

INDEX TO RULINGS - 2007

No.	Description	Point of Order raised	Speaker's Ruling	Date of Sitting
1.	Allowing a Member to raise a point of order on parliamentary privileges	The Member raised a point of order regarding the privileges of the Members in the House, and another Member objected to this, arguing that no statement or motion can be advanced without prior approval.	The Deputy Speaker ruled that an urgent motion directly concerning the privileges of the House takes precedence to other motions and orders of the day.	21/02/2007
2.	Allowing a Member to raise a point of order on parliamentary privileges	The Member raised a point of order regarding the privileges of the Members in the House, and another Member objected to this, arguing that no statement or motion can be advanced without prior approval.	The Deputy Speaker ruled that an urgent motion directly concerning the privileges of the House takes precedence of other motions and orders of the day.	21/02/2007
3.	Unparliamentary body language	Member enquired whether it was parliamentary to point a fist at another member	Body language can be understood to be unparliamentary. Members conduct can be unparliamentary even when it is not in the form of a verbal expression. Member requested to withdraw and apologise	20/03/07
4.	Display of poster	Member raised a point of order regarding the display of a poster	Speaker administered a reprimand to the member on his behaviour and commented with concern on the general behaviour of Members during plenaries	27/05/07
5.	Offensive remark	Member raised a point of order that a member referred to him as a "good nat"	Speaker ruled remark "offensive" member ordered to withdraw remark	27/03/2007
6.	Statement in a question		Speaker ruled that question be removed from Q.P because it contained a statement.	27/05/2007
7.	Unparliamentary language – "snert"	Member asked whether it was parliamentary to use the word "snert"	Speaker ruled that as this was said as a general reference and not said to a specific Member, it could not be ruled unparliamentary.	08/05/07
8.	Unparliamentary language – "Hold your tongue man".	Member enquired whether the remark "hold your tongue, man" is parliamentary	Speaker ruled the remark unparliamentary	22/05/07
9.	Subject for discussion	Member raised a point of order regarding the subject for discussion, that deals with an international issue does not fall within the competency of province	Speaker ruled that debate will proceed	5/06/07
10.	Unparliamentary remark	"Have you fallen off the building"	Speaker ruled that remark is parliamentary	20/06/07
11.	Subdivisions in questions	Member raised a point of order that a oral question contains 7 subdivisions	Speaker ruled that reply be tabled and that the rules stipulate that a question may not contain more than 5 subdivisions	31/07/07
12.	Cell phones use in the House	Member raised a point of order regarding the use of cellphones by Members in the House	Members are not allowed to use cellphones in the Chamber.	04/09/07
13.	Order in the House	General remark by Speaker	A member on the podium should be given the chance to deliver his/her speech without interruption	18/09/07
14.	Withdrawal of the Member from the	Member requested to withdraw form the Chamber	After warning the Member several times to behave in the House, the Speaker ordered the Member to withdraw from the House for the remainder of the sitting.	18/09/07

	House			
15.	Conversing loud in the House – general behaviour of Members	General remark by Deputy Speaker	Members should not converse loudly and disturb the proceedings in the House.	20/09/07
16.	Running commentary -order in the House	General remark by the Speaker	Members to refrain from running commentary	06/09/07
17.	Supplementary questions	General remark by Speaker	Supplementary questions should be linked to the main question, or to the answer the MEC gives to the question	06/11/07
18.	Answering of question	General remark by Speaker	Speaker cannot prescribe to the Ministers how they should answer questions put to them	06/11/07
19.	Unparliamentary remark – “that is rubbish”	Point of Order raised by a member whether the remark “That is rubbish” is parliamentary	Speaker ruled remark unparliamentary , Member has withdrawn the remark	13/11/07
20.	Adverse reference to a member of public or public organisation	Member asked whether, in exercising the privileges, Members could make adverse references regarding members of the public or public institutions.	If a member of the public is aggrieved by a statement of s comment made in the House, that member of the public has the ability to ask the House to speak to the matter, to set the record straight and to advance his or her perspective on the issue.	13/11/07
	Order in the House – making rulings when points of order are raised.	General remark by the Speaker	It is the responsibility of the Presiding Officer to make a ruling when a point of order is raised. Members can only comment on a point of order if asked to do so by the Presiding officer.	13/11/07
21.	Rule of anticipation	General remark by Speaker	In determining whether a motion can be ruled out of order on grounds of anticipation, the Speaker must have regard to the possibility that the matter anticipated will be discussed within a reasonable time	20/11/07
22.	Unparliamentary remark – accusing another member of misleading the House.	Member enquired whether it was parliamentary for a member to accuse another member of misleading the House without any evidence	Speaker ruled that the remark was unparliamentary and requested the Member to withdraw the assertion	20/11/07
23.	Statements by Members based on media reports	General remark by the Speaker on statements made in the House based on what was reported in the newspapers/media.	Press reports and articles should not be paraded in the House as truths. Whenever a Member encounters press reports and articles, this could be discussed in the House as part of political or democratic discourse.	20/11/07
24.	Expunging a statement from Parliament’s records	General remark by Speaker	Speaker can order that the statement be expunged from the Parliamentary records if it is not in accordance with the Rules.	20/11/07
25.	Rule of anticipation	General remark by the Speaker	When a committee had been tasked to do a certain work, the House cannot anticipate what the report would be before it is presented to the House by the committee.	20/11/07
26.	Unparliamentary	General remark by the Speaker	Remark ruled unparliamentary member to withdraw and apologise	27/11/07

