

**IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA
(CONSTITUTIONAL HILL, BRAAMFONTEIN)**

Case No: CCT 115/2012

WC High Court Case No: 21990/2012

In the matter between:

**LINDIWE MAZIBUKO, LEADER OF THE
OPPOSITION IN THE NATIONAL ASSEMBLY**

Applicant

and

**MAX VUYISILE SISULU, MP,
SPEAKER OF THE NATIONAL ASSEMBLY**

1st Respondent

**DR MATHOLE SEROFO MOTSHEKGA, MP,
CHIEF WHIP OF THE AFRICAN NATIONAL CONGRESS** 2nd Respondent

**FIRST RESPONDENT'S SUPPLEMENTARY AFFIDAVIT
TO COMPLY WITH THE COURT'S DIRECTIONS**

I, the undersigned,

MAX VUYISILE SISULU,

do hereby make oath and state as follows:

1. I am the First Respondent in this matter. My details are as set out in my answering affidavit.
2. The facts deposed to herein are, unless the contrary appears from the

context, within my personal knowledge and true and correct. Where I make legal submissions, I do so on the basis of advice given to me by my legal representatives and I believe such advice to be correct.

3. In accordance with the directions of this Court dated 30 November 2012, I filed an affidavit on 14 March 2013 setting out the progress achieved up to that date in the process of ensuring that motions of no-confidence are appropriately provided for in the Rules of the National Assembly. The affidavit concluded with reference to the fact that the National Assembly Rules Committee (*"the NARC"*) had failed to reach consensus on a new rule at the meeting of 12 March 2013. Another meeting of the NARC was scheduled for 19 March 2013, and I undertook to file another affidavit, with the leave of this Court, reporting on the decision reached at that meeting.
4. The 19 March 2013 meeting of the NARC has taken place, and I confirm that no consensus was reached on the issue. The NARC meeting was postponed to tomorrow, 20 March 2013 at 16h00.
5. As previously mentioned, for reasons relating to the impartiality required of me as Speaker, I have not hitherto made any proposal of my own as to a new rule dealing with motions of no confidence. I am optimistic that the parties will reach consensus at the NARC meeting tomorrow. However, since consensus might not be reached, I have requested my legal advisors to prepare a draft proposal for the Court's benefit. A copy

thereof is annexed hereto marked "**MVS10**".

6. It has just come to my attention that the Court has today issues directions allowing me to file a further report by no later than Friday, 22 March 2013. I am leaving tomorrow for a long-standing official overseas engagement, namely the 128th Assembly of the International Parliamentary Union in Quito, Ecuador, and will accordingly not be able to attend tomorrow's NARC meeting. However, I will designate the Acting Speaker or a parliamentary official of senior standing to supplement this report to reflect the outcome of tomorrow's meeting of the NARC by no later than Friday, 22 March.
7. Due to the truncated filing timetable applicable to this matter, and as I am leaving South Africa tomorrow, there has not been time to obtain draft minutes of today's meeting, which took place only a few hours ago. I thought it prudent, however, to advise the Court of the outcome as expeditiously as possible.
8. I would also point out that, in accordance with the Rules of the National Assembly, the motion of no-confidence at the heart of this matter lapsed at the conclusion of the session during which it was tabled, viz on 22 November 2012.
9. On 7 February 2013 the National Assembly Programme Committee had its first meeting of the year. The minutes of this meeting are annexed

hereto marked "**MVS11**".

10. At this meeting, it was confirmed that the date of 26 February 2013 had been proposed for debate by the National Assembly of the Applicant's motion of no-confidence.
11. The DA, however, indicated that it did not wish to revive the motion at this stage, due to the application pending before this Court.
12. It was accordingly agreed that the motion of no-confidence, provisionally scheduled for 26 February, would be removed from the programme and that parties could submit other written motions for debate on that day.

MAX VUYISILE SISULU

I certify that:

1. The deponent acknowledged to me that:
 - 1.1 he/she knows and understands the contents of this declaration;
 - 1.2 he/she has no objection to taking the prescribed oath;
 - 1.3 he/she considers the prescribed oath to be binding on his/her conscience.
2. The deponent thereafter uttered the words: *"I swear that the contents of this declaration are true, so help me God"*.
3. The deponent signed this declaration in my presence at _____ on this the ____ day of MARCH 2013.

COMMISSIONER OF OATHS