

**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE HIGH COURT, CAPE TOWN)**

**CASE NO 21990/2012**

In the matter between:

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

First Applicant

and

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

First Respondent

**DR MATHOLE SEROFO MOTSHEKGA MP, THE  
CHIEF WHIP, THE NATIONAL ASSEMBLY**

Second Respondent

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**NOTICE OF MOTION**

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**TAKE NOTICE THAT** the above Applicant intends to apply to the above Honourable Court on **TUESDAY, 20 November 2012** at **10:00** or so soon thereafter as Counsel may be heard, for an order in the following terms:

1. Condoning non-compliance with the forms and service provided for in the Uniform Rules of Court and directing that the application be heard as a matter of urgency in terms of Rule 6(12).
2. Directing that the First Respondent take whatever steps are necessary to ensure that a motion of no confidence, by the Applicant, dated 8 November 2012 in the President of the Republic of South Africa in

terms of section 102(2) of the Constitution of the Republic of South Africa, 1996, be scheduled for debate and a vote in the National Assembly on or before Thursday, 22 November 2012.

3. Directing that the First Respondent, and the Second Respondent only in the event of him opposing this Application, to pay the costs of this application.
4. Granting further and/or alternative relief.

**TAKE NOTICE FURTHER THAT** the affidavit of **LINDIWE DESIRÉ MAZIBUKO** will be used in support of this application.

**TAKE NOTICE FURTHER THAT** the Applicant has appointed Minde Shapiro & Smith Inc., care of GERALD SCHNAPS ATTORNEYS, 6<sup>th</sup> Floor, 47 on Strand, 47 Strand Street, Cape Town, as the Applicant's representative in this matter and that the Applicant will accept service of all proceedings in this matter at the address of the office of their representative which is set out below.

**TAKE NOTICE FURTHER THAT** if you intend opposing this application you are required:

- (a) on or before **10h00** on **Monday, 19 November 2012**, to notify the Applicant's attorneys in writing of your intention to do so and to appoint in such notification an address referred to in Rule 6 at which you will accept notice and service of all documents in these proceedings; and

(b) on or before **12h00** on **Monday, 19 November 2012**, to deliver your answering affidavits, if any.

**KINDLY SET THE MATTER DOWN FOR HEARING ACCORDINGLY.**

**DATED AT CAPE TOWN THIS 16<sup>TH</sup> DAY OF NOVEMBER 2012.**

**MINDE SHAPIRO & SMITH INC**

Per:

**M SMITH / ELZANNE JONKER**

Applicant's attorneys

Tyger Valley Office Park

Building Number 2

Cnr Willie van Schoor & Old Oak Rds

**BELVILLE**

Care of: **Gerald Schnaps**

6<sup>th</sup> Floor, 47 on Strand

47 Strand Street

**CAPE TOWN**

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Tel: +27 (021) 918 9000

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**TO: THE REGISTRAR**  
High Court  
**CAPE TOWN**

**AND TO: MAXWELL VUYISILE SISULU, MP SPEAKER OF THE  
NATIONAL ASSEMBLY**

First Respondent

Office of the Speaker

Parliament Avenue

**CAPE TOWN**

**CARE OF: THE STATE ATTORNEY**

4<sup>TH</sup> Floor Liberty Life Centre

22 Long Street

**CAPE TOWN**

**AND TO: THE CHIEF WHIP  
THE NATIONAL ASSEMBLY**

Second Respondent

Parliament

**CAPE TOWN**

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NO 21990 /2012

In the matter between:

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

First Applicant

and

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

First Respondent

**DR MATHOLE SEROFO MOTSHEKGA MP, THE  
CHIEF WHIP, THE NATIONAL ASSEMBLY**

Second Respondent



---

**FOUNDING AFFIDAVIT**

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I, the undersigned

**LINDIWE DESIRÉ MAZIBUKO**

do hereby state under oath that:

1. I am an adult female member of parliament and the Leader of the Opposition in the National Assembly designated as such in terms of Section 57(2)(d) of the Constitution of South Africa, 1996 ("the Constitution").

*Maxwell*

2. The facts herein are, unless the contrary appears from the context, within my own knowledge and are true and correct. Where I make legal submissions, unless otherwise indicated, I do so on the basis of advice given to me by my legal advisors and I believe such advice to be correct. Where I rely on information not within my knowledge I do so on the basis of information supplied to me or upon objectively determinable facts.

