



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

NATIONAL ASSEMBLY
THE SPEAKER

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6 April 2017

Mabuza Attorneys
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By email: eric@mabuzas.co.za

Dear Mr Mabuza

**DEMAND FOR VOTE ON MOTION OF NO CONFIDENCE IN THE
PRESIDENT BY SECRET BALLOT**

Your letter of 6 April 2017 bears reference.

Voting procedures in the Assembly are determined by the Constitution and the Rules of the Assembly. As correctly stated in your letter, there is no provision in the Rules or the Constitution for a vote on a motion of no confidence to be conducted by way of a secret ballot.

Your letter also articulates an instance where a vote must be conducted by way of secret ballot, which is the election of the President. Other instances are the election of the Speaker and Deputy Speaker where more than one candidate is nominated. A motion of no confidence is not one of these instances. This was confirmed in the matter of *Tlouamma and Others v The Speaker and Another* where the Western Cape High Court (the Court) dismissed an application which sought, amongst others, to compel the National Assembly to vote on a motion of no confidence by secret ballot. The Court ruled, inter alia, that there is no implied or express constitutional requirement for voting by secret ballot in respect of a motion of no confidence in the President.

Needless to say, the Speaker has no authority in law or in the Rules to determine that voting on a motion of no confidence be conducted by secret ballot.

As the Speaker, I am entrusted with the responsibility to ensure that the House is at all times able to perform its constitutional functions and I am obliged to do this in strict compliance with the Constitution and the Rules and Orders of the Assembly.

For these reasons, your client's demand that the motion of no confidence be determined by way of secret ballot cannot be acceded to, as it does not have any basis in law.

Finally, the insinuation that you make on behalf of your client that because of my "very senior position in the ruling party" and my "past conduct, attitude and disposition towards the issue of voting by secret ballot", I would automatically reject your client's proposal, is unfounded and baseless. I have always acted in terms of the Constitution and the Rules and Orders of the Assembly and will continue to do so.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B Mbete', written in a cursive style.

B Mbete MP

Speaker of the National Assembly