	remark -"you go to hell"			
27.	Unparliamentary remark-" rogues"	Member raised a point of order whether it is unparliamentary to call hon members "rogues"	As this was a general remark and not addressed to a particular Member, the Speaker ruled the remark not unparliamentary in this context.	27/11/07
28.	Unparliamentary remark	"You are a sewer"	Speaker ruled remark unparliamentary, members directed to withdraw and apologise	27/11/08

INDEX TO RULINGS - 2008

No.	Description	Point of Order raised	Speaker's Ruling	Date of Sitting
1.	Reflections on other members	General remark by the Speaker	A member who wishes to bring any improper conduct on part of another member to attention of the House should do so on the basis of a substantive motion. This motion should clearly reflect the charge. There must be a prima facie case	06/03/08
2.	Unparliamentary remark – “a dishonourable man”	General remark by Speaker	Minister referred to another Members “as a dishonourable man” Member requested to withdraw and apologise	29/05/08
3.	Unparliamentary remark	“making lying statements to the House”	Speaker ruled remark unparliamentary, member directed to withdraw and apologise	22/06/08
4.	Anticipating an item of business	General remark by Speaker	Member in his statement referred to an item which is on the Order Paper. Speaker ruled that the members statement be expunged from the Hansard	24/06/08
5.	Unparliamentary remark – “it is over....”	A Member enquired whether it is permissible to say “It is over, you clown, ha ha, ha, ha, ha!	The expression is unparliamentary as it was said with reference to a Member. Member apologise and remark was withdrawn	24/06/08
6.	Question ask for opinion		The Standing Rules states that question must not ask for an opinion. Speaker ruled that Minister to respond only to the first part of the Question	02/09/08
7.	Unparliamentary remark – ‘that is stupid”	General remark by Speaker	Remark ruled unparliamentary Member ordered to withdraw and apologise	11/11/08
8.	Motions to deal with matters or urgency	General remark by Speaker	Motions need not be motivated and there is a separate provision in our Rules to deal with matters of urgency	11/11/08
9.	Motion must be implementable	General remark by Speaker	A motion brought before the House should be implementable,	11/11/08
10.	Admissibility of question	Member raised a point of order that a question does not fall within the area of responsibility of the Premier	Speaker ruled that the question do not fall within the area of responsibility of Premier	11/11/08
11.	Unparliamentary remark –“ buggar all for all”	A Member enquired whether it was parliamentary to use the word “bugger-all for all”	Speaker ruled that, in the context this was unparliamentary and asked Member to withdraw the remark.	25/11/08
12.	Speaker to make a ruling	General remark by Speaker	After a point of order had been raised and before the ruling could be made, Members cannot decide on the matter on their own before the Speaker had made a ruling.	25/11/08
13.	Unparliamentary reference – a political party referred as an animal	Member enquired whether it was parliamentary to refer to a political party in relation to a animal “:like a hen running around the yard pecking at crumbs”	Speaker ruled that it is the convention not to refer to Hon members as animals but, the DA cannot be a member of the Legislature , so it could possible be an animal	11/12/08

