**Report on Ms N W A Mazzone MP complaint against Mr M N Paulsen MP**

1. On 12 March 2021, the Speaker of the National Assembly (the Speaker) referred a complaint by Ms N W A Mazzone MP which related to an alleged contempt of Parliament against Mr M N Paulsen MP to the Powers and Privileges Committee (the Committee).

1. The subject matter of the complaint was the Honourable member’s alleged conduct during the sitting of the National Assembly on 2 March 2021. The Speaker requested the Committee to consider the matter and submit a report to the National Assembly, in terms of Assembly Rule 214(1). (L*etter of referral attached*)
2. The referral followed a submission of the complaint by Ms Mazzone on 4 March 2021 in which she alleges that Mr Paulsen made certain utterances and threats against her, Ms Phumzile Van Damme (ex MP) and Mr Kevin Mileham MP, which amounted to conduct constituting contempt of Parliament as it breached section 7(d) and (e) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004 (No 4 of 2004) (the Act), read with section 13(a) of the Act.
3. The relevant parts of section 7 provides:

 ‘**Prohibited acts in respect of Parliament and members**. – A person may not –

 …

 (d) assault or threaten a member, or deprive a member of any benefit, on account of the member’s conduct in Parliament, a House or committee;

 (e) while Parliament or a House or committee is meeting, create or take part in any disturbance within the precincts.’

1. The committee met on 30 April 2021 and resolved to defer the matter to its next meeting with an instruction to the secretariat and support staff to circulate all documents relating to the matter to members, and to follow-up on all administrative matters, under the direction of the Chairperson of the Committee, to enable the Committee to proceed with the matter at its next meeting.
2. On 4 May 2021, the Chairperson of the Committee wrote to Mr Paulsen, inviting him to respond in writing to the allegations raised in Ms Mazzone’s letter by Thursday, 20 May 2021. (*Chairperson’s letter attached*)
3. Mr Paulsen responded within the stipulated timeframe and denied the allegations made against him. (*Mr Paulsen’s response attached*)
4. On 4 May 2021, the Chairperson directed the support staff to seek a legal opinion on the matter on whether there was a prima facie evidence that warranted an investigation and report.
5. A legal opinion was sought and obtained from Advocate U K Naidoo SC on 30 June 2021. Counsel was provided with the link to the video recording of the proceedings in the NA on 2 March 2021, a transcript of the proceedings (unrevised Hansard) and a copy of the relevant minutes.
6. After an evaluation of all the source documentation and having regard to the evidence, Counsel concluded that in his view there is prima facie evidence to sustain a charge of threatened assault in contravention of section 7(d) of the Act against Mr Mileham and Ms Van Damme, and possibly Ms Mazzone.
7. Counsel was of the further view that in light of the seriousness of the charge of contempt of Parliament, the matter warrants a disciplinary hearing to be convened.

 **Date authored:** 25 July 2021