
FRIDAY, 20 JANUARY 2015

The House met at 10:30

National Anthem rendered by Ms Astrid Joseph.

The Speaker took the Chair and read the prayer.

The SPEAKER: Order! [Interjections.] Order, order please, hon members.

I have to announce that in terms of Rule 14 of the Standing Rules, today 20th of February 2015 at 10:30 as being determined as the date and time for the Premier's State of the Province Address. I now afford the honourable Premier the opportunity to address the House on this occasion. Hon Premier.

Mr P UYS: Hon Speaker, I rise on a point of order. May I address you, Madam Speaker?

The SPEAKER: You may proceed.

Mr P UYS: Thank you very much, Madam Speaker.

I will not be long but it is important that I properly address you. I address you

concerning a decision, actually a ruling of the Speaker by this House, and at the time it was the Deputy Speaker on the 4th of December 2014 that he delivered in this House. That ruling and decision by the Deputy Speaker as reflected in the official Hansard was the following, and that was:

“...that the portion of the ruling related to the racism part be placed on review and that we request the Judge President to nominate a Judge to adjudicate on the correctness or otherwise of the ruling...”

This was the ruling and the decision that was supported by everyone in this House; all political parties. So Madam Speaker, the ruling by the Judge was to adjudicate on the question by hon member Mr Fransman and I just would like to refer to that specific one, otherwise we would not be in a position to put that into the necessary perspective.

At the meeting of the 2nd of December there was a question asked by hon member Mr Fransman to the Premier, and the question was the following. Hon member Mr Fransman asked the Premier:

“Did I hear correctly that the Premier is saying that the reason why they have only 5% to black procurement in road infrastructure is because black contractors...”

The SPEAKER: Hon member Mr Uys, may I address you?

Mr P UYS: I am still addressing, I am still speaking... [Interjection.]

The SPEAKER: You are on a point of ... [Interjection.]

An HON MEMBER: He is not finished.

Ms M N GILLION: He is not finished.

Mr P UYS: I am still speaking, Madam Speaker... [Interjection.]

Mr Q R DYANTYI: He has not finished yet, Madam Speaker.

Mr P UYS: I have not concluded yet. Thank you very much. I must refer you to Rule 51, the right to speak, thank you. [Interjections.]

The SPEAKER: I understand Rule 51 but it is a point of order or are you making a statement?

Mr P UYS: I am making a point of order... [Interjections.] ...and I am busy with that point of order, Madam Speaker. [Interjections.]

Ms M N GILLION: It is a point of order.

Mr P UYS: I will have to start again with that, Madam Speaker.

Mr M N PAULSEN: Madam Speaker, Madam Speaker... [Interjection.]

Mr P UYS: Madam Speaker, I am busy with the point of order so it cannot be interrupted by another point of order.

The SPEAKER: Hon member Mr Paulsen, the honourable... [Interjection.]

Mr M N PAULSEN: Madam Speaker, I would like to know for the benefit of this House under which rule is that point of order being raised?

The SPEAKER: Hon member Mr Paulsen, hon member Mr Paulsen...

Mr M N PAULSEN: Under which rule?

The SPEAKER: Hon member Mr Paulsen, take your seat! [Interjections.] The hon member Mr Uys is on the floor. [Interjections.]

An HON MEMBER: Read your rules.

An HON MEMBER: Do not come here [Inaudible.] Read your rules.

Mr P UYS: Thank you very much for that, Madam Speaker. [Interjections.]

The SPEAKER: You may proceed, hon member Mr Uys. Hon members, order! There is a speaker on the floor. Order please. You may proceed hon member Mr Uys.

Mr P UYS: Thank you very much Madam Speaker. I again reflect on the 2nd of December 2014 and there hon member Mr Fransman asked the Premier:

“Did I hear correctly that the Premier is saying that the reason why they have only 5% black procurement in road infrastructure is because black contractors are not able to build proper roads and it is only white contractors who can do so?”

And that was then consequently the ruling that was changed. That period of time, and that was 1 to 5 December, as you will recall, you were on leave in the UK so the Deputy Speaker took that specific chair. On your return you have behind closed doors suspended this decision and ruling, which you have not... [Interjection.]

Mr M G E WILEY: Madam Speaker... [Interjection.]

The SPEAKER: Sorry, is it a point of order, member? [Interjections.]

An HON MEMBER: Sit down hon member Mr Wiley.

Mr S G TYATYAM: He is just taking a chance.

Ms C F BEERWINKEL: Sit down, hon member Mr Wiley.

Mr M G E WILEY: Madam Speaker, the hon member has the right to a point of order.

However, he is discussing the merits of his argument. [Interjections.]

Mr S G TYATYAM: It is a substantial point of order. [Interjections.]

Mr M G E WILEY: He does not have that right to expand to the extent that he has.
[Interjections.]

Mnr Q R DYANTYI: Sit asseblief!

The SPEAKER: Hon member Mr Wiley... [Interjection.]

Mr M G E WILEY: He is entitled to have his point of order. [Interjections.]

Mnr Q R DYANTYI: Sit asseblief! [Interjections.]

The SPEAKER: Hon members, hon member Mr Dyantyi, remain calm.

Mr Q R DYANTYI: I am calm.

The SPEAKER: Let us maintain our dignity and composure. Hon member Mr Uys is expanding on a matter. I will allow him the opportunity. You may proceed.

Ms M N GILLION: Thank you Madam Speaker.

Mr P UYS: Thank you very much Madam Speaker. On your return after the 5th and the

last sitting day as you will recall was the 4th of December, and on the 4th of December that was the day that the Deputy Speaker, fully acting as Speaker, made the ruling of this House with the full consent of this House and all political parties, but then you arrived and you got back Madam Speaker, and behind closed doors you suspended this ruling and this decision taken by this House, which you are not entitled to do, and replace an independent Judge - because that was the ruling - with a political committee, the Rules Committee, where your party the DA held the majority. So it is very clear what is happening here, Madam Speaker. The ruling was referred to the Judge President. You decided: "No, it is going to be too dangerous for the DA to go this route. There might be a ruling against us..." So you, Madam Speaker, decided: "I am not going to Honour the ruling and the decision of the House while I was absent. I am going to refer it to the Rules Committee..." And the Rules Committee as we know, is a political party committee with your party, the DA, as the majority.

We are now dealing with a ruling and what is very important here Madam Speaker, is you are referring now, in terms of your letter that I received, a ruling to the Rules Committee, but a ruling is there for the Speaker to be made. The Rules Committee makes rules. The Rules Committee do not make rulings and therefore it is wrong of you to refer a ruling, a decision that was made already. But we were horrified to hear this and you did not inform us. I had to enquire, ask to be given me a copy of the letter that went off to the Judge President, in good faith, because that was what you were supposed to do. I enquired informally: "No sorry, the Speaker is on leave, the Deputy Speaker is on leave."

I formally enquired, and then only, Madam Speaker, I received a letter from you

saying you referred this to the Rules Committee. It is totally in bad faith. It is unconstitutional. It is illegal from your side to do exactly that and it is frustrating the House and of course it is blocking the implementation of a ruling and a decision that was taken by this House. I do not know how you can come back from leave, to this whole House except the Premier who was not present, because she left after she had to withdraw following the ruling on her...

An HON MEMBER: She left the House.

Mr P UYS: You came back and unanimously you decided what to do; totally wrong! Refer it to the wrong committee, which you cannot do and you just ignore this House as if it does not exist. [Interjections.]

Today we demand that you undertake and commit that you implement that ruling and that you withdraw the letter where you state that this is going to be referred to the Rules Committee.

Thank you Madam Speaker.

The SPEAKER: Thank you hon member Mr Uys. I think it is appropriate, you have stated the background and the case. I think there are two points of fact. I was in the UK. I was not on leave. I was attending an international inter-parliamentary conference. I think that is the first thing, and then secondly there were no dealings behind closed doors and allow me at this stage, members, I have allowed the member a point of order. I think it is appropriate to allow me the opportunity to speak. We

need to note though that the order of business today is the State of the Province Address, but allow me to proceed.

During the debate on the 4th of December 2014 certain members of the ANC did not heed the call from the Presiding Officer to withdraw certain statements leading to a procedural impasse in the House... [Interjections.]

An HON MEMBER: Who prepared the statement?

The SPEAKER: Business was suspended for a while... [Interjections.]

An HON MEMBER: A prepared speech... [Interjections.]

The SPEAKER: Business was suspended... allow me to speak. We are at the point of order, members. While on resumption the Deputy Speaker announced that an agreement had been reached with the leader of government business, Leader of the Opposition who is watching me, and the Chief Whips of the DA and the ANC respectively, to place the rulings made by him earlier that day on review and that the Judge President nominates a Judge to adjudicate on the correctness or otherwise.

On the 3rd of February 2015 the Chief Whip of the ANC enquired in writing if such an application had been made and I informed him that although I appreciated the agreement reached in good faith was an honest attempt by those involved to resolve a procedural impasse, I had serious reservations, backed by solid legal advice, on the appropriateness of the intended course of action. [Interjections.]

Hold on members; on the intended course of action, where an internal dispute of this nature was referred to a Judge for adjudication before all the internal remedies had been exhausted. [Interjection.] Hence my decision to refer the matter to the Rules Committee for consideration and report.

