MOTIONS WITHOUT NOTICE

**UNREVISED HANSARD**

**NATIONAL ASSEMBLY**

**Wednesday, 9 September 2015 Take: 16**

**OFFENSIVE OR UNBECOMING LANGUAGE**

(Ruling)

The HOUSE CHAIRPERSON (Ms M G Boroto): Order, hon members! Hon members, on Thursday, 13 August 2105, a point of order was raised during a debate on the Marikana Commission of Inquiry report by the hon B A Radebe, in response to remarks made during the speech of the hon J S Malema. I undertook to study the Hansard and return to the House with a ruling. Having had an opportunity to study the unrevised Hansard, I wish to rule, as follows.

The hon Malema said the following:

What this means is that the ANC government, with the influence of business politicians, in particular, Mr Cyril Ramaphosa, premeditated the killing of mineworkers in Marikana. They engaged in what is known in law as “conspiracy to commit murder”.

The hon Malema further said:

Mr Cyril “Worker Murderer” Ramaphosa played a central role in influencing the police.

While the Constitution, hon members, affords Members of the National Assembly freedom of speech, this freedom is subjected to the Rules and Orders that the Assembly imposes on itself. Rule 63 states that no member shall use offensive or unbecoming language. This is a broadly framed Rule in order to allow as much freedom of speech as possible. However, remarks which reflect on the integrity of a member of this House or impute improper or unworthy motives or action to that member are unparliamentary. Such allegations can only be brought to the attention of the House by way of a properly substantiated motion, supported by evidence.

If accusations were to be generally allowed in debate in this House, they would not only undermine members in the performance of their duties, but would also undermine the image of Parliament, itself. It is worth reiterating that all members have undertaken an oath to uphold the Constitution and the laws of this country.

May I ask the hon Malema to stand? [Interjections.] Thank you. The remarks, hon Malema, are offensive ... [Laughter.] ... and derogatory to a fellow member of the House. The remarks cannot be regarded as being, in any way, parliamentary or acceptable. Hon Malema, will you please withdraw the remarks that the hon Ramaphosa was engaged in the conspiracy to commit murder and that he is a murderer?

Mr J S MALEMA: Cyril is a murderer ... [Laughter.] ... and Cyril participated in the conspiracy to murder workers.

The MINISTER OF SMALL BUSINESS DEVELOPMENT: On a point of order, Chair ...

HON MEMBERS: Sit down! Sit down! [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Malema ... I will come to your point of order.

HON MEMBERS: Sit down, wena [you]! Sit down! [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, please, let me finish with the hon Malema. I will recognise you. [Interjections.] Please, hon Zulu! [Interjections.] Hon Malema. [Interjections.] [Applause.] Hon Malema ... [Interjections.] ... in other words, I ask you to withdraw, you reiterate what you said, and in this august House, you repeat that the hon Deputy President Ramaphosa is a murderer. Are you going to withdraw, hon Malema?

Mr J S MALEMA: Cyril Ramaphosa is a murderer and participated in the conspiracy to kill the workers in Marikana.

The HOUSE CHAIRPERSON (Ms M G Boroto): So, you are not prepared to withdraw?

Mr J S MALEMA: You can take me to jail for that. Cyril has got blood of innocent people ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Malema, thank you very much.

Mr J S MALEMA: I will never withdraw that. I will never apologise to Cyril. Cyril must rot in jail.

HON MEMBERS: Yes!

Mr J S MALEMA: He is a murderer! He killed our people! [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Malema, I asked you ...

Mr J S MALEMA: And if you are going to use this Parliament to protect murderers ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Malema!

Mr J S MALEMA: I am not going to agree to ... So, why do you switch off my microphone if you want me to speak?

The HOUSE CHAIRPERSON (Ms M G Boroto): I don’t want you to speak. I asked you to do one thing.

Mr J S MALEMA: But why did you ask me to stand up? Why did you ask me to stand up?

The HOUSE CHAIRPERSON (Ms M G Boroto): Because I asked you to withdraw.

Mr J S MALEMA: Then switch on the microphone!

