands and communities start taking action against this gangsters, like they did before, by taking the law to themselves, we as the legislators we need to be seen doing a lot, to ensure those that are interfering with the rights of others, face the might of the law.

The constitution should never be undermined by anybody in our society, and those who are found to be the transgressors of the supreme law of our country, should face the authorities. The legislature has a full responsibility to protect the vulnerable communities against those that are trampling on their rights.

Therefore it is our plea that this matter should be debated in the house, and the legislature must give it a necessary attention, with the hope that practical steps and a deliberate program is undertaken to deal with gangsters decisively in our province.

I look forward to your favorable consideration on this matter of public importance.

Yours sincerely,


Kgotsso Morapela
Member of the Free State Legislature
EFF Party Leader

Email: Makerissemaseivi@fsi.gov.za
Private Bag / Mokitla wa poro X20561 BLOEMFONTEIN 9300