Now my reasons to not refer the matter to the Western Cape High Court:

Firstly, the uniform rules of the Court do not provide for a procedure that the parties had agreed to.

Secondly it is not competent for parties to create the procedure to suit their own needs.

Thirdly, the uniform rules of the Court do not make provision for parties to directly approach the Judge President to nominate a Judge to review a decision or ruling.

Fourthly, should the terms of the agreement be followed the Western Cape Provincial Parliament, which is all of us, will not be able to show to the court that it has exhausted all internal remedies and that the matter is ripe for hearing and that it would be premature for a person to approach a court to review a ruling by a Presiding Officer before the House had an opportunity to deal with the ruling and exercise its overriding authority on the matter. Only when the House has expressed itself on the matter can the High Court be approached as provided for in the uniform rules of conduct.

In conclusion I want you to note, I am not expressing myself on the correctness or otherwise of the ruling by the Deputy Speaker, nor am I disputing the attempts by the parties concerned to reach an amicable solution to a procedural impasse. However, as Speaker it is incumbent on me to ensure that our processes and procedures are fair and based on sound procedural and legal principles and will not do anything that may compromise the integrity of the Western Cape Provincial Parliament.

Having said that, any person or party is of course free to make an application to the court to have the ruling in question reviewed. Thank you.

May we now proceed with the business of the day.

Mr P UYS: Madam Speaker... [Interjection.]

The SPEAKER: Hon member Mr Wiley first. Take your seat, hon member Mr Uys.
Hon member Mr Wiley.

Mr M G E WILEY: Thank you Madam Speaker, I want to refer you to the orders of the House, paragraph 58:

“Reflections upon decisions: No member may reflect upon any decision of the House taken less than six months previously, except for the purpose of moving that the decision be amended or rescinded.”

I would like to argue that in fact this debate, if it continues, is in contravention of

Rule 58. [Interjections.]

The SPEAKER: Thank you Chief Whip Mr Wiley. Hon member Mr Uys, take your seat please. I am speaking. We have had an opportunity to listen to a point of order. I have responded appropriately to that point of order. There is a Rules Committee scheduled for the 26th of February and I do not think that we will proceed on this line. We will proceed with the order of business for the day. Hon Premier, I recognise you.

Mr S G TYATYAM: No, no, no, order, no, no.

An HON MEMBER: No.

Ms M N GILLION: You are suppressing us.

The SPEAKER: Hon member Mr Uys.

An HON MEMBER: You are suppressing us.

The SPEAKER: Your point of order?

Mr P UYS: I will have to respond to what you said and I will be very brief, Madam Speaker. [Interjections.] I will have to. [Interjections.] I will have to. You were not here, Madam Speaker. [Interjections.] You were not here. I will have to and it will be very brief.

The SPEAKER: Hon member Mr Uys.

Mr P UYS: Because what is important here is that hon member Mr Wiley reflected on Rule 58 and Rule 58 is saying: “Reflection upon decisions”, and this is actually a very important one that he raised here.

The SPEAKER: Absolutely.

Mr P UYS: And I am sure you caucused it before the time. “No member may reflect upon any decision of the House taken less than six months...” meaning there was a decision of this House taken. [Interjections.]

There was a decision taken on the 4th of December. So you are not even allowed to reflect on it. You must implement it. That is the important issue here, Madam Speaker; nothing else, but I want to get to the court and the rules. You said... [Interjections.]

Mr M G E WILEY: Member, sit down!

Mr P UYS: No, I am still busy.

An HON MEMBER: Sit down, Wiley.

Mr P UYS: No, no, no, sit, I listened to you. [Interjections.]

An HON MEMBER: Sit! [Interjections.]

An HON MEMBER: You have not been [Inaudible.]

Mr P UYS: Madam Speaker, if there was a problem at the court, a simple letter to the Judge President as agreed would have already been in opposition taking it... [Interjection.]

Mr C M DUGMORE: On a point of order, on a point of order.

The SPEAKER: The member is speaking, hon member Mr Uys.

Mr C M DUGMORE: A point of order, it is a point of order.

The SPEAKER: Is it a point of order.

An HON MEMBER: No man! [Interjections.]

Mr C M DUGMORE: A point of order, Madam Speaker, can you make a ruling, our honourable member... [Interjections.]

The SPEAKER: The member is on the floor. Hon member Mr Wiley, please take your seat.

Mr C M DUGMORE: That member is standing and that is not correct. There is one member on the floor. [Interjections.]

Mr P UYS: Thank you Madam Speaker. You pre-empted what the Judge President will say.

An HON MEMBER: Yes.

Mr P UYS: If the Judge President would say “Madam Speaker, this is not within my domain”, that is in order, but you decided for the Judge President by not sending it off and it is wrong, but secondly, you said this is to suit our own needs. We are in the minority here. The own needs we agreed on as the House in your absence, Madam Speaker. Now you come back and you were on leave. You were on leave, you were, of course... [Interjection.]

The SPEAKER: I was on official duty.

Mr P UYS: Was it study leave, but you were on leave, hey.

The SPEAKER: I was on official duty.

Mr P UYS: Ja, ja.

An HON MEMBER: Study leave.

Mr P UYS: You came back ... [Interjection)

The SPEAKER: Hon member Mr Uys... [Interjection.]

Mr P UYS: ...against the total House... [Interjection.]

Mr M G E WILEY: Madam Speaker, I rise on a point of order.

The SPEAKER: Let us just get ... hon member Mr Wiley, please take your seat. A point of order needs to be related to a procedural matter. What we are now doing, we are now entering into the merits of the matter. You raised a point of order. I responded on that point of order. We cannot debate the point of order raised so the matter has been referred to the Rules Committee... [Interjection.]

Mr S G TYATYAM: No, no, no!

The SPEAKER: ...and that will be the platform where we will discuss it.

Mr S G TYATYAM: No Madam Speaker... [Interjection.]

The SPEAKER: So I have provided guidance, hon member Mr Tyatyam... [Interjection.]

Mr S G TYATYAM: No, can I ask an order.

The SPEAKER: Hon member Mr Tyatyam I provided guidance.

Mr S G TYATYAM: No, can I ask an order, Madam Speaker, I really...
[Interjections.]

The SPEAKER: Hon member Mr Tyatyam!

Mr S G TYATYAM: No, can I ask an order, because now what you are actually doing is you are becoming partisan now.

The SPEAKER: No, I am not.

Mr S G TYATYAM: No wait! Wait!

The SPEAKER: Hon member Mr Tyatyam... [Interjection.]

Mr S G TYATYAM: No, no, let me give you my order, Chair, so that you can decide.
[Interjections.]

The SPEAKER: Sorry hon member Mr Tyatyam, take your seat please. [Interjections.]
I cannot have a member stand and tell me that I am partial in terms of my role here.

Mr S G TYATYAM: No you are partial.

The SPEAKER: No, no.

An HON MEMBER: You are, you are!

The SPEAKER: No, members, let me draw your attention... [Interjections.] Hold on. Let me draw your attention to the fact that the reason for this referral is a procedural one.

An HON MEMBER: No!

The SPEAKER: It is not based on the ruling and I think that is the part that we are missing, so let us accept that we will do that at the Rules Committee.

Mr S G TYATYAM: Let us correct you as the House, because this was not only a party decision outside. It was the House and we need to correct you as the House.

The SPEAKER: Hon member Mr Tyatyam. [Interjection.]

Mr S G TYATYAM: There is a decision, all of them they agreed. You cannot come as... [Interjection.]

Ms M N GILLION: It was in the House.

Mr S G TYATYAM: The House agreed on the decision that we must refer the matter. We cannot only respect your intellect. We, all of us in the House, have agreed, unless you are undermining our intellect as the House and our decision as the House. [Interjections.]

The SPEAKER: Hon member Mr Tyatyam. [Interjection.]

Mr S G TYATYAM: ...to make decisions.

The SPEAKER: Sorry. May I just and I would ask you to take your seat. The Rules Committee is a representative of this House.

Ms M N GILLION: It is not [Inaudible.]

The SPEAKER: This is a democracy. You cannot stand and say I am taking a side. I am indicating that in order to make sure that procedurally we follow the process we have to exhaust all internal remedies. [Interjections.]

An HON MEMBER: No!

The SPEAKER: Now at the cost [Interjection.] Hold on - at the cost of this matter, at the cost of this becoming an issue, I am going to suspend. I am now going to suspend the House and I am going to ask for the two Chief Whips to meet me in my Chamber so that we can discuss this matter.

An HON MEMBER: Not again!

The SPEAKER: Thank you. [Interjections.]

Mr S G TYATYAM: We want to discuss the issue here, Madam Speaker.

[Interjections.]

Ms M N GILLION: ...serious.

Mr S G TYATYAM: At least we do not walk out.

[Business was suspended at 10:55 and resumed at 11:24]

The SPEAKER: Please be seated. Order, members! During the break I consulted with the two Chief Whips on the points of order raised. I have made my position clear and we will now proceed with the Order of the Day. I recognise the Premier. Hon member Mr Dugmore?