### **THE PARTIES**

3. I am the applicant herein in my capacity as the Leader of the Opposition in terms of Section 57(2) of the Constitution of the Republic of South Africa, 1996 (the "Constitution").
4. I bring this application on my own behalf as Leader of the Opposition and on behalf of the following political parties represented in the National Assembly:
  - 5.1 Democratic Alliance
  - 5.2 Congress of the people
  - 5.3 Inkatha Freedom Party
  - 5.4 African Christian Democratic Party

*Amazulu*

5.5 Azanian People's Organisation

5.6 Freedom Front Plus

5.7 United Democratic Christian Party; and

5.8 United Democratic Movement

5. The first respondent is **MAXWELL VUYISILE SISULU, MP SPEAKER OF THE NATIONAL ASSEMBLY**, cited in his official capacity.
6. The second respondent is **DR MATHOLE SEROFO MOTSHEKGA MP**, the Chief Whip of the National Assembly cited in his official capacity. No costs are sought against him unless he opposes the relief sought herein.

### JURISDICTION

7. Parliament has its seat in Cape Town, within the jurisdiction of this Court, by virtue of Section 42(6) of the Constitution. The Respondents keep offices at Parliament.
8. The applicant seeks final interdictory relief under, inter alia, section 172(1)(b) of the Constitution. This application is a constitutional matter falling within this Court's power, as contemplated by section 172(1) of the Constitution.



### NATURE OF THE RELIEF SOUGHT

9. The applicant seeks an order on an urgent basis directing the first respondent take whatever steps are necessary to ensure that the motion of no confidence in, inter alia, the President scheduled for debate and a vote before the National Assembly for debate at its sitting on or before 22 November 2012.
10. Such motion was initiated by me on 8 November 2012 and I gave notice of my intention to move a motion of no confidence in the President, at the earliest opportunity. I should mention that the notice was given by me on 8 November 2012, immediately after the meeting of the programming committee which was held on the same day.
11. My notice of the motion was given on behalf of all political parties mentioned above.

### SUPREMACY OF THE CONSTITUTION

12. In terms of section 1 of the Constitution, and as confirmed by the Courts and recently by the Constitutional Court in *Justice Alliance of South Africa v President of the Republic of South Africa*,<sup>1</sup> South Africa is founded on the values of the supremacy of the Constitution and the rule of law. In that case, the Constitutional Court stated that "*the*

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<sup>1</sup> 2011 (5) SA 388 (CC) at paragraph [30].





*significance of the rule of law and its close relationship with the ideal of a constitutional democracy cannot be over-emphasised.*"<sup>2</sup>

13. The Constitutional Court further underscored section 2 of the Constitution, which enshrines the supremacy of the Constitution.<sup>3</sup> Section 2 states that the Constitution is the supreme law of the country and that any law or conduct inconsistent with it is invalid.
14. The rule of law and the principle of legality govern and regulate all conduct of all organs of State, including Parliament.
15. Section 1(d) of the Constitution specifically establishes South Africa as a "multiparty" democracy.
16. The relief sought herein seeks to vindicate that founding value.

#### **SECTION 102(2) OF THE CONSTITUTION**


17. I rely on section 102(2) of the Constitution. It reads as follows:

*"If the National Assembly, by a vote supported by a majority of its members, passes a motion of no confidence in the President, the President and the other members of the Cabinet and any Deputy Ministers must resign."*

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<sup>2</sup> *Ibid.*

<sup>3</sup> *Justice Alliance of South Africa v President of the Republic of South Africa* 2011 (5) SA 388 (CC) at paragraph [31].



18. In order to give meaningful effect to section 102(2) of the Constitution, a motion of no confidence in the President must be scheduled for debate and a vote, when called for, as a matter of urgency. I must point out that, on a previous occasion when such a motion was moved, which was on 2 March 2010, it was debated by the National Assembly on 18 March 2010.
  
19. When 8 opposition parties, who represent of about a third of South African voters, request that the National Assembly resolve that it has no confidence in the President as they have done in the manner set out below, the National Assembly must be given the opportunity to debate and vote on the motion without delay. This application has been necessitated by the employment of procedural machinations calculated to deliberately frustrate this entitlement.
  
20. I, took the oath to obey, respect and uphold the Constitution (as required by item 4 of Schedule 2 of the Constitution), as did the other members of the National Assembly
  
21. I submit that it is my constitutional duty to bring this challenge to what we contend is unlawful and unconstitutional conduct on the part of the first respondent. His inaction has prevented the motion of no confidence from being debated and voted upon. This frustrates the whole purpose of a motion of no confidence.

