



**REPORT OF THE JOINT SUBCOMMITTEE ON REVIEW OF THE JOINT RULES**  
**[6 DECEMBER 2016]**

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On 2 and 6 December 2016, the Joint Subcommittee on Review of Joint Rules met to clarify the principle of a ruling by the Speaker during a Joint Sitting on Tuesday, 22 November 2016. During the deliberations, the Joint Subcommittee observed that there was confusion regarding what exactly the Speaker was ruling unparliamentary and consequently what exactly the member was requested to withdraw. This confusion may have contributed to the situation in the Joint Sitting.

**A. PRINCIPLES**

The following principles are affirmed, namely that:

1. it is acknowledged that section 6 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004, confers freedom of speech to the President and members in a Joint Sitting;
2. members should refrain from using offensive, abusive, insulting, disrespectful, unbecoming or unparliamentary words or language, nor offensive, unbecoming or threatening gestures;
3. members should be allowed to refer to a charge against another member that is pending before a court or judicial institution, but to do so accurately;
4. in recognising that there may be instances where there is a dispute about the accuracy of a statement/reference to such charge, the presiding officers should be able to exercise discretion in ruling on these matters, which may include studying the Hansard to determine the context and to verify the facts;
5. if the use of a word or phrase does not fall within the category of expressions that are wholly unparliamentary, the Chair, whilst also being mindful not to inhibit the right of a member to freedom of speech, will have regard to the nature, tone and context in which such language is used, when determining whether language is offensive or unbecoming and therefore unparliamentary;
6. any statement or remark which impairs the dignity of a member to whom it is directed or affronts that member's honour will be regarded as unparliamentary. Members should not be allowed to impute improper motives to other members, or cast personal reflections or aspersions on their integrity as members, or verbally abuse them in any way, except by

way of a substantive motion in terms of the rules of the relevant House to which the member belongs;

7. 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;
8. in recognising that there may be instances of confusion regarding what a member, if ruled out of order, should withdraw, the presiding officers should clarify what exactly is unparliamentary and accordingly should be withdrawn; and
9. in recognising that there may be instances where a Chief Whip of a party or Party representative wishes to address the presiding officer regarding a point of order involving his/her member, the presiding may, at his or her discretion, allow such member to address the presiding officer briefly on the point of order that has been raised.

## **B. COMMENTS**

1. Clarity is required in the application of Joint Rule 14P in future Joint Sittings.
  2. Lastly, and most importantly, the review of the Joint Rules should be prioritised, especially in relation to the Joint Rules on Order in Public Meetings and Rules of Debate.
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