Mr C M DUGMORE: Thank you, Madam Speaker. Given your ruling that you have just conveyed to the House, it is clear that your conduct is partial, biased and that it would not be appropriate for you to continue as the Chair of this particular session. We therefore would like to request, for the sake of order in this House, and that is the Rule under which I rise, that you vacate the seat and allow the Deputy Speaker to chair the rest of the session so that we can get on and listen to the Premier, but your presence here reflects unfortunate bias and has undermined the dignity of this House.

The SPEAKER: Hon member Mr Dugmore, I wish to draw your attention to Standing Rule 60, which spells out the procedure to deal with the conduct and competence of a holder of an office, whose removal of such office is dependent on a decision of the House. I am therefore not going to entertain any comment on such a subject today but

will gladly participate in such a debate, if and when the time comes. You may proceed Madam Premier. [Interjections.]

Mr S G TYATYAM: Madam Speaker ... [Interjections.]

The SPEAKER: Order, members! [Interjections.] Hon members! [Interjections.] Hon members! Order please, order! Hon member Mr Fransman, if the points of order - if I can just make this clear. If your points of order are going to pertain to the same matter we already discussed I am not going to entertain any more points of order on that matter.

Mr M L FRANSMAN: Madam Speaker?

The SPEAKER: Yes.

Mr M L FRANSMAN: We have just received a complaint that the live feed [Laughter.] to Parliament has been cut by the Premier. [Interjections.] Is it so that the live feed to Parliament is suddenly off? Can we actually get clarity from the Speaker. [Interjections.]

The SPEAKER: We can still speak. There we are. There we are. We are still talking to each other. Members ... [Interjections.] Sorry, there is a member on the floor. Hon member Mr Wiley?

Mr M G E WILEY: Madam Speaker, it is quite apparent that the ANC is determined to

disrupt this House and I refer to ... [Interjections.]

The SPEAKER: Order, please members! There is a member on the floor. Order, please.

An HON MEMBER: It is a point of order.

An HON MEMBER: There is no disruption.

Mr M G E WILEY: I refer you to Rule 44 of this House: that if a Presiding Officer is of the opinion that a member is deliberately contravening a provision of these rules; or that a member is in contempt of; or is disregarding the authority the Chair; or that a member's conduct is grossly disorderly; he or she may order that member to withdraw immediately from the Chamber for the remainder of the day's sitting. [Interjections.]
I put it to you ... [Interjections.]

The SPEAKER: Order, members! Order!

Mr M G E WILEY: I put it to you Madam Speaker, that you have ruled on two issues here and on each of those issues the ANC has ignored your ruling and raised in protest and on frivolous points of order, which is now repetitive, which is also in contravention of the rules and I ask that you now rule with regard to withdrawal.

Mr M L FRANSMAN: Madam Speaker, I address you on the point that I have raised ... [Interjection.]

The SPEAKER: I am just ... [Interjection.]

Mr M L FRANSMAN: I need a response on that.

The SPEAKER: I am not aware of any live feed being cut ... [Inaudible.]

Mr M L FRANSMAN: Now, can we get clarity because it is so that the live feed from this Legislature to the Parliamentary TV channels has been cut and the Premier has apparently said that they can watch later, so we need clarity on this. [Interjections.] This is in fact fundamental. [Laughter.][Interjections.] No, no, this is real.

The SPEAKER: Order, please members! Order!

Mr M L FRANSMAN: We need clarity, Madam Speaker.

The SPEAKER: Order. [Interjections.] Hon ...

Mr P UYS: I just want to explain, Madam Speaker, because the members are all referring to the television. It is live inside here but the feed has been cut going out of the Legislature [Interjections.]

The SPEAKER: Hon member Mr Uys; members, I have asked an official to follow up so that we can provide the House with clarity. I, though, am not aware of the live feed being cut. [Interjection.]

I have just been informed that there is no cut. It is definitely going out live. Sorry, hon member Mr Fransman.

Mr M L FRANSMAN: Madam Speaker, it is reactivated. [Interjections.]

The SPEAKER: No, it has not been reactivated. [Interjections.] Order, members! Order! Order! Hon members, order please. Order! Can you take your seat please. Hon members, we need to get on with the business of the day please. It is clear that there is a concerted effort to delay the Premier's address. I therefore now see the Premier.

Mr S G TYATYAM: Order, order Chair. Madam Speaker, I just want to state from the beginning that as the ANC we are not [Inaudible.] [Interjections.]

The SPEAKER: What is the [Inaudible.]?

Mr S G TYATYAM: Chair, it is in relation to the issue at stake.

The SPEAKER: We have agreed ... [Interjection.]

Mr S G TYATYAM: The issue at stake.

The SPEAKER: Hon member Mr Tyatyam, we have agreed ... [Interjection.]

Mr S G TYATYAM: Yes, I am getting there. I will explain Chair. I am getting there.
The issue at stake is that a decision by this ... [Interjection.]

The SPEAKER: Hon member Mr Tyatyam, we have had that discussion.
Unfortunately I have ruled that we will not entertain that matter. Kindly take your
seat please.

Mr S G TYATYAM: Madam Speaker.

The SPEAKER: Take your seat please.

Mr S G TYATYAM: Madam Speaker, please.

The SPEAKER: Take your seat please. I am not entertaining that matter on a point of
order. Thank you.

Mr S G TYATYAM: Madam Speaker, with due respect ... [Interjection.]

The SPEAKER: I hear you. I am asking you to take your seat please, hon member.

Mr S G TYATYAM: Can you allow me to address you on this matter?

The SPEAKER: I have addressed the matter with the Chief Whip, who indicated that
he would come and speak to his ... [Interjection.]

Mr S G TYATYAM: You said with your own mouth that you told them what you were intending to do.

The SPEAKER: Well I have told the entire House.

Mr S G TYATYAM: You did not engage them on the nature and merits and demerits of the issue. That is what ... [Interjection.]

The SPEAKER: Hon member ... [Interjection.]

Mr S G TYATYAM: You just told this House that all you did was inform them what you intend to do and now you seem to be bulldozing and saying the same thing that you did ... [Interjection.]

The SPEAKER: Hon member, please take your seat.

Mr S G TYATYAM: We cannot allow that in this House.

The SPEAKER: Please take your seat. Hon members, allow me to address you. You have the right in terms of freedom of speech. We have had an opportunity to discuss the matter. I shared my opinion with the Chief Whips and they both understood and accepted that. Hon member Mr Uys made ... [Interjections.] No, no. Hold on. Hon member Mr Uys made the point on what the ANC's stand is and I said to him; "Hon member Mr Uys, you do as your caucus has instructed you." I will not deviate from what I said earlier because it would not be incumbent of me. I would not be doing my

job if I take a matter to a Judge without having dealt with it. So we are not going to discuss it.

Mr S G TYATYAM: You do not have ... [Interjection.]

The SPEAKER: No, I do not.

Mr S G TYATYAM: You do not have the job of undermining decisions we take.

The SPEAKER: I am not.

Mr S G TYATYAM: You preside ... [Interjection.]

The SPEAKER: Hon members ... [Interjection.]

Mr S G TYATYAM: Your role is to preside on the issues that we are dealing with in the House.

The SPEAKER: Hon member Mr Tyatyam, I respect your point of order but I am also asking you now that you respect me in this chair as the Presiding Officer. I have made a decision and I am asking that we respect each other and that we allow the Premier to speak. [Interjection.] If you wish to disrupt proceedings ... [Interjections.] Please, hon members, I am appealing to your conscience ... [Interjection.]

Mr S G TYATYAM: You cannot be partisan and expect us ... [Interjection.]

The SPEAKER: No, no!

Mr S G TYATYAM: ... and expect us to be quiet.

The SPEAKER: No, no!

Ms M N GILLION: No, Madam Speaker.

Mr S G TYATYAM: You are partisan.

The SPEAKER: Hon members, I cannot [Interjection.]

Mr S G TYATYAM: You want to change the rules in this House alone. It cannot be.

The SPEAKER: We are not ... [Interjection.]

Mr S G TYATYAM: You cannot change ... [Interjection.]

The SPEAKER: Hon member Mr Tyatyam ... [Interjection.]

Mr S G TYATYAM: You cannot change Rule 58.

The SPEAKER: Hon member Mr Tyatyam, as the Speaker, I can take a rule to the Rules Committee. I can.

Mr S G TYATYAM: No. No!

The SPEAKER: I can and I think ... [Interjection.]

Mr S G TYATYAM: The decision of the House was you must refer the matter to a Judge.

The SPEAKER: Hon members ... [Interjection.]

Mr S G TYATYAM: You cannot tell us when you are changing alone.

The SPEAKER: Hon members ... [Interjections.] We have made a decision. The matter will go to the Rules Committee ... [Interjection.]

Mr S G TYATYAM: Do not say we have made any decision. We have not made any decision ... [Interjection.]

The SPEAKER: The House ... [Interjection.]

Mr S G TYATYAM: You made the decision alone.

The SPEAKER: The House has made the decision. The matter has been referred to ... [Interjection.]

Mr S G TYATYAM: No!

The SPEAKER: Hon members, in a democracy - understand the matter has been referred to the Rules Committee which represents ... [Interjection.]

Mr S G TYATYAM: By who?

Mr M G E WILEY: Madam Speaker?