*James Rull*

## THE MOTION OF NO CONFIDENCE

22. On 8 November 2012, mandated by the parties listed in paragraph 5 above, I gave notice in the National Assembly in terms of NA Rule 98(1)(a) of a motion of no confidence in the President in terms of section 102(2) of the Constitution.
23. The notice of motion was placed on the National Assembly's Order Paper on Tuesday, 13 November 2012. The terms of the motion, as set forth in the Order Paper, are as follows:

*"Draft resolution (Ms L D Mazibuko): That the House -*

- (1) notes that under the leadership of President Jacob G Zuma –*
- (a) the justice system has been politicised and weakened;*
  - (b) corruption has spiralled out of control;*
  - (c) unemployment continues to increase;*
  - (d) the economy is weakening;*
  - (e) the right of access to quality education has been violated, and therefore*
- (2) in terms of Section 102(2) of the Constitution of the Republic of South Africa, 1996, pass a motion of no confidence in President Zuma."*

*J. D. M. Mazibuko*

24. The National Assembly's Programme Committee (the "Programme Committee"), under NA Rule 190, determines the matters to be placed on the agenda for consideration by the National Assembly.
25. The first respondent is the chairperson of the Programme Committee in terms of NA Rule 189(1). The other members of the Programme Committee are provided for in NA Rule 188.
26. The Programme Committee sat on Thursday, 15 November 2012 to determine the programme of the National Assembly for the forthcoming week.
27. At the meeting of 15 November 2012, the Chief Whip of the Democratic Alliance, Mr Watty Watson, requested that the scheduling of the motion be discussed by the Programme Committee, with a view to having the motion debated in the National Assembly during the forthcoming week. The Programme Committee could not reach consensus on whether or not the motion should be scheduled for debate in the National Assembly.
28. Where consensus cannot be reached, the convention is for the first respondent to refer the matter to the Chief Whips' Forum under NA Rule 221 and 222, the objective being for the Chief Whips to reach political agreement.

A handwritten signature in black ink, appearing to be 'J. M. M. M.', located in the bottom right corner of the page.

29. The first respondent, during the Programme Committee meeting on 15 November 2012, noted the practice set out above, and predicted that the Chief Whips would not reach agreement. He therefore concluded that the motion could not be scheduled for debate.
30. After further debate, the first respondent reiterated the above and adjourned the meeting.
31. After the National Assembly sitting later that day, the Chief Whips of some of the parties mentioned in paragraph 5 above, met with the first respondent again to discuss the scheduling of the motion.
32. At about 20h00 that evening, my legal representative emailed a letter to Ms Zuraya Adhikarie, Chief Legal Advisor in Parliament, setting out certain concerns about what had transpired. A copy of this letter is attached marked "LDM1". The letter, written on behalf of myself and the parties listed above:
- 32.1. indicated that the first respondent must decide, in terms of NA Rule 2(1), whether the motion should be tabled;
- 32.2. requested that the first respondent confirm that he would take whatever steps were appropriate and necessary to ensure that the motion was scheduled for debate and vote in the National Assembly on or before 22 November 2012; and

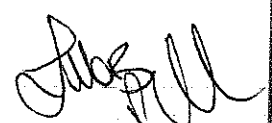


32.3. demanded that the first respondent inform my attorneys, by no later than 10h00 on Friday, 16 November 2012, whether the motion would be placed on the Order Paper of the National Assembly for the sitting on 22 November 2012.

33. At 09:14 on 16 November 2012, Ms Zuraya Adhikarie confirmed receipt of the letter.

34. By 10h00 this morning, my attorney of record had received a letter from the State Attorney, representing the first Respondent, a copy of which is annexed, marked Annexure "LDM2". The letter stated that the Speaker was attending a funeral in Lesotho, that the advice of Senior Counsel was being sought, but that a substantive response would be forthcoming only on Monday, 19 November 2012.

35. A further letter was received at 12:00 shortly thereafter, marked Annexure "LDM3". It said that advice was still being sought and asserting that it would be "premature and wasteful" for an urgent application to be lodged in the interim. However the state attorney added that it was not necessary to seek leave to serve the Application on the Speaker, and that service could be affected at the state attorney.

A handwritten signature in black ink, appearing to be 'J. M. M.' or similar, located in the bottom right corner of the page.

### FIRST RESPONDENT MUST MAKE A RULING

36. The first respondent's failure to direct, by whatever means, that the motion be debated in the National Assembly falls foul of the Constitution. It acts as an effective and insurmountable impediment to the entitlement in terms of Section 102(2) of members to propose a motion of no confidence in the President, and to have such motion debated and voted upon by the National Assembly. It is conduct inconsistent with the Constitution and therefore invalid under section 2 of the Constitution.