INDEX TO RULINGS - 2009

No.	Description	Point of Order raised	Speaker's Ruling	Date of Sitting
1.	Relevance	Member raised a point of order	Member directed to return to the topic of discussion	24/02/09
2.	Statements by Members	Member raised a point of order that a point of order is not allowed on a political speech	Statements are allowed without interruption	04/06/09
3.	Behaviour of the public	General remark by the Speaker	The public should not comment from the gallery	09/06/09
4.	Statements by Members	Member raised a point of order that a point of order is not allowed on a political speech	Statements are allowed without interruption	09/06/09
5.	Offensive remark	Considered ruling by Speaker	Speaker ruled that the use of language or expression that could be perceived as offensive does not strength an argument. An offensive remark is also not rendered by being quoted, used hypothetically. Put in the form of a question or stated as a figure of speech. Member are cautioned to use the privilege of freedom of speech responsibly in order for the House to carry out its business in an orderly and dignified manner	18/06/09
6.	Order in the House	General remark by the Speaker	Members must abstain from making running commentaries instead of interjections	19/06/09
7.	Unparliamentary remark "a twerp"	Member raised a point or order whether it is parliamentary to refer to another member as "a twerp"	Remark ruled unparliamentary, Member ordered to withdraw and apologise	19/06/09
8.	Unparliamentary remark "Member should not talk nonsense"	Point of order raised when another member said that the member "should not talk nonsense"	Deputy Speaker ruled remark unparliamentary, member ordered to withdraw and apologise.	19/06/09
9.	Unparliamentary remark "shut up"	A member enquired whether it is parliamentary to tell another member to "shut up"	Speaker ruled remark unparliamentary , member ordered to withdraw	19/06/09
10.	Participation in a debate by a member of the executive	Member enquire if it is appropriate that a member of the executive speak in a debate of another member of the Executive	Deputy Speaker ruled that the Minister is speaking in the debate as a member on behalf of a member as well of a particular party. Minister allowed to speak in the debate	23/06/09
11.	Sub judice rule	Member raised a point of order that the members statement is referring to a matter still before the courts	Speaker ruled that no member may refer to any matter on which a judicial decision is pending according to Rule 61 of the Rules of the House. Member ordered to withdraw.	23/06/09

12.	Statement	General remark by the Speaker	The matter that the statement is being made about is under investigation. If the matter is in a statement, that does not look at any predetermined conclusion, because any matter under investigation must not have predetermined conclusions.	23/06/09
13.	Participation in a debate by a member of the executive	Ruling by Speaker	In terms of the Standing Rules, hon members, including Ministers, are called to speak in debates in accordance with a list of speakers. Secondly, speaking times are allocated to the different parties, to which they must adhere. Thirdly, the different parties themselves decide as to who their speakers in a particular debate will be. The fact that the hon Minister of Cultural Affairs and Sport is a member of the Executive does not disqualify him from speaking in any debate in the slot provided for his party, the important point being that if he uses his party's speaking slot, he must adhere to the to the time constraints imposed on his party an may not use the generous time normally provided to Members of the Executive. The situation will equally apply to all Ministers wishing to take part in the debates of which they are not in charge. If a Minister participates in a debate in a party slot, he or she then does so as a representative of the party. The Speaker cannot prescribe to any member as to the contents of his or her speech and can only apply the ordinary rules of debated as contained in the Standing Rules.	23/06/09
14.	Relevance	A point of order raised that a member should stick to the topic of the debate	Speaker ruled that Member should address himself to the topic of the debate	23/06/09
15.	Withdrawal of unparliamentary remark and apology	Ruling by the Speaker	The order to withdraw words which in the opinion of the presiding officer can be regarded as unparliamentary is one of the mechanisms at the disposal of the presiding officer to maintain order. Such words need to be withdrawn unconditionally and without further debate or discussion. In some instances the Chair may require the offending member to tender an apology if the expression used is of such a nature that a mere withdrawal is not enough an apology is required. This is done at the discretion of the presiding officer, taking into account the prevailing circumstances during which the offending remark was used.	25/06/09
16.	Wearing of cap in the House	Ruling by Speaker	The provision the hon member was referring to was removed from the Standing Rules and the hon members Hartnick could address the House wearing a cap.	25/06/09
17.	Unparliamentary	Member raised a point of order whether	Speaker ruled remark unparliamentary member ordered to	25/06/09

