

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

National Council of Provinces Induction of Permanent Delegates June 2019





PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Rules of debate





Rules of debate

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

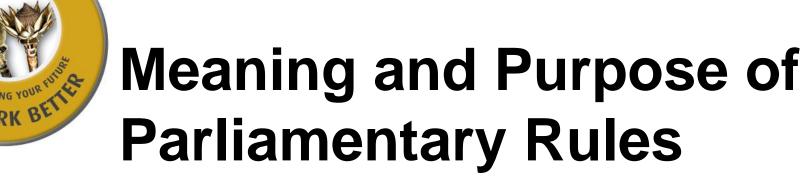
Meaning and Purpose of Parliamentary Rules

- 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;



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

• 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



- 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.





- 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