Mr S G TYATYAM: The House said the matter must be referred to the Judge.

The SPEAKER: Hon member Mr Tyatyam, on a point of order, please. I am not going to entertain any more points in terms of that conversation. Hon member Mr Wiley, you were on the floor. Please take your seat, hon member Mr Tyatyam.

Ms M N GILLION: Madam Speaker, can I address you?

The SPEAKER: There is a member on the floor. Please take your seat.

Mr M G E WILEY: Madam Speaker, the behaviour on the other side of the House is [Inaudible.] the rules with regards to their contempt of rulings of the House. I have already alluded to it. I also now want to refer you to Act 4 of 2004 - Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act of 2004, Paragraph 13, covering conduct constituting contempt.

A member is guilty of contempt of Parliament if the member wilfully fails or refuses to obey any rule, order or resolution of the House or Houses; commits an act which in terms of the Standing Rules constitutes contempt of Parliament, a breach or abuse of Parliamentary privilege.

I think there is ample evidence that this has happened now and I ask that you rule and name members and if necessary suspend members so that we can get on with the Order of the Day.

The SPEAKER: Thank you, hon member Mr Wiley. Hon member Ms Davids, first hon member Mr Fransman.

Ms M N GILLION: Madam Speaker, member Gillion.

The SPEAKER: Hon member Ms Gillion.

Ms M N GILLION: Thank you.

An HON MEMBER: Honourable.

The SPEAKER: Honourable member Ms Gillion.

Ms M N GILLION: Yes, thank you. Madam Speaker, I ask if I can address you as an honourable member in this House? Am I allowed?

The SPEAKER: Yes, you are.

Ms M N GILLION: Thank you. Madam Speaker, you are going against a ruling of the Legislature [Interjections.] and you are pre-empting the outcome of a Judge President ruling. I want to concur with the hon member Mr Dugmore that you excuse yourself from that seat. It is no good that we want to show the world that in the National Assembly the Speaker of the African National Congress is not doing her job but in this House you are portraying in the media all that you are doing here today. So, Madam Speaker, we are asking you to ... [Interjections.]

The SPEAKER: Order, hon members! There is a member on the floor please.

Ms M N GILLION: Your Deputy Speaker, in your absence, made a ruling in this House. Now, you as the Speaker, is changing the rule within this Legislature.

An HON MEMBER: What rule?

Ms M N GILLION: What authority are you doing that on Madam Speaker?

The SPEAKER: Order! Hon member Mr Wiley, please take your seat. Hon members, I have dealt with this matter earlier. If you pass a reflection on the Speaker, you need to do so by way of a substantive motion and I have not received such a motion so I cannot accede to your request. So unfortunately for this proceeding, I will stay in this Chair and I am going to ask the Premier to proceed because I have ruled that we will not entertain any matters in terms of both the previous conversations.

You may proceed, hon Premier.

The PREMIER: Thank you, hon Speaker. [Interjections.] Hon members of the Provincial Cabinet; Honourable Mayor of Cape Town ... [Interjection.]

Mr P UYS: On a point of order, Madam Speaker. I just want to explain that ... [Interjection.]

The SPEAKER: Hon member Mr Uys, your point of order, does it relate to either of the two points I have ruled on? If it is I am not going to entertain it. I have said that.

Mr P UYS: No. I just want to clarify Madam Speaker. You said there must be a substantial motion.

The SPEAKER: The Rules require it.

Mr P UYS: You misunderstood the appeal to you. Without a substantial motion, you can voluntarily leave.

The SPEAKER: Hon member Mr Uys... [Interjection.]

Mr P UYS: You can voluntarily leave your seat.

The SPEAKER: Hon member Mr Uys, we have dealt with that on a point of order. Hon Premier, you may proceed.

Mr M L FRANSMAN: Madam Speaker?

The SPEAKER: Hon member Mr Fransman?

Mr M L FRANSMAN: Madam Speaker, the fundamental issue in front of this House at this point is the fact that the Speaker came in and in less than a few weeks overruled, unilaterally, a decision ... [Interjection.] No, no, no.

The SPEAKER: Hon member Mr Fransman.

Mr M L FRANSMAN: On a point of order.

The SPEAKER: Hon member Mr Fransman, I have made a ruling that we will not entertain matters on those two – take your seat please.

Mr M L FRANSMAN: Madam Speaker ... [Interjection.]

The SPEAKER: Take your seat please.

Mr M L FRANSMAN: Madam Speaker ... [Interjection.]

The SPEAKER: Take your seat please.

Mr M L FRANSMAN: I am making a point of order on Rule 58.

The SPEAKER: We are not dealing with the points of order. We have dealt with them. We will not entertain any further points of order.

Mr M L FRANSMAN: Madam Speaker, are you saying that we must agree on a unilateral decision that you have taken to take it out of the referral back into an instruction that you just give. Is that what you are saying?

The SPEAKER: Hon member Mr Fransman, I am not going to respond to your request. I have ruled on a point of order. I will not entertain any more matters regarding those two so will you kindly take your seat please.

Mr M L FRANSMAN: Madam Speaker, that would be ... [Interjection.]

The SPEAKER: Can I, before you go ... [Interjection.]

Mr M L FRANSMAN: That would be an illegal instruction from you, Madam Speaker.

The SPEAKER: To ask you to take your seat?

Mr M L FRANSMAN: It is unilateral. It is illegal because you actually now have just decided to change a decision of the House of less than a few weeks ago.

The SPEAKER: Honourable member Mr Fransman, we have a Rules Committee

meeting on 26 February where it will be deliberated.

Mr M L FRANSMAN: But you have already given an instruction.

The SPEAKER: Kindly take your seat, please.

Mr M L FRANSMAN: Madam Speaker, Madam Speaker.

The SPEAKER: You are disregarding the authority of the Chair.

Mr M L FRANSMAN: Madam Speaker, it would be illegal for you to refer it to the Rules Committee. That is the point.

The SPEAKER: Hon member Mr Fransman, you have been given recourse in terms of what the options available to you are. I have said at the end of my guidance that I provided, should you not be happy with my decision to take the matter to the Rules Committee, you may proceed to court if you so desire. Unfortunately we are not going to entertain that matter any further today. I have ruled on it and I am asking you to respect my ruling and to respect the Chair. I would like to quote President Zuma yesterday in his response where our President [Interjection.]

Mr M L FRANSMAN: Ah, well done, well done, well done.

The SPEAKER: ...our President, where he said we all have responsibilities. Please be seated, I am speaking. [Interjections.] We all have a responsibility to make Parliament

work. We need to preserve the dignity of Parliament. That is what our President said.

[Interjections.]

Hon members I am appealing to you, let us preserve the dignity and decorum of this House. Hon member Mr Fransman, take your seat. Hon member Mr Uys is on the floor.

Mr P UYS: Madam Speaker, thank you very much and thanks for that quote, but my question to you will be [Laughter.] My question to you would be, why did you as Speaker, invited as Speaker, walk out of the National Assembly without the President concluding his speech? [Interjections.]

An HON MEMBER: Yes, yes.

The SPEAKER: Sorry, members, hon member Mr Uys now requires a response. When I stood in front of Judge Hlope on the 21st of May last year I swore an oath to the Constitution of this country and to the Rules of this Parliament. When I entered the National Assembly a seat away from me were three men armed with firearms like that before the proceedings even began. I was petrified to know that firearms were allowed in Parliament before the President even arrived.

An HON MEMBER: Ja.

The SPEAKER: And as a Speaker, not as a Speaker of the Parliament, as an individual my first duty is to the Constitution. Let me assure you, and secondly, I would not

allow firearms into this Chamber, so why should I legitimise something that does not work for me? So let us not, hon member Mr Uys, go there, but I am telling you, I left there at my own [Interjection.]

Ms M N GILLION: You are the Speaker here.

The SPEAKER: No, I left of my own volition because my personal safety was threatened, my personal safety was threatened. Thank you. [Interjections.]

Mr P UYS: Madam Speaker, I accept that and thanks for the answer, but was it coincidental that you walked out with the DA?

An HON MEMBER: Yes.

The SPEAKER: Hon member Mr Uys, that is not a point of order, and I am not... [Interjections.]

Mr K E MAGAXA: You were entertaining questions; you were entertaining questions.

The SPEAKER: No I am not.

Mr K E MAGAXA: Do not be selective Madam Speaker, when you entertain questions.

The SPEAKER: No-no that is not a point of order.

Mr K E MAGAXA: We have responded to questions, Madam Speaker [Interjection.]

The SPEAKER: I addressed hon member Mr Uys on a very valuable comment which he raised a point of order. I have clarified my position and I must tell you, how would you feel if someone sat next to you with a firearm and he was [Interjection.]

An HON MEMBER: Does the City of Cape Town do that?

The SPEAKER: No members.

An HON MEMBER: Does the City of Cape Town do that?

Mr K E MAGAXA: Then there is a follow-up question to that you have to respond to.

The SPEAKER: No there is no [Interjections.]

Mr K E MAGAXA: Do not be selective.

The SPEAKER: Members there is no follow-up.

Mr K E MAGAXA: Was it coincidental that your respect of your Constitution coincided with the marching out of the DA?

