



**REPORT OF THE ETHICS, CODE OF CONDUCT, IMMUNITIES AND PRIVILEGES  
COMMITTEE**

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**ON  
THE INVESTIGATION AND CONSIDERATION OF ALLEGED DISORDERLY  
CONDUCT IN THE CHAMBER BY HON. M. LEHATA (MP. FOR  
MAKHALENG)**

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## TABLE OF CONTENTS

	<b>PAGE</b>
<b>1. List of Abbreviations/synonyms</b> .....	<b>2</b>
<b>2. Preliminary</b> .....	<b>3</b>
<b>3. Introduction</b> .....	<b>4</b>
<b>4. Methodology</b> .....	<b>4</b>
<b>5. Consideration of petition</b> .....	<b>5</b>
<b>6. Committee observations and concerns</b> .....	<b>8</b>
<b>7. Committee recommendations</b> .....	<b>10</b>
<b>8. Conclusion</b> .....	<b>10</b>
<b>9. List of appendices</b> .....	<b>10</b>

## **1. LIST OF ABBREVIATIONS/SYNONYMS**

- i) HON. - Honourable**
- ii) MP - Member of Parliament**
- iii) ATC - Announcements, Tabling and Committee Reports**

## 2. PRELIMINARY

### 2.1 Establishment and mandate of the committee

Ethics, Code of Conduct, Immunities and Privileges Committee is established under the Standing Order No. 97(4) and is mandated to “ ***investigate and consider all complaints of contempt of alleged breaches of privileges and of contempt against the House, its Members, its officers or Speaker which may be referred to it by the House or the Speaker or which otherwise comes to its notice; investigate and consider all complaints of alleged contravention of these Standing Orders. The Committee may call for papers and hear oral evidence which may, by resolution of the Committee, be recorded and transcribed; ensure the attendance of any person at a meeting of the Committee in terms of the Parliamentary Powers and Privileges Act No. 8 of 1994.***”

### 2.2 Membership of the Committee

The Committee is comprised of seven (7) Members:

- |                          |   |             |
|--------------------------|---|-------------|
| 1. Hon. M. Phooko        | - | Chairperson |
| 2. Hon. M. Holomo        | - | Member      |
| 3. Hon. V. Tsheka        | - | Member      |
| 4. Hon. K. Pholosa       | - | Member      |
| 5. Hon. M. Hlalele       | - | Member      |
| 6. Hon. M. Khaahloe      | - | Member      |
| 7. Hon. Adv. T. Mojapela | - | Member      |

### **3. INTRODUCTION**

On the 23<sup>rd</sup> October, 2023, the Rt. Hon. Speaker read three (3) letters in the House relating to the conduct of Hon. Mootsi Lehata. The Speaker accordingly referred them to the Ethics, Code of Conduct, Immunities and Privileges Committee for consideration and action in terms of the Parliamentary Powers and Privileges Act, 1994, Section (9) (1), and the National Assembly Standing Order No's. 97(4) and 79 (1) and (2). The salient issues contained in the letter were as follows:

- Unparliamentary language and conduct shown by Hon. Member for Makhaleng (Hon. Mootsi Lehata); and
- Use of drug substance (alcohol) during the House proceedings.

### **4. METHODOLOGY**

In considering the referred letters, the Committee conducted investigative interviews with the following:

- Concerned Youth Group
- Hon. L. Mpotjoane – Minister of Foreign Affairs and International Relations
- Hon. L. Lethole – Chief Whip
- Hon. Mootsi Lehata and
- Other Members of Parliament.

The Committee also used relevant daily Hansards that were quite elaborative on the events of the 23<sup>rd</sup> October 2023 where Hon. M. Lehata was implicated of disorderly conduct.

## 5. CONSIDERATION OF THE REFERRED LETTERS AND PETITION

The Committee considered the petition in line with the following:

i) Standing Order No.97 (4) which provides:

*“investigate and consider all complaints of contempt of alleged breaches of privileges and of contempt against the House, its Members, its officers or Speaker which may be referred to it by the House or the Speaker or which otherwise comes to its notice; investigate and consider all complains of alleged contravention of these Standing Orders. The Committee may call for papers and hear oral evidence which may, by resolution of the Committee, be recorded and transcribed; ensure the attendance of any person at a meeting of the Committee in terms of the Parliamentary Powers and Privileges Act No. 8 of 1994”;*

ii) Standing Order No. 79 (1) and (2) which provides:

*“(1) All petitions to the National Assembly shall be handed to the Clerk who shall immediately refer them to the Speaker and cause their publication in the ATC under announcements bearing the following particulars:*

*(a) The name of the petitioner;*

*(b) The date received.*

*(2) The Speaker shall at the earliest convenience, refer the petition to the relevant Committee or Ministry for appropriate action.”*

*iii) Parliamentary Powers and Privileges Act 1994, Section 9 (1) which provides:*

***“The Senate, the Assembly or a Committee may, subject to sections 13 and 14, order a person to attend before them to give evidence under oath or affirmation or to produce a paper, book, record or document in the possession or under the control of that person.”***

#### **5.1 SUBMISSION BY HON. L. MPOTJOANE (HON. MINISTER OF FOREIGN AFFAIRS)**

In his presentation, Hon. L. Mpotjoane raised the following concerns:

- On the 20<sup>th</sup> October, 2023, he had been insulted and humiliated by Hon. M. Lehata (Makhaleng MP);
- Pleaded that the matter be dealt with accordingly and appropriate measures be taken against Hon. M. Lehata; and
- He felt attacked on his integrity.

