



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



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National Council of Provinces
Induction of Permanent Delegates
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Rules of debate



Rules of debate

Just imagine if there were no rules governing the conduct of the Members in the House/Committees



Meaning and Purpose of Parliamentary Rules

- What are Parliamentary rules?
- Why use Parliamentary rules?



Meaning and Purpose of Parliamentary Rules

Why?

- debates are conducted in a free and civil manner;
- the decorum/integrity of the House is maintained;



Meaning and Purpose of Parliamentary Rules

Why?

- differing viewpoints are expressed in a respectable manner
- worthwhile debate can take place
- an approved and uniform method of conducting meetings in a fair, orderly, and expeditious manner



Freedom of Speech

- What is it?
- What does it mean – no criminal or civil liability



Freedom of Speech

- The use of social media
- Is social media posts protected by parliamentary privilege?



Limitations on Freedom of Speech

Limited by Rules

- converse aloud (Rule 32);
- Irrelevant/ repetitive arguments (Rule 33);
- Interruption of other delegates (Rule 36);
- Time restriction on speeches (Rule 45);



Limitations on Freedom of Speech

- use offensive / unbecoming language (Rule 46)



Limitations on Freedom of Speech

- reflection on merits (sub judice) (Rule 48)
- defamation of other delegates
- speak at any time (Rule 53) .



Rules of debate

- convention and parliamentary practice - what is it?
- e.g. delegates refer to one another by title/ position
(Honourable Member/Honourable President)



Rules of debate

- consumption of food/drink
- etiquette when entering/leaving Chamber



Role of officer presiding

- maintain order in the House
- call delegates to speak
- rule on points of order
- ensure adherence to the Rules



Points of order and Question of Privilege

- Is there a difference?
- Point of Order vs Question of Privilege



Question of Privilege

What is a question of privilege?

Example: it may be difficult to hear the member speaking due to high noise level emanating from outside the House. A question of privilege could be raised to close the doors and windows.



Question of Privilege

- What is a question of personal privilege?
- Example: when a member needs to be excused for illness or personal emergency.
- The member rises immediately and, without waiting to be recognized, states, "Hon Chairperson, I rise on a question of personal privilege"



Question of Privilege

- Chair determines if the matter is of such urgency as demands immediate attention
- Otherwise, the member will have the floor immediately after another member has finished speaking



Points of order

- What is a point of order?



Points of order

- Delegate shall not raise a point of order to ask for information, or to explain his position.



Rulings

- duty of Chair to preserve order and decorum of House
- to decide on procedural matters
- Chair will make a ruling on matter



Rulings

- When may the Chair rule?
- Ruling is final
- Recourse of aggrieved member



Breach of rules

Penalties:

- an order to leave the House for the remainder of the day (*Rule 37*)
- an order to leave the precincts if the order to leave the House is insufficient (*Rule 38(1)*)



Breach of rules

- Suspension of the offending member(s) if order to leave is insufficient (Rule 38(2)).
- Speaker of the National Assembly vs De Lille



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Discussion