**DRAFT RULING: HOUSE CHAIRPERSON DIDIZA INCIDENT IN THE NATIONAL ASSEMBLY ON 6 NOVEMBER 2018 DURING QUESTIONS TO THE PRESIDENT**

Hon members, yesterday I undertook to revert to the House on a number of points of order that were raised while taking Questions to the President. The unacceptable reactions of members to these points of order eventually saw this House descend into a state akin to anarchy.

Hon members, our rules, practices and conventions all have a singular purpose – to ensure that in this House we can come together in an open forum to debate our political differences in such a manner that all voices have the right to be heard and are afforded dignity. This is at the heart of the struggle for an open and democratic society – for which so many gave up their lives. We forged a country, out of the ashes of our apartheid past and transcended all that was done to us. In doing so we unequivocally said that no matter how divergent our political views, we would uphold the values of tolerance, dignity and respect. We saw each other as fellow human beings – no matter your race, no matter your creed, no matter if you belonged to the majority or the minority. In so doing, we distinguished ourselves from a violent and lawless society where an illegitimate might sought to crush all that was other than itself, based merely on who held the biggest stick. This is not to say that we are not a deeply divided society or that the wounds of the divisions of the past do not run deep in all of us. We come from a history where we were defined by race and while there may be occasion for members to refer to that in their speeches, it should not be to the extent that it is damaging, offensive or seek to undermine another’s integrity.

In 1994 we made the conscious choice for a non-racial, non-sexist and tolerant society based on democratic values, social justice and fundamental human rights. We chose not to be defined by our past and yet despite all of us having solemnly sworn to uphold these values and regardless of the long and difficult path we have walked together to forge our constitutional democracy a number of members of this House saw it fit to verbally and physically abuse one another in the crudest manner possible. The reckless conduct of certain members of this House yesterday was both unparliamentary and undemocratic. We incited one another, we bated one another and in so doing we underscored a lack of tolerance and respect for any who differ from us or oppose us. The behaviour displayed was disgraceful and especially disturbing as we approach a general election where high degrees of political maturity and tolerance are paramount for us all.

After having consulted the unrevised Hansard and reviewed video footage of the events that unfolded I will now turn to the individual points of order -

Firstly, hon Steenhuisen, I have consulted Hansard and the words that you used after first Hon Ndlozi and then Hon J S Maleme interrupted you while you were trying to take a point of order, were: “*can the VBS looters please give me a chance*”. The Presiding Officer will always take into account context and intent when ruling on remarks made during the course of debate. It is always unparliamentary to insinuate that another member is acting dishonourably, whether directly or by implication. Members have a duty not to make insinuations or accusations of improper conduct on the part of their fellow members, without the matter complained of being clearly stated and properly substantiated. In this instance the words used were specifically aimed at Hon Ndlozi and Hon Malema, who were, at varying times, standing to either interject while you were speaking or attempting to take points of order and evidenced by your appeal that they the *“VBS looters”* should give you a chance to speak.

Hon Members of great concern here was that the rules in respect of points of order and precedence of the presiding officer were completely flouted while I was trying to take the point of order of Hon Steenhuizen. This resulted in a situation where there was such commotion in the House that it was impossible to proceed in an orderly manner. Members, most especially whips have an important duty not only to ensure the discipline of their own members, but to assist the Presiding Officer in being vigilant in protecting the dignity and decorum of the House. Rising on spurious points of order, prefacing your points of order with unnecessary commentary, interjecting while the presiding officer is addressing the House have become common place in this House and undermine its ability to function.

Hon Steenhuizen your remark at this critical juncture was completely unnecessary. It was derogatory, unsubstantiated and aimed at causing offence in direct reference to the members who were preventing you from taking your point of order. I must therefore ask hon Steenhuizen to withdraw the words “*VBS looters*” used in reference to specifically Hon Ndlozi and Hon Malema.

**[Whereupon the member withdraws the remark]**

Secondly, Hon Malema you then proceeded to call the hon Steenhuizen a “*racist young white man …a racist young man accused of rape”.*  It is never allowed to call another member racist, no matter the context. You then went further to accuse the member of a crime as heinous as rape without any substantiation. Our rules are clear on both these matters. It is the duty of all members to use your privilege of freedom of speech for the greater good of the people we serve, this privilege should never be used to undertake a character assassination of a fellow honourable member or make remarks that in another setting could result in legal consequences. *…*”.

Hon Malema your remarks were derogatory, unsubstantiated and aimed at causing offence. They also led to a situation where the House then descended into further chaos with members of the Democratic Alliance and Economic Freedom Fighters respectively chanting “*pay back the money”* and *“racists*” across the benches. I will now request that you withdraw the remarks in reference to the Hon Steenhuizen as a “*racist young white man …a racist young man accused of rape”*.

**[Whereupon the member withdraws the remark]**

Lastly, Hon Members a point of order was taken by Hon Plouamma rose on a point of order when he said: "*I do respect your ruling, but I think that we cannot allow in this House for someone to say whites cannot speak in this House. We cannot...*" Hon Ploumma proceeded to verbally engage members of the EFF and from the video footage it is clear that an object was thrown at Hon Plouamma from the benches of the EFF. Hon Ploumma then uttered an expletive and Hon Paulsen then proceeded to jump over the benches and throw himself at the Hon Ploumma, where after a violent fight broke out. Subsequently, both members were removed from the House. In terms of the rules this constitutes grossly disorderly conduct.

Hon members, as indicated by other Presiding Officers, the fact that you do not agree with a ruling or you believe that words used by another member are unparliamentary, does not give you the right to also use unparliamentary language or to make threats that have the effect of creating disorder in the House. We cannot conduct business like that. This is not the behaviour that South Africans expect or deserve from their public representatives. What example are we setting for the public and how can we expect them to have trust and confidence in this Parliament or its members? We are chipping away at the very fabric of our constitutional democracy and the integrity of the institution of Parliament.

I believe that referral of this incident and specifically the conduct of Hon Plouamma and Hon Paulsen to the disciplinary committee will best serve in remedy the events of yesterday so that it will never occur again. In this regard I will be requesting the Speaker to refer the members conduct to the disciplinary committee.

Thank you