### REQUIREMENTS FOR A FINAL INTERDICT

37. As noted above, I seek final interdictory relief.
38. The requirements for a final interdict are well established: a clear right, an injury actually committed or reasonably apprehended, and no other satisfactory remedy, that is, an absence of similar relief by any means other than an ordinary remedy. I respectfully submit that I have satisfied all the requirements.

#### Clear right

39. For the reasons set out above, I in my personal capacity and as the holder of the mandate by the parties listed in paragraph 5 above have



a clear right to have the motion debated and decided upon in the National Assembly under section 102(2) of the Constitution.

*An injury reasonably apprehended*

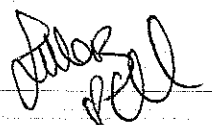
40. Should the National Assembly be denied the opportunity to debate and vote upon the motion, myself and other members of the National Assembly will be deprived of our constitutional entitlement to place before the National Assembly a motion of no confidence, the foregoing being an integral part of the function of Parliament to hold the President to account.
41. I contend that the President's leadership is damaging the country in an ongoing basis. The longer the members of the National Assembly are deprived of an opportunity to debate and vote on the motion of no confidence, the worse the potential harm becomes.

*No adequate alternative remedy*

42. There is no other remedy appropriate for the purposes of giving effect to the right in section 102(2).

**URGENCY**

43. The proceedings before the Programme Committee on 15 November 2012 effectively blocked the debate on the motion of no confidence.

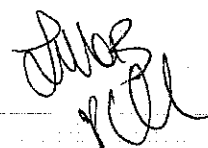
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44. These proceedings are being instituted the following day.
45. The final day of the current sitting of the National Assembly is Thursday 22 November 2012. It next sits in February 2013.
46. Where opposition parties representing a third of the seats in the National Assembly have proposed the motion, having taken into account the gravity of the motion and its consequences, the National Assembly must debate and decide the motion as a matter of urgency. It is not good enough to postpone consideration of the motion for three months. It seems clear that the intention of the majority party leadership in Parliament, is indeed to defer the voting on the motion of no confidence for as long as possible if not to ensure that the debate never sees the light of day.
47. Parliament must be given the opportunity to decide, by majority vote, whether or not it supports the motion in the course of next week.

### **CONCLUSION**

48. A court seized with this matter is empowered to grant just and equitable relief under section 172(1)(b) of the Constitution.
49. I contend that the relief sought in the Notice of Motion is relief of this nature.

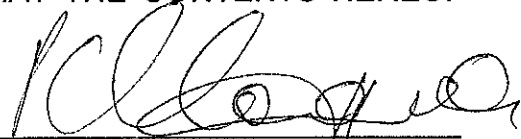
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50. On the basis of what I have set out above, I am entitled to the relief as sought and I therefore pray for an order in accordance with the Notice of Motion.



**LINDIWE DESIRÉ MAZIBUKO**

SIGNED AND SWORN TO BEFORE ME AT **CAPE TOWN** ON THIS **16th** DAY OF **NOVEMBER 2012**, THE DEPONENT HAVING ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, THAT HE HAS NO OBJECTION TO TAKING THIS OATH, THAT HE CONSIDERS THE OATH TO BE BINDING ON HIS CONSCIENCE AND HE UTTERED THE WORDS "I SWEAR THAT THE CONTENTS HEREOF ARE TRUE SO HELP ME GOD".



**COMMISSIONER OF OATHS**

**PENELOPE MAGONA**  
ADVOCATE OF THE HIGH COURT OF SOUTH AFRICA  
COMMISSIONER OF OATHS  
EX OFFICIO  
40 QUEEN VICTORIA STREET  
HUGUENOT CHAMBERS, SUITE G3  
CAPE TOWN, 8001  
021-4225647

" LOM.1 "



MINDE SCHAPIRO & SMITH

Our Ref : DEM16/0200/M SMITH/E JONKER

Your Ref:

Date : 15 November 2012

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Building Number 2  
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Bellville

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Tyger Valley  
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THE SPEAKER OF THE NATIONAL ASSEMBLY