The SPEAKER: I did not march out with the DA.

Ms M N GILLION: You did! [Interjections.]

An HON MEMBER: Madam Speaker, can I rise on a point of order?

The SPEAKER: Okay hon members [Interjection.]

Mr M G E WILEY: Madam Speaker [Interjection.]

An HON MEMBER: A point of order Madam Speaker [Interjections.]

The SPEAKER: Let us not go there.

An HON MEMBER: Order, Madam Speaker, order. Madam Speaker.

The SPEAKER: I am asking you that we continue. Let us just take our time here and let us settle down. We have guests. We have guests who are actually waiting, who are waiting to hear the Premier's State of the Province Address [Interjections.] Kindly allow the Premier to continue with her address.

Mr S G TYATYAM: Just an order, Madam Speaker.

An HON MEMBER: Madam Speaker, can I rise on a question of privilege?

Mr M G E WILEY: Sorry on a point... [Interjections.]

Mr S G TYATYAM: Just an order, Madam Speaker.

The SPEAKER: Hon members, I am not going to be entertaining any more points of order, thank you.

Mr S G TYATYAM: No, no, no, no.

An HON MEMBER: It is a privilege.

Mr S G TYATYAM: There is a rule here.

The SPEAKER: I am not going to be entertaining... [Interjections.]

Mr S G TYATYAM: No there are rules here that... [Interjections.]

An HON MEMBER: There are rules here and you are not going to deny us.

The SPEAKER: We do have rules.

Mr S G TYATYAM: There are rules... [Interjections.]

The SPEAKER: Hon members we do, we do, I agree with you. [Interjection.]

Mr S G TYATYAM: Do you want to change them alone now?

The SPEAKER: No-no we do have rules, but you are not following them.

Mr S G TYATYAM: You have been ruling on them alone; you are changing rules...
[Interjection.]

An HON MEMBER: She is going to change them.

The SPEAKER: Hon members you are not... [Interjections.]

Mr S G TYATYAM: You are changing Rule 58.

The SPEAKER: Hon member Mr Tyatyam, take your seat please. Let me address you.

Mr S G TYATYAM: Yes, I will respect you.

The SPEAKER: Take your seat please.

Mr S G TYATYAM: Do not change the rules.

The SPEAKER: We do have rules, which we cannot apply selectively. [Interjections.]
Now we have had a discussion with the Whips at the back. We had our discussion.
[Interjections.] I stated my case; your Chief Whip stated his case. We had agreed that
we would then come forward, you [Inaudible.] I made the ruling that we would not
entertain any more points of order based on that. [Interjections.] No, hon member

Mr Fransman, it is a rule and if you are a member and you elect to say you abide by the rules you need to respect the ruling.

Mr M L FRANSMAN: Madam Speaker, on that issue... [Interjections.]

Mr M G E WILEY: Sorry Madam Speaker, on a point of order.

Mr M L FRANSMAN: You have to abide, because you have changed a decision of the House.

The SPEAKER: I have not. I have not.

Mr M L FRANSMAN: So that is the point.

The SPEAKER: No, I have not.

Mr M L FRANSMAN: You have unilaterally decided to change a decision of the House and therefore as a member of this House you are supposed to abide by the decision of the House.

Mr M G E WILEY: Madam Speaker... [Interjection.]

Mr M L FRANSMAN: That is the fundamental issue at hand and that is what we want you to address. Are you saying you have got the powers to unilaterally change the rules?

The SPEAKER: Hon member Mr Fransman... [Interjections.]

Mr M G E WILEY: Madam Speaker... [Interjections.]

Mr M L FRANSMAN: Because what we are seeing... [Interjection.]

The SPEAKER: Order hon members! Order!

Mr M L FRANSMAN: Madam Speaker what we are seeing you actually...
[Interjections.]

Mr M G E WILEY: Madam Speaker, on a point of order... [Interjections.]

Mr M L FRANSMAN: You actually have put yourself in a completely biased and
partisan situation where the Premier in the last two months... [Interjections.]

Mr M G E WILEY: Madam Speaker, if someone stands on a point of order the speaker
has to sit. [Interjections.]

Ms P MAKELENI: You must also sit, you are not recognised. You must also sit.

The SPEAKER: Take your seat. There is a point of order. [Interjections.]

Ms P MAKELENI: Wait until you are recognised also. [Interjections.]

The SPEAKER: Hon member Mr Wiley. [Interjections.]

Mr M G E WILEY: Madam Speaker, I would like to address you on this matter. I am not... [Interjections.]

The SPEAKER: Order hon members! Order.

Mr M G E WILEY: These interruptions alone while a person is standing on a point of order are a contravention of the rules. Now there has been a wholesale ignorance of the rules by the ANC. I ask that you follow the procedure now with naming individuals and going to suspension measures and referring matters to the Disciplinary Committee if necessary. [Interjections.] I ask you please so that we can get on with the order of business. Madam Speaker, just that there is a constant reference with regard to whether it was a ruling or an agreement. The rules make allowance that rules can be changed; rules from the Chair can be changed and they know that.

An HON MEMBER: Yes.

An HON MEMBER: Which rule?

Mr M L FRANSMAN: Madam Speaker, on that particular matter the point here is that there was for two days... [Interjections.]

The SPEAKER: Hon member Mr Fransman I have heard your deliberations. I have

ruled that we are not going to discuss that any longer. I am not going to entertain your point of order. Kindly take your seat please.

Mr M L FRANSMAN: You have to entertain it Madam Speaker, it is a point of order.

The SPEAKER: Kindly take your seat please, I have made a ruling.

Mr M L FRANSMAN: This is a point of order.

The SPEAKER: You are now in contempt if you do not accept the ruling, member.

Mr M L FRANSMAN: Then we are in contempt. What we are saying, Madam Speaker, is that hon Chief Whip said two things today, that actually completely contradicts what your instructions are here. One, he said Rule 58... [Interjection.]

The SPEAKER: Hon member Mr Fransman... [Interjection.]

Mr M L FRANSMAN: He said Rule 58 does not allow us to make decisions again in less than six months. You have just made that decision. That is an illegal decision of yours. [Interjections.] Secondly the Chief Whip has just said that for the period under hand we had deliberated on that matter and the rules said you can take the decision. The problem here is you have unilaterally decided to apply your mind; in December after two days of the chairing of the House by the Deputy Speaker, when the Premier put him under an extremely uncomfortable situation where he had to flip-flop his decision, then ultimately a decision was taken by the House and you are now

proclaiming that the House did not apply its mind, so that is the dilemma that we are in. We cannot say the House did not apply its mind, because for two days that issue was under review before it went to a decision. In fact it was the Chief Whip of the ruling party who in the room outside agreed, in fact it was his decision. He suggested it to be referred to the Judge President. [Interjections.]

An HON MEMBER: No.

The SPEAKER: Hon member Mr Fransman... [Interjections.]

Mr M L FRANSMAN: We then agreed with that.

The SPEAKER: Hon member Mr Fransman... [Interjections.]

Mr M L FRANSMAN: Madam Speaker, the Chief Whip is buckling because of the Premier's position on the matter. We are saying, did the Chief Whip... [Interjections.]

The SPEAKER: Hon member Mr Fransman, we do not speak to the media, please.

Mr M L FRANSMAN: Did the Chief Whip - Madam Speaker, we are saying that in the room here the Chief Whip of the ruling party recommended this matter to be referred to the Judge President and we agreed with it and the Speaker at that time, Deputy Speaker, Mr Piet Pretorius, then resolved the matter in the Chair where you are in. Are you saying you have now ignored the agreement that the parties made in the room and then came to present here, are you saying you are ignoring that

agreement?

The SPEAKER: Hon member Mr Fransman, do not... [Interjection.]

Mr M L FRANSMAN: We need clarity Madam Speaker.

The SPEAKER: Please take your seat. Do not put words in my mouth. I am not going to respond to this. At the appropriate forum we shall deal with this matter. However, members, if you continue to behave in this way I will have no option but to invoke Rule 44 and Rule 44 will require that I have to name members and I have to ask if you cannot comply that is the only option that you leave me with, so let us allow the Premier because I am not... [Interjections.]

Ms M N GILLION: Madam Speaker... [Interjections.]

The SPEAKER: I am speaking.

Mr S G TYATYAM: No, no, no, no.

The SPEAKER: I am speaking, hon members. I will now... [Interjections.]

Mr S G TYATYAM: You cannot threaten us.

The SPEAKER: I am not threatening you.

Mr S G TYATYAM: You cannot threaten us... [Interjections.]

†ILUNGU ELIBEKEKILEYO: Somlomo, thula ndithethe. *Madam Speaker, keep quiet. I want to speak.

The SPEAKER: Hon members... [Interjections.]

Mr S G TYATYAM: We have a right to speak here and raise our issues.

Ms M N GILLION: Ai, ai, ai!

The SPEAKER: Members I am speaking... [Interjections.]

Mr S G TYATYAM: Why do you want to... [Interjections.]

The SPEAKER: Hon member Mr Tyatyam, take your seat please.

Mr S G TYATYAM: No, no Madam Speaker, you cannot use one rule.

The SPEAKER: Hon member Mr Tyatyam, take your seat please, hon member Mr Tyatyam.