The HOUSE CHAIRPERSON (Ms M G Boroto): No! No, I’m not going to do that.

Mr J S MALEMA: So, I’m not listening to you, either!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Malema ...

Mr J S MALEMA: You don’t want to listen to me!

The HOUSE CHAIRPERSON (Ms M G Boroto): ... will you please leave the House?

Mr J S MALEMA: I’m not leaving! [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Will you please leave the House?

Mr J S MALEMA: I’m not leaving. I’m not leaving. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Malema, hon Malema ...

Mr J S MALEMA: Call those people to come and remove me.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Malema ...

Mr J S MALEMA: Those bouncers you have hired ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Malema, I am not there.

Mr J S MALEMA: ... to come and kill us here in the same way you killed people in Marikana! [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Malema ...

Mr J S MALEMA: Call them. I am not going anywhere!

The HOUSE CHAIRPERSON (Ms M G Boroto): ... will you please ...

Mr J S MALEMA: I am not going anywhere!

The HOUSE CHAIRPERSON (Ms M G Boroto): Will you please leave ...

Mr J S MALEMA: I’m not leaving! [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members ... [Interjections.] ...

*IsiZulu*:

ILUNGU ELIHLONIPHEKILE: Uyihlo!

Nks M S Khawula: Ngiyabonga mhlonishwa ... [Ubuwelewele]

*English:*

The HOUSE CHAIRPERSON (Ms M G Boroto): At this time ...

*IsiZulu*:

Nks M S Khawula: Mhlonishwa, ngiyabonga lapho ngaphambili.

*English:*

The HOUSE CHAIRPERSON (Ms M G Boroto): No, no, no, no, no, no!

*IsiZulu*:

Nks M S Khawula: Ngubani uS’gantsontso la? Ngubani uS’gantsontso?

*IsiXhosa*:

ILUNGU ELIBEKEKILEYO: Uyihlo! Iinto ezingenambeko.

*English:*

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, at this stage, I am going to ask the Serjeant-at-arms to come into the House and help us to remove the hon Malema from the House. [Interjections.]

Mr N F SHIVAMBU: On a point of order, Chair ... [Interjections.] ... on a point of order, Chair. Chairperson! [Interjections.] Can I please be allowed to speak here? [Interjections.] Chairperson, can you please allow me to speak here?

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Shivambu, I am dealing with the hon Malema, as per the process of the Rules of this House ...

Mr N F SHIVAMBU: There is no Rule ... Can I please speak?

The HOUSE CHAIRPERSON (Ms M G Boroto): ... of the Rules of this House.

Mr N F SHIVAMBU: Can I speak here?

The HOUSE CHAIRPERSON (Ms M G Boroto): I am not going to allow anybody to interrupt the processes of this House. [Interjections.]

Ms H O MAXON: Chair, the microphone is off. Chair ... [Interjections.] ... Chairperson! [Interjections.] Chairperson ...

THE HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, order!

Ms H O MAXON: Chair ...

The HOUSE CHAIRPERSON (Ms M G Boroto): I have been informed ...

Ms H O MAXON: On a point of order, Chair ...

The HOUSE CHAIRPERSON (Ms M G Boroto): I am busy with the process, hon member. Please allow me to ...

Ms H O MAXON: I just want to clarify something. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, please! Order! [Interjections.] I have been informed ...

Ms H O MAXON: I am not talking to you, wena!

The HOUSE CHAIRPERSON (Ms M G Boroto): ... by the Serjeant-at-arms that ...

Ms H O MAXON: Chair, but I am rising on a point of order!

The HOUSE CHAIRPERSON (Ms M G Boroto): ... that the hon ... No, no. No, there is no order in this one.

Ms H O MAXON: Chair, it’s ...

The HOUSE CHAIRPERSON (Ms M G Boroto): I’m not allowing ... and if you are not ... Alright, let me not even go into that.

Ms H O MAXON: It’s Rule 67, Chair!

The HOUSE CHAIRPERSON (Ms M G Boroto): Let me deal with what I am busy with. Let me not be disturbed.

HON MEMBERS: Yes!