	remark "the chappie with the 'dik bril'	it is parliamentary to refer to hon members as "chappie with the "dik bril""	withdraw and apologise	
18.	Order in the House	General remark by the Speaker	Members are allowed to interject, but those interjections should not become running commentaries	26/06/09
19.	Comments regarding an official who cannot defend himself in the House	Member raised a point of order whether a member is allowed to reflect upon officials	Speaker ruled the House is not a decision making body in regard to the issue and the hon member is allowed to speak on the issue	26/06/09
20.	Unparliamentary remark "happy chappies"	Member raised a point of order whether it is parliamentary to refer to hon members as: happy chappies"	Speaker ruled remark unparliamentary and member ordered to withdraw remark.	26/06/09
21.	Unparliamentary remark "go and visit a vet"	Member raised a point of order whether it is parliamentary say that a member must "go and visit a vet"	Deputy Speaker ruled that remark is not unparliamentary	26/06/09
22.	Unparliamentary remark " You know better than to talk that sort of crap"	Ruling by Speaker	Speaker ruled that the verbatim Hansard report did not capture such words being used by any hon member in the House during the debate. I am therefore not in a position to rule on utterances that cannot be traced by the report.	04/08/09
23.	Running Commentary	General remark by the Speaker	Members should not engage in running commentary	18/08/09
24.	Unparliamentary Statement "deliberately misleading the House"	Ruling by Speaker	Speaker ruled that the freedom of speech members enjoy in the House, member should protect fellow members against negative reflection upon their integrity and character. Unless it is through a substantive motion, a member cannot make allegations that another member is deliberately misleading the House. Member ordered to withdraw the word deliberately.	25/08/09
25.	Unparliamentary remark : " Was this the best you can do? You are turning this place into a Bantustan"	Ruling by Speaker	Unparliamentary statements, whether directed to a specific Member or not, will always remain unparliamentary. Statements become unparliamentary when they are considered in their totality, looking at the words used and the context in which they were made. Speaker ruled that the comment made by the Hon member was inappropriate and not in order of the House, and I request the Hon member to withdraw the comment and apologise.	25/08/09
26.	Unparliamentary	Ruling by Speaker	Speaker ruled that from the tape that the Hon the Premier	25/08/09

	remark accusing a member of "corruption and nepotism"		did take a pause between the two sentences, and that this was a quotation as she alleged. I therefore rule that the Hon the Premier's quotation cannot be construed as accusing the Hon member Ozinsky of corruption and nepotism, and can therefore not be ruled as unparliamentary.	
27.	Unparliamentary Language " He is a joke"	Ruling by Speaker	Speaker ruled that not any hon member withdraw the remark, but appealed to all members not touse words which, when received by another hon memmer, might be taken as a reflection on the intergrity of an hon member and would seriously undermine members in their performance of their duties.	08/09/09
28.	Running Commentary	General remark by the Speaker	Members should refrain from running commentary	08/09/09
29.	Rule of anticipation	Member raised a point of order whether the statement will not be allowed because of the rule of anticipation	Speaker ruled that the statement will not be allowed because the debate regarding the topic is in the Order Paper. Member ordered to withdraw statement	08/09/09
30.	Running Commentary	General remark by the Speaker	Members should refrain from running commentary	13/10/09
31.	Unparliamentary remark 'Jy is 'n rasisis"	Member raised a point of order whether it is parliamentary to refer to another hon member as "jy is 'n rassis"	Deputy Speaker ruled the remark unparliamentary , member ordered to withdraw and apologise	20/10.09
32.	Running Commentary	General remark by the Speaker	Members should refrain from running commentary	20/10/09
33.	Rule of anticipation	Member raised a point of order whether the statement will not be allowed because of the rule of anticipation	Speaker ruled that the statement will not be allowed because the motion appears on the Order Paper. Member ordered to withdraw statement	27/10/09
34.	Unparliamentary remark " the hon Premier is becoming a joke"	Speakers ruling	Speaker could not rule on this as the remark was not captured by Hansard	03/11/09
35.	Rule of anticipation	Member raised a point of order whether the statement will be allowed because of the rule of anticipation	Speaker ruled that the statement will not be allowed because the motion appears on the Order Paper. Member ordered to withdraw statement	03/11/09
36	Unparliamentary remark "Oh God"	Member raised a point of order whether it is parliamentary to use the words "Oh	Speaker ruled that id an explanation is required and a hon member gives a reasonable explanation, it is accepted in	03/11/09

		God”	good faith. The hon member indicated that if hon members felt offended she withdrew it.	