Mr S G TYATYAM: The rules, you must respect all the rules. If you are respecting 44, respect 58 also.

The SPEAKER: Yes, members I will now invoke Rule 44... [Interjections.]

Mr S G TYATYAM: You cannot change the rules.

Ms M N GILLION: Madam Speaker ... [Interjection.]

The SPEAKER: Take your seat please.

Ms M N GILLION: Can I just ask a question? Is it true that there are security forces in this building?

The SPEAKER: There is no question... [Interjection.]

Ms M N GILLION: Is it true that there is private security in this building?

The SPEAKER: Member, if it is not a point of order, I cannot entertain your question.

Ms M N GILLION: Madam Speaker, can you answer us?

The SPEAKER: Is it a point of order?

Ms M N GILLION: Is it true that there are private security forces on the fifth floor?

The SPEAKER: It is not a point of order. I cannot entertain it. [Interjections.] Hon members... [Interjections.]

Mr M L FRANSMAN: Can the Chief Whip of the ruling party tell us; is there in this building, as we said, any private security? Can the Chief Whip tell us? [Interjections.]

Mr M G E WILEY: Madam Speaker, I ask that you please proceed with 44.

Mr P UYS: No, answer the question. [Interjections.]

The SPEAKER: Hon members, order please.

Mr M L FRANSMAN: Can the Chief Whip answer the question?

The SPEAKER: Order please.

Mr P UYS: Madam Speaker, this is serious.

The SPEAKER: Hon member Mr Uys... [Interjection.]

Mr P UYS: The Chief Whip is getting silent now. He is turning pale. He must tell us are there security forces on the fifth floor? [Interjections.]

An HON MEMBER: And he must answer correctly [Inaudible.] [Interjections.]

The SPEAKER: Hon members... [Interjections.]

Ms M N GILLION: We know it is there. [Interjections.]

Mr P UYS: Tell us, tell us; tell us. He will not tell us.

Mr M L FRANSMAN: This is a crisis.

The SPEAKER: Hon member Mr Fransman.

Mr M L FRANSMAN: Madam Speaker, this is a crisis. We want to know from the Chief Whip... [Interjections.] ...is there private security here and he must actually answer correctly. [Interjections.]

The SPEAKER: Sorry members, it is evident that the House is now becoming unruly. We are not... [Interjections.] We are not maintaining order. Everyone is jumping to their feet and wanting to position and say something. We are not even being orderly in terms of one speaker on the floor at a time, so I am now going to suspend the House as the business is becoming disorderly.

[Business was suspended at 11:55 and resumed at 12:47]

The SPEAKER: Be seated. Hon members we have had a deliberation. We have discussed the disarray that the House is seemingly falling into. We cannot continue in this way. I have requested the cooperation of all parties concerned and I would like to appeal to all members present to try and ensure and to manage and maintain themselves in a way that will not bring this Parliament into disrepute. So I am asking

that we manage ourselves with dignity and decorum and that we move forward and allow the Premier to deliver her State of the Province Address.

Thank you, Hon Premier.

Mr P UYS: Madam Speaker, on a point of order.

The SPEAKER: Hon member Mr Uys, your point of order?

Mr P UYS: A point of order, Madam Speaker.

The SPEAKER: In terms of which rule, hon member Mr Uys?

Mr P UYS: Why do you ask in terms of which rule now, Madam Speaker?

The SPEAKER: Because I have already made a ruling around two other points of order so I would like to understand, because if it is around those two points of order then you are out of order, hon member Mr Uys.

An HON MEMBER: No!

Mr P UYS: Why did you not ask this morning, what rule? [Interjections.] Now you are asking. You cannot do that.

The SPEAKER: Hon member Mr Uys. [Interjections.]

Mr P UYS: No you cannot.

The SPEAKER: Hon member Mr Uys, I am asking you, your point of order, what does it deal with?

Mr P UYS: Why do you ask which rule, Madam Speaker?

The SPEAKER: Because if you are dealing with a point of order which relates to the two previous points which I have ruled on, then I am asking that if you do go there you will be deemed out of order.

Mr S G TYATYAM: No, no. No Speaker.

Mr P UYS: Madam Speaker, I think... [Interjection.] I think you must just reflect what happened when we had the break. [Interjections.]

The SPEAKER: Hon member Mr Uys, your point of order please.

Mr P UYS: Yes, my point of order is, Madam Speaker, you did not really communicate... [Interjection.]

The SPEAKER: I am not going to allow you to entertain those two matters. I am now going to rule you out of order and I am going to ask that you withdraw from the Chamber, please.

Mr P UYS: No, I will not just withdraw.

Ms M N GILLION: No, no, no.

An HON MEMBER: Yes please.

An HON MEMBER: Madam Speaker... [Interjection.]

The SPEAKER: Hon member Mr Uys, your refusal to withdraw from the Chamber for the remainder of the day... [Interjections.]

An HON MEMBER: What for, for what?

An HON MEMBER: What for?

The SPEAKER: ...leaves me with no option other than to name you in terms of Standing Rule 45.

An HON MEMBER: For what?

The SPEAKER: Mr Uys, I hereby name you.

An HON MEMBER: What for?

Mr Q R DYANTYI: Who else? You can name all of us.

Ms M N GILLION: Name all of us.

Mr M G E WILEY: Madam Speaker, I ask that you move that the hon member Mr Uys be suspended of the service in the House.

The SPEAKER: Those in favour, I am going to put a motion moved by hon member Mr Wiley that hon member Mr Uys be suspended from the service of the House.

Mr S G TYATYAM: Madam Speaker... [Interjection.]

The SPEAKER: Excuse me. [Interjections.] Please note that the question is put without... [Interjection.]

Mr S G TYATYAM: No, no, no, Madam Speaker. [Interjection.] No Madam Speaker.

The SPEAKER: Hon member Mr Tyatyam, take your seat please. I am speaking.

Mr S G TYATYAM: No, you are going to force me Madam Speaker, I have a right to be here. I have a right to be here. [Interjection.]

The SPEAKER: Hon member Mr Tyatyam, I am speaking.

Mr S G TYATYAM: And I have a right to speak.

The SPEAKER: Yes.

Mr S G TYATYAM: You are not going to force me.

The SPEAKER: Hon member Mr Tyatyam, I am busy speaking. I am addressing the members. Take your seat please.

Mr S G TYATYAM: I have a point of order.

The SPEAKER: Hon member Mr Tyatyam, I am in the process, I have asked the hon member Mr Uys to withdraw from the Chamber. He has refused. [Interjection.]

Mr S G TYATYAM: It is a book rule, if you do not know the rule. Read your rules.

The SPEAKER: Hon member Mr Tyatyam, I have asked the hon member Mr Uys to withdraw. He has refused to withdraw and the subsequent result of refusing to withdraw is to name a member. Now I have named the member. The Chief Whip has put forward a motion and I am now asking for a vote. [Interjection.]

Mr S G TYATYAM: No, that is where my order comes.

The SPEAKER: Hon member Mr Tyatyam [Interjection.]

Mr S G TYATYAM: That is where my order comes.

The SPEAKER: Hon member Mr Tyatyam there is no debate [Interjections.]

Mr S G TYATYAM: You cannot use only Rule 44 in the book, there are other rules that must be followed. Why do you not follow them?

The SPEAKER: Hon member Mr Tyatyam. [Interjections.] Excuse me.

Mr S G TYATYAM: You must suspend yourself. These are the rules [Interjections.]

The SPEAKER: Let me address you. Before the House suspended [Interjections.] before the House suspended I had invoked Rule 44.

Ms D GOPIE: A point of order, a point of order.

The SPEAKER: I had invoked Rule 44 [Interjections.]

Ms D GOPIE: A point of order Madam Speaker.

Mr M G E WILEY: Madam Speaker may I [Interjections.]

The SPEAKER: The speaker is on the floor.

Ms M N GILLION: Can the hon member Mr Lentit [Interjection.]

The SPEAKER: Hon member Ms Gillion [Interjection.]

Ms M N GILLION: ...withdraw the word “shut-up” that he must just withdraw.

The SPEAKER: Hon member Ms Gillion, your member is on the floor. I have heard your point.

Ms M N GILLION: Yes, he must withdraw.

The SPEAKER: Hon member Mr Tyatyam, please take your seat. Hon member Mr Lentit, if you did say that, kindly withdraw.

Mr R B LENTIT: I did say that and I withdraw the word “shut-up”.

The SPEAKER: Thank you.

An HON MEMBER: Yes.

The SPEAKER: Okay. Let me [Interjection.]

An HON MEMBER: Not shat-up, shut-up [Interjections.]

The SPEAKER: Let me then proceed. [Interjections.] I put the motion forward that hon member Mr Uys be suspended from the service of the House.

An HON MEMBER: Madam Speaker, Madam Speaker [Interjection.]

The SPEAKER: Please, I am speaking. Please note that the question is put without amendment or debate, members [Interjections.]

An HON MEMBER: Madam Speaker [Interjection.]

The SPEAKER: It is without amendment or debate.

An HON MEMBER: [Inaudible.] was asking him to withdraw the word “shut-up” not the word [Inaudible.]