PER HAND

Dear Mr Speaker

**MOTION OF NO CONFIDENCE IN PRESIDENT JACOB ZUMA DATED 8 NOVEMBER 2012**

1. We represent Ms Lindiwe Mazibuko, in her capacity as the Leader of the Opposition as contemplated by Section 57(2)(d) of the Constitution of South Africa 1996 ("the Constitution"), the Democratic Alliance, the Inkatha Freedom Party, Congress of the People, African Christian Democratic Party, the Azanian People's Organisation, Freedom Front Plus, the United Democratic Christian Party and the United Democratic Movement, ("our clients").
2. Ms Lindiwe Mazibuko, on 8 November 2012, mandated by our clients, gave Notice that the National Assembly –
  - 2.1 notes that under the leadership of President Jacob G Zuma –
    - 2.1.1 the justice system has been politicised and weakened;
    - 2.1.2 corruption has spiralled out of control;
    - 2.1.3 unemployment continues to increase;
    - 2.1.4 the economy is weakening;
    - 2.1.5 the right of access to quality education has been violated, and therefore
  - 2.2 in terms of Section 102(2) of the Constitution of the Republic of South Africa, 1996, pass a motion of no confidence in President Zuma.
3. This Notice of Motion was placed on the Order Paper on Tuesday, 13 November 2012.
4. The National Assembly Programming Committee that met this morning, 15 November 2012 failed to reach consensus on the scheduling of the above Notice of Motion.

Minde Schapiro & Smith Incorporated Registration number 2010/025182/21  
Attorneys Notaries & Conveyancers  
since 1926

Directors: Gerhard van Reenen, Louis Meyer B Juris LLB, André Pepler B Comm LLB, Heinrich Crous BA LLB,  
Samantha Solomons B Proc, Rosalie Smit B Comm LLB, Etzanne Jonker BA LLB, Rick O'Kennedy B Comm LLB,  
Dominique Wolhüter LLB

Assisted by: Jeannine van de Rheede LLB LLM, Jacques Pienaar B Comm LLB, Naretha Brand LLB, Charles Ochse LLB

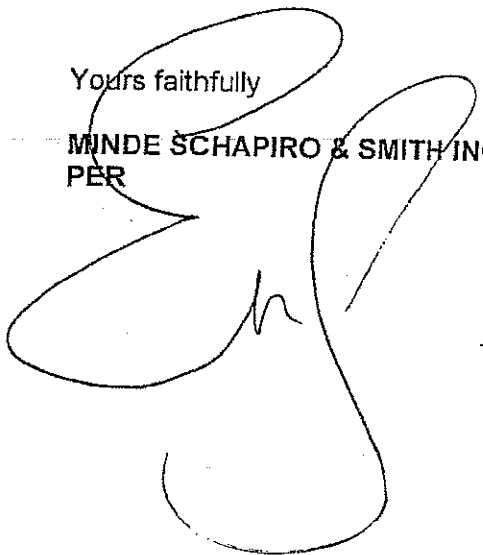
Consultant: Mervyn Smith

Vat registration number: 4500257428

5. The Speaker concluded that no consensus can be reached and therefore the motion cannot be programmed.
6. After further debate, the Speaker repeated the above and adjourned the meeting.
7. Rule 2(1) of the National Assembly Rules provides that "the Speaker may give a ruling or frame a Rule in respect of any eventuality for which these Rules do not provide".
8. There is no exact rule for resolving deadlocks in the programming committee in respect of Notice of Motions, and in particular Motions contemplated by S102(2) of the Constitution.
9. In the circumstances NA Rule 2(1) is applicable. The Speaker must then decide whether or not to give a ruling on the question as to whether our clients' Section 102 Motion should be tabled.
10. The Speaker's failure to table our clients' motion clearly falls foul of the Constitution. We refer to the judgment of the Constitutional Court in **Oriani-Ambrosini v Sisulu, Speaker of the National Assembly**, Judgment of the Constitutional Court dated 9 October 2012, [2012] ZACC 27, Case CCT16/12.
11. If, for any reason at all you are of the view that your power under NA Rule 2(1) is not the appropriate power, then please confirm that you will take whatever steps are appropriate and necessary to ensure that our clients' Notice contemplated under S102 is scheduled for debate on or before 21 November 2012.
12. We demand that you inform us, in writing, by no later than **10:00am on Friday, 16 November 2012**, whether our clients' Motion as contemplated by Section 102 (2) of the Constitution will be placed on the Order Paper of the National Assembly for the sitting of Thursday 21 November 2012, the most appropriate and indeed only, available time.
13. We record that there can be no impediment, legal or factual, to debate the Motion as demanded by our clients.