#### **5.2 SUBMISSION BY HON. L. LETHOLE (CHIEF WHIP)**

In his presentation Hon. Lethole stated the following concerns:

- Dissatisfied and concerned regarding the way Hon. Lehata addressed and provoked Hon. Mpotjoane;

- Argued that the conduct of Hon. Lehata and the expressions he used cannot be overlooked and condoned; and

### **5.3 SUBMISSION BY CONCERNED YOUTH GROUP**

In their presentation, they raised the following concerns:

- Unparliamentary language and conduct shown by Hon. Member for Makhaleng (Hon. Mootsi Lehata); and
- Use of drug substance (alcohol) during the House proceedings.

### **5.4 SUBMISSION BY HON. M. LEHATA**

In his presentation, Hon. M. Lehata raised the following points:

- He had been provoked and victimised for three (3) days without being protected by the Rt. Hon. Speaker;
- He has been falsely accused;
- Standing Order Number 79 (**Submission and Referral of Petition**) and 87 (**Referral to Committees**) were not followed therefore, he considered letter from concerned Youth Group non-existent;
- Hon, Lehata also considered letter written by Hon. Lethole, MP for Mabote and Chief Whip, non-existent as on the said date of 19<sup>th</sup>October, 2023 nothing happened; and



- On the 16<sup>th</sup> October, 2023, he had caucus meeting from morning until after lunch as he was chairing that meeting, he therefore had no chance to drink, hence he was not drunk.

## 6. COMMITTEE OBSERVATIONS AND CONCERNS

Upon scrutiny of the submissions, interviews, investigations and the discussions, the Committee observed the following:

- On the 17<sup>th</sup> October, 2023, Hon. M. Lehata rose on a point of order raised a concerned about social media content showing his pictures implicating that he had used drug substances (alcohol). He also made a plea to the Rt. Hon. Speaker to protect Honourable Members from media houses;
- On the 19<sup>th</sup> and 20<sup>th</sup> October, 2023 consecutively, on a point of order, Hon. Minister of Foreign Affairs cited Standing Order No. 44 (a) and (b) **“Behaviour of Members”** implicating that Hon. Member for Makhaleng used alcohol while on duty which is unparliamentary behaviour;
- Hon. Makhaleng felt provoked by the Hon. Minister and unprotected by the Speaker, that he overreacted uninvited by using unparliamentary words directed to the Minister;

- Hon. Minister felt intimidated that he made a plea to Hon. Speaker to refer this matter to the relevant Committee as these actions will repetitively occur if not acted upon;
- In response to these instances, on the 20<sup>th</sup> October, 2023, the Rt. Hon. Speaker indicated that he had carefully examined the nature of the prevailing issues, and made a ruling that the matter should not be discussed any further; and ordered Hon. Lehata to withdraw his words, and he complied;
- The scuffle between the Members reflected adversely on the dignity and integrity of the House.
- The Committee is concerned about the following:
  - ✓ On the 16<sup>th</sup> October, 2023, no Member stood on a point of order raising awareness to the Hon. Speaker about the misconduct of Hon. Member for Makhaleng; and
  - ✓ Standing Order Number 49 **“Decision of Chair Final”** and Standing Order Number 43 (3), (4) and (5) **“Contents of Speeches”** are violated by Honourable Members.

## 7. COMMITTEE RECOMMENDATIONS

Based on the above observations and concerns, the Committee recommends the following:

- Pursuant to Standing Order No. 97(4) and the Parliamentary Powers and Privileges Act, 1994, the Committee reprimands Hon. M. Lehata for conducting himself in a manner that reflected adversely on the dignity and integrity of the House and its Members. The Committee also recommends that Hon. Speaker orders Hon. Lehata to apologise to the House and the Public at large, mainly for the use of unparliamentary words “**moshana enoa a se ke a ntella. Se ke oa ntella uena sani**”; and
  
- Pursuant to Standing Order No. 97(4) and the Parliamentary Powers and Privileges Act, 1994, the Committee recommends that Hon. Speaker orders Hon. L. Mpotjoane to apologise to the House and its Members for conducting himself in a manner that reflected adversely on the dignity and integrity of the House mainly by repeatedly violating Standing Order No. 49 “**Decision of Chair Final**”.
  
- Pursuant to Standing Order No. 97 (4) and Parliamentary Powers and Privileges Act, 1994, the committee recommends the following:
  - Hon. Lehata should attend House sittings for five (5) consecutive days without being afforded an opportunity to participate in any debate or to raise a point of order or any communication (be silent in the House), effective from the adoption of this report by the House.

## **8. CONCLUSION**

The Committee wishes to submit this report and its recommendations for adoption by the House.

## **9. LIST OF APPENDICES**

Appendix 1: Petition letter from concerned youth group

Appendix 2: Letter from Hon. Mpotjoane

Appendix 3: Letter from Hon. Lethole