

2. SECOND REPORT OF THE RULES COMMITTEE OF THE NATIONAL ASSEMBLY, 2016

The Speaker, as Chairperson of the Rules Committee of the National Assembly, presents the Second Report of the Rules Committee of the National Assembly 2016, dated 27 May 2016, as follows:

A. Background

- (1) On Thursday, 12 May 2016, the Deputy Speaker gave a ruling in the House on quoting from court judgments and other documents. The ruling stated, *inter alia*, “Therefore, hon members, while it may indeed be permissible to quote from court judgments and other relevant documents and do so accurately, it is not acceptable to use such quotations and other such means to abuse other members or cast aspersions on the character or person of another member”.
- (2) The Chief Whip of the Opposition subsequently wrote to the Speaker requesting that the ruling be reviewed formally by the Rules Committee, with specific reference to quoting of judgments of the courts of the Republic of South Africa. His submission was that the ruling was an unnecessary and unwarranted restriction of the freedom of speech enjoyed by members.
- (3) In terms of Parliamentary procedure, if a member is unhappy with a particular ruling, the first recourse is to take up the matter privately with the relevant presiding officer, either in person or by letter. There is no appeal to the Speaker in terms of rulings given by other presiding officers. The member may also request that the principle involved in the ruling be referred to the Rules Committee for consideration (*p165, NA Guide to Procedure, 2004*).
- (4) The Rules Committee, on 17 May 2016, referred the matter to the Subcommittee on Review of the Assembly Rules for consideration and report. The Subcommittee met on 18 May 2016 to consider the referral. In addition to considering the Deputy Speaker’s ruling and previous rulings of a similar nature, the Subcommittee afforded the

Chief Whip of the Opposition an opportunity to make oral representations. It also considered a written submission by the Deputy Speaker in which he explained the principle of the ruling. The Subcommittee confined its consideration of the matter to the principle of the ruling.

B. Observations and recommendations

The following observations and recommendations were made:

- (1) The principle that accusations against a member or personal reflections on a member's integrity are equally offensive and damaging if they are made by way of inference, by way of hypothesis, through a quotation, by being posed as a question or by utilizing other figures of speech and literary devices should be affirmed.
- (2) The Standing Order that provides that members who wish to bring allegations of wrong doing on the part of another member to the attention of the National Assembly should only do so by way of a substantive motion should also be affirmed.
- (3) Recognising that court judgments involve not allegations but findings, it is affirmed that members should be able to quote from them but must do so accurately. Such quotations may indeed be about a court finding that a member acted unlawfully. That would relate to a factual state of affairs.
- (4) Despite a court finding, members should not verbally abuse each other through name-calling. Disparaging and insulting personal remarks about any member do not contribute meaningfully to debate. On the contrary, they are by their very nature almost certainly going to lead to a breakdown in debate and in that way prevent the House and the collective of members from engaging meaningfully in matters of national importance. In such instances, the rules on unparliamentary language should always apply.

- (5) In recognising that there may be instances where there is dispute about the accuracy of a quotation, presiding officers should be able to exercise discretion in ruling on these matters. This may include studying the Hansard to determine the context and to verify the facts.

C. Findings

The Rules Committee, at its meeting on 24 May 2016, unanimously adopted the report of the Subcommittee.