Yours faithfully

**MINDE SCHAPIRO & SMITH INC.**  
PER



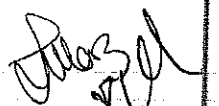
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Dominique Wolhüter LLB

Assisted by: Jeannine van de Rheede LLB LLM, Jacques Pfenaar B Comm LLB, Naretha Brand LLB, Charles Ochse LLB

Consultant: Mervyn Smith

Vat registration number: 4580257428





"Lomz"

**The State Attorney  
Die Staatsprokureur  
iGqweta likaRhulumente**

4<sup>th</sup> FLOOR / 4<sup>de</sup> VLOER  
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Privaatsak  
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KAAPSTAD  
KAPA  
8000

 (021) 441-9200

 (021) 421-9364

**My Ref./My Verw./ Isalathiso sam:**  
Mr Leon Manuel

**Your Ref./ U Verw./ Isalathiso sakho:**  
DEM16/0200/M Smith/E Jonker

**WITH PREJUDICE**

16 November 2012

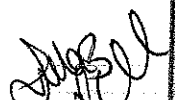
Minde Schapiro & Smith  
P O Box 4040  
TYGERVALLEY  
7536

**Per telefax: (021) 918-9090**

Dear Sir

**MOTION OF NO CONFIDENCE IN PRESIDENT ZUMA DATED 8 NOVEMBER 2012**

1. We acknowledge receipt of your letter dated 15 November 2012.
2. As you may know, the Speaker met with representatives of the parties which you represent during the late afternoon of 15 November 2012. You may also know that during that meeting the Speaker told them that he would be leaving for Lesotho to attend the funeral of a relative. Also that he would be seeking advice from the appropriate parliamentary officials in regard to the matter of the motion of no confidence
3. Notwithstanding the fact that the Speaker will be attending the funeral to which we have referred, he is attending to this matter, as also your letter under reply, urgently.
4. To this end, and since the matter is obviously one of considerable importance raising complex matters of constitutional law, the Speaker has called for advice from independent senior counsel, even during the course of last night.



5. The substance of your letter will accordingly be responded to by no later than Monday, 19 November 2012.

Yours faithfully

**L MANUEL**  
for STATE ATTORNEY  
/kdt





"LDM3"

**The State Attorney  
Die Staatsprokureur  
iGqweta likaRhulumente**

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KAPA  
8000

 (021) 441-9200

 (021) 421-9364

**My Ref./My Verw./ Isalathiso sam:**  
Mr Leon Manuel

**Your Ref./ U Verw./ Isalathiso sakho:**  
DEM16/0200/M Smith/E Jonker

**WITH PREJUDICE**

16 November 2012

Minde Schapiro & Smith  
P O Box 4040  
TYGERVALLEY  
7536

**Per telefax: (021) 918-9090**

Dear Sir

**MOTION OF NO CONFIDENCE IN PRESIDENT ZUMA DATED 8 NOVEMBER  
2012**

1. I confirm that my with prejudice response to your letter of 15 November 2012 was e-mailed to you at approximately 10:30 this morning.
2. A short while ago, at 11:00, your Ms Jonker and I had a telephonic conversation at her instance during which she informed me that, the contents of our letter notwithstanding, a High Court application will be made at 14:00 on Tuesday, 20 November 2012, and that the notice of motion and founding affidavits will be ready during the early afternoon today. In this regard I was requested whether the State Attorney would accept service of these documents, whereupon I told her that I will take instructions and revert to her.
3. I also asked Ms Jonker what relief the applicants would be seeking in such an application and she responded by telling me that they were still unsure about that.



4. I confirm that your clients were informed, at a meeting with the Speaker during the course of the afternoon of Thursday, 15 November 2012, that the possibility of him reporting to the National Assembly that the Program Committee could not reach consensus on the matter was under consideration by him.
5. This is one of the aspects of the matter about which senior counsel's advice is being sought. Another is the question as to whether or not the Speaker has the authority to place the matter on the Order Paper for debate by the National Assembly on his own. There are also other aspects of the matter in respect of which advice is being sought as a matter of utmost urgency.
6. It is our view that lodging an urgent application in circumstances where our client is taking legal advice as to what the appropriate course of action would be, is premature and wasteful, particularly in view of the fact that the deadlock in the Program Committee occurred yesterday, i.e. 15 November 2012.
7. In view of the urgency of this matter, as also its importance, my instructions are that you do not require to seek leave to serve the application on the Speaker, but can do so at our offices.

Yours faithfully

**L MANUEL**  
for STATE ATTORNEY  
/kdt