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members, I have been informed by the Serjeant-at-arms that the hon Malema will not leave the House. Now, hon Malema, I have given you an opportunity to comply with a directive from the Chair, as assisted by the Serjeant-at-arms. As this conduct is now interfering with the ability of the House to conduct its business ...

HON MEMBERS: How? How?

The HOUSE CHAIRPERSON (Ms M G Boroto): ... I now call upon the Parliamentary Protection Services to assist the Serjeant-at-arms to remove the member from the Chamber so that the House can proceed with its business. [Interjections.] Can I get the Serjeant-at-arms to assist us? [Interjections.]

Ms H O MAXON: Why did you act as if you are celebrating? [Interjections.] Nothing! Cowards! [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much. Order, hon members! [Interjections.] Order! Hon ... May I please complete the process, hon Steenhuisen, if you will pardon me, and take your seat?

The CHIEF WHIP OF THE OPPOSITION: [Inaudible.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Yes, I will.

Hon members, a member who is removed from the Chamber in terms of subrule 2 is thereby immediately automatically suspended for the period applicable, as provided in Rule 54, and may not enter the precinct for the duration of the suspension. If I have to go to Rule 54 and read it to you, the suspension of a member shall, on the first occasion during a session, continue for five parliamentary working days; on the second occasion, for 10 parliamentary working days; and on any subsequent occasion, for 20 parliamentary working days.

Now, that is the ruling for today. Hon Steenhuisen?

The CHIEF WHIP OF THE OPPOSITION /Robyn eng/ JN / TAKE ENDS AT 18:04

The HOUSE CHAIRPERSON (Ms M G Boroto)

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**Wednesday, 9 September 2015 Take: 17**

The CHIEF WHIP OF THE OPPOSITION: Hon House Chair, I think you need to put the microphones back on.

The HOUSE CHAIRPERSON (Ms M G Boroto): Oh! My apologies.

The CHIEF WHIP OF THE OPPOSITION: House Chair, I would like to address you in terms of Rule 52, if I may?

The HOUSE CHAIRPERSON (Ms M G Boroto): Rule 52. Yes, continue.

The CHIEF WHIP OF THE OPPOSITION: I believe that the hon Malema’s refusal to withdraw despite the request from you was a grievous offence in terms of the Rules and I think it was so egregious an offence that it didn’t warrant asking the member to leave the Chamber. I would advance, and I want to place on record, that I believe that Rule 52(b) should have been invoked by you rather than calling in the parliamentary protection services. There was no disruption to the proceedings; there was no threat to anybody’s life here and I think that a more appropriate direction for you to have gone would have been Rule 52(b), which would have avoided ... [Interjections.] If you don’t mind, I am taking a point of order.

The HOUSE CHAIRPERSON (Ms M G Boroto): I am listening to you. Please, hon members!

The CHIEF WHIP OF THE OPPOSITION: I can’t hear you. I think Rule 52(b) would have been a far more appropriate way to do it. The situation which you have employed this Rule, is not the situation in which we envisaged when the Rules Committee discussed it. I already hear that the hon member there says it’s coming for me as well. [Interjections.] You can do it ...

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Steenhuisen, you are addressing me, can we deal with this?

The CHIEF WHIP OF THE OPPOSITION: I am happy for you to do it for me and you can do that whenever you want. Bring them in whenever you are ready.

The HOUSE CHAIRPERSON (Ms M G Boroto): Address me, hon Steenhuisen.

The CHIEF WHIP OF THE OPPOSITION: I am addressing you, but it is very difficult to do so when I’ve got harridan screaming in the corner. [Interjections.] To say to you that I don’t believe that this has been the correct application to the Rules and I would like the DA’s view placed on the record. Thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Steenhuisen, in this House, we have voted for a Rule that addresses such conduct that was displayed today by hon Malema. I have been following those Rules that we all adopted. Having said that, hon members, if there is anybody who is not happy with the ruling, we know what to do. May I say that brings us to the end of the business today and the House is adjourned.

The House adjourned at 18:13

/Mohau//Checked by Nobuntu

TAKE ENDS AT 18:10