The SPEAKER: Okay, thank you. [Laughter.] [Interjections.] Members I am going to have to ask, I think the “ayes” - are we going to ask for a vote [Interjection.]

Mr S G TYATYAM: No Madam Speaker, no Madam Speaker.

The SPEAKER: Those in favour need to say “aye”.

Mr S G TYATYAM: No, No, no, no Madam Speaker, no, no. I have raised the issue.

HON MEMBERS: Aye.

Ms M N GILLION: No, order Speaker.

Mr S G TYATYAM: No Madam Speaker, you are out of order, Madam Speaker.

An HON MEMBER: We are calling for a division.

An HON MEMBER: We are calling for a division, Madam Speaker.

An HON MEMBER: We call for a division.

The SPEAKER: Correct, I think the ayes have it, and so they have, but [Interjection.]

An HON MEMBER: For a division.

The SPEAKER: But you are calling for a division.

Mr S G TYATYAM: No before [Interjection.]

The MINISTER OF FINANCE: Madam Speaker, we agree to the division.

An HON MEMBER: Thank you.

The SPEAKER: Okay. [Interjections.]

The MINISTER OF FINANCE: Let us have a division.

The SPEAKER: Thank you.

Mr S G TYATYAM: Madam Speaker, I want to raise an order on the procedure.

The SPEAKER: Hon member Mr Tyatyam we have called for a division. Take your seat please.

Mr S G TYATYAM: No, I want to raise an order on the procedure.

The MINISTER OF FINANCE: Madam Speaker you have ruled that we called. They have called for a division. We have agreed, thank you. [Interjections.]

The SPEAKER: We have called for a division, thank you members. [Interjections.]

An HON MEMBER: No wonder we have got nice things here.

Mr S G TYATYAM: Only certain rules are allowed here, Madam Speaker. [Interjections.] [Inaudible.] [Interjections.] Madam Speaker, you are only allowing certain rules in the House. Madam Speaker [Interjections.]

An HON MEMBER: Switch off the mike.

The MINISTER OF FINANCE: You called for a division. [Interjections.]

An HON MEMBER: But you rose before that.

Mr S G TYATYAM: No, I rose before the division was called. [Interjections.]

An HON MEMBER: No, no, no. [Interjections.]

Mr S G TYATYAM: There are no rules in this House.

An HON MEMBER: Please listen to the Speaker.

Ms M N GILLION: Are you the Speaker?

Mr S G TYATYAM: There are no rules here.

An HON MEMBER: There is no quality here.

Mr R T OLIVIER: There is no Speaker in this House, that is the problem.

Ms M N GILLION: There is no Speaker.

Mr R T OLIVIER: There is no Speaker in the House.

Mr S G TYATYAM: What are you doing now?

An HON MEMBER: So what are we voting for by the way? [Laughter.]
[Interjections.]

Ms M N GILLION: Madam Speaker, Madam Speaker, no, no, this unruliness of the DA. [Laughter.] No, you can laugh, this is not a joke. [Interjections.] Madam Speaker [Interjections.] Nee man!

An HON MEMBER: There is no Speaker.

An HON MEMBER: Madam Speaker [Interjection.]

The SPEAKER: Hon member Mr Tyatyam, will you do the count please for your party?

An HON MEMBER: Madam Speaker, can I ask a question?

The SPEAKER: We have a division, we cannot entertain questions.

An HON MEMBER: Until when?

An HON MEMBER: Until when? [Interjections.]

An HON MEMBER: No, but she must answer to that one.

The SPEAKER: Members, a division has been called. We now do the [Interjection.]

Mr M N PAULSEN: Madam Speaker, where do I sit when I abstain from the division?

An HON MEMBER: You are not helping [Inaudible.] [Interjection.]

The SPEAKER: It is a choice.

'n AGBARE LID: Ons is aan niemand se kant nie, Beverley, in case you do not know.

An HON MEMBER: We are not here by mistake.

An HON MEMBER: Do not laugh when I [Interjections.] [Inaudible.] You were outvoted in the original conference [Inaudible.] [Interjections.] Come and vote with the DA because you are a DA.

An HON MEMBER: In fact it is coming to you next. It is coming to you. [Interjections.]

An HON MEMBER: We are not here by mistake. [Interjections.]

The SPEAKER: Hon members, for the purpose of the vote the ayes will be to the right, and the nays as indicated are to the left, if that will assist hon member Mr Paulsen. [Interjections.]

[The House proceeded with the division.]

The SPEAKER: Order hon members, please take your seats. Order! The result of the division is as follows: the ayes have 24 and the no's have 13. The motion is therefore

agreed to that hon member Mr Uys has now been suspended by the House and must leave the Chamber immediately and he may not enter the precincts of the Western Cape Provincial Parliament for any purpose or participate in any activity of the Provincial Parliament or any of its committees for a period of two days, on which this House sits after the day of the suspension.

Hon member Mr Uys will you please leave the Chamber?

Mr S G TYATYAM: Madam Speaker, can I... [Interjection.]

The SPEAKER: The Sergeant-at-arms, can I ask that you will escort the member?
[Interjection.]

Mr S G TYATYAM: Madam Speaker, can I ask an order first, before [Interjection.]

The SPEAKER: Hon member Mr Tyatyam, take your seat please.

Mr S G TYATYAM: No, can I ask an order?

The SPEAKER: You are out of order.

Mr S G TYATYAM: No Madam Speaker, no, Madam Speaker, no, can I ask an order, Madam Speaker.

An HON MEMBER: Can we be recognised?

Mr S G TYATYAM: Madam Speaker, the person that must be suspended here, I think is you, because you are flouting the rules. [Interjections.] You are flouting the rules.

The SPEAKER: Hon member Mr Tyatyam [Interjection.]

Mr S G TYATYAM: You only attend to certain rules.

The SPEAKER: You are out of order.

Mr S G TYATYAM: You only attend to certain rules, Madam Speaker. [Interjections.] No, we cannot allow what you are doing.

The SPEAKER: You are out of order hon member Mr Tyatyam.

Mr S G TYATYAM: We cannot allow. You cannot only allow us to participate on certain rules.

The SPEAKER: Take your seat please.

Mr S G TYATYAM: No Madam Speaker, No, no, no.

The SPEAKER: Chief Whip hon member Mr Wiley.

Mr M G E WILEY: Madam Speaker I [Interjections.]

Mr S G TYATYAM: Madam Speaker, no, can I speak?

Mr M G E WILEY: I rise on a point of order.

The SPEAKER: Take your seat please, hon member Mr Tyatyam.

Mr S G TYATYAM: No, no, no, Madam Speaker, no, can I... [Interjection.]

The SPEAKER: Take your seat please.

Mr S G TYATYAM: Can I raise my issue?

The SPEAKER: Hon member Mr Tyatyam please take your seat.

Mr S G TYATYAM: I was up before Wiley was up.

The SPEAKER: Chief Whip, hon member Mr Wiley. Will you take your seat please.

Mr M G E WILEY: Thank you. Madam Speaker, the hon member Mr Tyatyam has simply risen to his feet without being recognised and the people operating the microphones give him a live microphone. [Interjections.] This is unacceptable. They do not have a legitimate right to speak and to be recognised then. That is the first point. [Interjections.] Secondly... [Interjections.]

The SPEAKER: Order hon members, order.

Mr M G E WILEY: Hon member Mr Tyatyam, in rising... [Interjection.]

An HON MEMBER: A point of order Madam Speaker, why are you not...
[Interjections.]

Mr M G E WILEY: He is rising without... [Interjections.]

The SPEAKER: Order members.

Mr R T OLIVIER: Why are you not the Speaker when... [Interjections.]

Mr M G E WILEY: ...without handing a specific point of order.

An HON MEMBER: Why do you stand?

Mr R T OLIVIER: Hon member Mr Wiley why, you are not the Speaker.

Mr M G E WILEY: He is in breach of your previous ruling and I ask that he be named as well.

The SPEAKER: Hon member Mr Wiley. [Interjections.] Thank you. Hon member Mr Tyatyam, I have ruled and I have indicated, I have invoked Rule 44. I have named the member who has refused to leave. I am now going to name and ask that you

withdraw from the Chamber please.

Mr S G TYATYAM: No, I am saying Madam Speaker... [Interjections.]

The SPEAKER: Hon member Mr Tyatyam, it is not a debate. I have named you.

Mr S G TYATYAM: Madam Speaker, I am saying why are you using certain rules?

The SPEAKER: I am asking you to withdraw.

Mr S G TYATYAM: Why are you flouting other rules? Why are you using certain rules, and you do not want to agree to certain rules? It cannot be!

The SPEAKER: Hon members!

Mr S G TYATYAM: You are supposed to be non-partisan, Madam Speaker.

The SPEAKER: Hon member Mr Tyatyam. [Interjection.]

Mr S G TYATYAM: You are supposed to be non-partisan. You cannot say we must agree about Rule 44 and then you are doing something different on Rule 58.

The SPEAKER: Hon member Mr Tyatyam I have executed Rule 44 as it is stated...
[Interjection.]

Mr S G TYATYAM: You did not execute Rule 58.

The SPEAKER: I have dealt with Rule 44.

Mr S G TYATYAM: You did not execute Rule 58.

