

## **JOINT COMMITTEE ON ETHICS AND MEMBERS INTERESTS**

### **COMPARE CODES MUNICIPAL SYSTEMS ACT AND CODE OF ETHICAL CONDUCT FOR MEMBERS OF PARLIAMENT**

#### **1. SCOPE OF CODE**

Code of Ethical Conduct is applicable to Members of Parliament, restrictions relating to the manner in which Members intervene in respect of the interests of spouses and business partners. Members are required to disclose the interests of spouses/partners and dependents. Code is implemented in terms of the Joint Rules

Code for Councillors is applicable to all Councillors and traditional leaders who participate in terms of the Structures Act, also imposes restrictions on intervention by councillors in respect of intervention in respect of interest held by spouses and business partners. No clear requirement for disclosure of spouse/partners interests. Code is Legislated, some Councils have written provisions in their Rules.

#### **2. ETHICAL PROVISIONS**

Standards of Ethical Conduct to uphold the law, act in accordance with the public trust placed on them, act in public interest, maintain integrity of Parliament, be committed to the eradication of all forms of discrimination.

Underlying values of the Code of Ethical Conduct are Selflessness, Integrity, Objectivity, honesty and Leadership

Requires the Councillor to perform functions of Office in good faith, honestly and transparently, in the best interests of the municipality and with integrity

#### **3. ATTENDANCE AT MEETINGS**

Attendance requirements for MPs are prescribed in the Rules of the different Houses,

Code of Conduct for Councillors determines processes and sanctions for non attendance at meetings.

#### **4. CONFLICT OF INTEREST RULES**

Code of Conduct for Council requires disclosure and recusal when there is a direct conflict of interest for the Councillor/spouse or business partner. A councillor may not accept any gift or reward for voting/persuading or making representation to council. Nor may he/she not make

any unauthorised disclosure of information. A councillor may not intervene in council administration except when authorised to do so. A councillor may not acquire a benefit from any property or asset controlled by the municipality.

Members of Parliament must disclose and recuse themselves in event of a conflict of interest at any forum, when making representations. May not use his or her influence to improperly benefit. Not use confidential information to receive improper advantage (Member, spouse and business partner) Members may not lobby for remuneration.

## 5. PROHIBITED BUSINESS ACTIVITY

A Member may not receive any benefit including a tender or contract with the state. A Member may not use influence to benefit his/her spouse or business partner from obtaining a tender or contract with the state. A member may not lobby for remuneration.

A councillor may not without the prior consent of council be a beneficiary to a contract for the provision of goods and services to a municipality. Obtain a financial interest in any business of the municipality, nor for a fee appear on behalf of another person (lobby).

## 6. DISCLOSURE REQUIREMENTS

Councillors	Members and partners and Dependents
Shares and Securities	Shares and financial interests
Memberships of any close corporation	Directorships and partnerships
Interests in any trust	Interests in trusts
Directorships	(Directorships and Partnerships)
Partnerships	( Directorships and Partnerships)
Other financial Interests in any business undertaking	Shares and Financial Interests
Employment and remuneration Full time Councillors may not undertake paid work	Remunerated employment outside Parliament requires permission of Chief Whip. Executive Members may not undertake paid work
Interests in property	Land and property
Pensions	Pensions
Subsidies and grants by any other organisations	Not required
Gifts ( limit to be prescribed by council	Gifts exceeding 1500, and travel and hospitality
Not required	Encumbrances
Not required	sponsorships and benefits
	Details of any government contract upon taking office

Members are required to publicly disclose interests, the interests of spouse and dependents are confidential. Annual disclosure is required.

Councils should determine which interests are to be made public. The Act is silent on the interests of spouses. Annual disclosure required.

## **7. BREACHES OF THE CODE**

The Joint Committee on Ethics and Members Interests implements the requirements of the Code of Conduct. The Joint Committee investigates complaints.

Councils may establish a special Committee, to investigate complaints. MEC will consider appeals.

## **8. SANCTIONS**

A councillor may receive the following sanction: a warning, a reprimand, a request to the MEC to suspend, fine or request to the MEC for removal from office.

Members may receive for minor breaches counselling, a reprimand, a fine (salary deduction or reduction of benefits or privileges.)