Mr M G E WILEY: Madam Speaker... [Interjection.]

The SPEAKER: Hon member Mr Tyatyam, I am ordering, I am ordering you to leave the Chamber, please.

Mr S G TYATYAM: No, Madam Speaker, no, if you... [Interjections.]

The SPEAKER: I am ordering you to leave the Chamber.

Mr S G TYATYAM: No, no, no Madam Speaker. No, no. Uh-uh, uh-uh.

Mr M G E WILEY: Madam Speaker... [Interjection.]

Mr S G TYATYAM: No, I really disagree with you on that one.

Mr M G E WILEY: Madam Speaker, may I address you please.

Mr S G TYATYAM: Address all the rules, they are the same.

Mr M G E WILEY: Madam Speaker, I move that the hon member Mr Tyatyam be suspended from the service of the House. [Interjections.]

An HON MEMBER: I move that he must sit down.

An HON MEMBER: He must sit down.

Ms M N GILLION: A point of order, Chairperson.

Mr S G TYATYAM: No.

The SPEAKER: Take your seat please, hon member Ms Gillion, we are in the middle of... [Interjection.]

Ms M N GILLION: A point of order Chairperson.

The SPEAKER: A member has been named... [Interjections.]

Ms M N GILLION: Why are you not recognising me but every time hon member Mr Wiley is on his feet you are giving recognition to him, Chair? [Interjections.]

The SPEAKER: Hon member Ms Gillion. [Interjections.]

Ms M N GILLION: Madam Speaker, I am addressing you.

The SPEAKER: You may speak.

Ms M N GILLION: I am asking you a question, you do not want to recognise...

[Interjection.]

The SPEAKER: Is it a point of order in terms of the two previous matters?

Ms M N GILLION: You do not want to recognise me, but you recognised hon member Mr Wiley every time he stood up. [Interjections.]

The SPEAKER: Hon member Ms Gillion. [Interjection.]

Ms M N GILLION: No, I have asked if I can address you and I want to go back, Madam Speaker, I want to go back. [Interjections.] Under the rule that you are applying, like my hon Deputy Chief Whip was saying now, you are applying Rule 44. You are ignoring Rule 58. You are bringing this House into disrepute.

An HON MEMBER: Yes.

The SPEAKER: Hon member Ms Gillion, we have named the hon member Mr Tyatyam. A motion has been put, I now put the motion moved by hon member Mr Wiley that hon member Mr Tyatyam be suspended from the service of the House. The question is put without amendment or debate. Those in favour will say aye?

HON MEMBERS: Aye.

The SPEAKER: Those against will say no.

HON MEMBERS: No.

An HON MEMBER: A division.

Ms M N GILLION: Uh-uh, no, no, no, no, Madam Speaker, I am on my feet.

Mr S G TYATYAM: Madam Speaker... [Interjection.]

The SPEAKER: Sorry. I have asked you to take your seat.

Ms M N GILLION: Madam Speaker, I am waiting for an answer.

The SPEAKER: Hon member Ms Gillion in terms of my ruling I am not entertaining any more debate in terms of the... [Interjections.]

Ms M N GILLION: I am waiting for an answer, Madam Speaker. Why are you only applying Rule 44 and not Rule 58?

The SPEAKER: Hon member Ms Gillion, Rule 58 relates to a ruling I made. Kindly take your seat please.

Ms M N GILLION: No.

An HON MEMBER: Workshop, workshop.

Ms M N GILLION: Now you are bringing this House into disrepute. My mike has been switched off.

The SPEAKER: Kindly take your seat please. [Interjections.]

An HON MEMBER: You need a workshop.

Ms M N GILLION: Why has my mike been switched off?

An HON MEMBER: They need a workshop.

The SPEAKER: I have not. [Interjections.]

Ms M N GILLION: Only you are recognised by the Speaker.

An HON MEMBER: They need a workshop.

Ms M N GILLION: This Speaker is bringing the House into disrepute.

Mr M L FRANSMAN: Madam Speaker.

The SPEAKER: Hon member Mr Fransman, a division has been demanded by virtue

of the rule that we have just invoked. Let us please follow the rules, people.
[Interjections.] Where I have named - there was a motion.

Mr M L FRANSMAN: Who has asked for the division?

The SPEAKER: Hon member Mr Fransman, a division came from your block, someone said a division.

Ms M N GILLION: No, no, no, we did not ask for a division.

The SPEAKER: Okay, well then if there is no division... [Interjections.]

An HON MEMBER: Makeleni.

The MINISTER OF HUMAN SETTLEMENTS: Makeleni asked for a division.

The SPEAKER: I heard someone asking for a division. The Table, sorry?
[Interjections.] Sorry?

An HON MEMBER: They did not ask for a division, then the ayes have it.

The SPEAKER: Okay, hon member Mr Fransman, if as you are saying your members have not asked for a division then the ayes have it, then the member has been named and needs to leave the House. [Interjections.] Hon member Mr Fransman, I am not going to entertain any more debate in terms of the two of the rulings I have made, so I

am asking you to take your seat, please.

Mr M L FRANSMAN: I want to address you on a clarification question, Madam Speaker.

The SPEAKER: No, hon member Mr Fransman, we are not... [Interjection.]

Ms M N GILLION: I need an answer.

The SPEAKER: ...dealing with those two matters. I have ruled and I am asking you... [Interjections.]

Mr M L FRANSMAN: It is not on that matter, Madam Speaker, it is not on that matter.

The SPEAKER: Sorry, members... [Interjection.]

Mr M L FRANSMAN: It is on the mike.

The SPEAKER: Hon member Mr Fransman, we are not going to deal with that, because I have made a ruling and I expect that you will respect it please.

Mr M L FRANSMAN: I do. I am talking about the mike

The SPEAKER: What is wrong with the mike?

Mr M L FRANSMAN: The Chief Whip of the ruling party has come to instruct the floor here... [Interjections.]

Ms M N GILLION: Yes, that is what he did. [Interjection.]

Mr M L FRANSMAN: ... that this mike must be switched off whilst the Deputy Secretary speaks.

The SPEAKER: Hon member Mr Fransman, your mike is on.

Ms M N GILLION: No, mine was switched off, Madam Speaker. Mine was switched off.

The SPEAKER: Okay, members, order, order! [Interjection.]

Ms M N GILLION: The DA is controlling this House even in your Chair. [Interjections.]

The SPEAKER: Order members, please. [Interjections.] Members, to our guests, I must apologise.

Ms M N GILLION: I need an answer, Madam Speaker. I need an answer.

The SPEAKER: Order!, hon member Ms Gillion, you need to sit down.

Ms M N GILLION: Why are you only using one rule in this House, Madam Speaker?

The SPEAKER: Hon member Ms Gillion. [Interjection.]

Ms M N GILLION: I need an answer.

The SPEAKER: Please take your seat.

Ms M N GILLION: I need an answer.

The SPEAKER: I have made a ruling on a point of order. [Interjections.]

Ms M N GILLION: You are only applying one rule and not the other.

The SPEAKER: Hon member Ms Gillion, you are out of order. Kindly take your seat please.

Ms M N GILLION: Madam Speaker [Interjections.]

An HON MEMBER: Take your seat!

The SPEAKER: Order!

Ms M N GILLION: I need an answer.

The SPEAKER: Well I cannot provide you with an answer, because I have made a ruling and I will not entertain your request. Thank you, hon member Ms Gillion, kindly take your seat please.

Ms M N GILLION: I am waiting for an answer, Madam Speaker.

The SPEAKER: Members, you know what, it is quite evident that... [Interjections.]

An HON MEMBER: Switch off the mikes. [Interjections.]

The SPEAKER: It is quite evident that the House is now falling into disarray very quickly. [Interjections.] It is actually sad... [Interjections.] It is actually sad that as public representatives we sit here... [Interjections.]

Ms M N GILLION: Madam Speaker... [Interjection.]

The SPEAKER: Hon member Ms Gillion, kindly take your seat, you have an opinion but you cannot exercise it at this time.

An HON MEMBER: Sit down!

The SPEAKER: It is not a point, please take your seat. [Interjection.]

Ms M N GILLION: Are you the Speaker? Are you the Speaker? Are you the Speaker

here?

An HON MEMBER: Sit down.

The SPEAKER: Members, order please, order, order. These proceedings cannot continue this way and I must apologise to our guests. I think it has become an untenable situation where we cannot... [Interjections.] ...where we cannot move forward.

Mr S G TYATYAM: Order, Madam Speaker.

The SPEAKER: So I am therefore obliged... [Interjections.]

Mr S G TYATYAM: Madam Speaker [Inaudible.] please, Madam Speaker.

The SPEAKER: ...to adjourn proceedings.

An HON MEMBER: No! [Interjections.]

The SPEAKER: I am therefore obliged to adjourn proceedings. I am going to ask Madam Premier that you table your speech and that it will be printed on the Announcement, Tablings and Committees Report, please.

An HON MEMBER: Yes. [Laughter.]

An HON MEMBER: You have done already. [Interjections.]

The SPEAKER: You can table your report please Premier, thank you. [Interjections.]

The Premier's report will be placed on the ATC, thank you. [Applause.]

The House is adjourned, thank you. [Applause.]

The House adjourned at 13:14