



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

Who implements the Code

The Joint Committee on Ethics and Members' interests is mandated to monitor and oversee the conduct of its colleagues in Parliament.

Committee is available to advise and consult

What is the purpose of the Code of Conduct

- hold Members of Parliament accountable in their exercise of public power
- determine acceptable behaviour by Members of Parliament
- help Members conduct themselves appropriately as public representatives
- establish minimum standards of behaviour
- Promote values enshrined in the Constitution
- reduce secrecy and ensure that Members' personal interests are open to public scrutiny

What are the disclosure requirements?

Shares and Financial Interests

Remunerated employment outside Parliament

Directorships/partnerships

Consultancies

Sponsorships

Gifts and Hospitality

Travel paid for by an outside source

Benefits

Land and property

Pension

Trusts

Encumbrances

What should be disclosed in the confidential section

Members must disclose in the confidential section

- the interests of spouses/permanent companion and minor children for the same categories as Members except employment; and
- income received from outside employment, directorships, partnerships
- Value of benefits received
- Details of encumbrances

What are the requirements of the Code of Conduct? For Councillors

Disclosure of interests for , spouse and children:

Categories of disclosure

Shares and Securities in any company

councillorship in close corporation.

Interests in any trust

Directorships and partnerships

Other financial interests in any business undertaking

Employment and remuneration

Subsidies, grants, and sponsorships by any organisation

Employment and remuneration

Interests in property land and property

Pensions

Gifts above a prescribed amount

What values guide Members in the Conduct

Ethical Values

- Selflessness
- Integrity
- Objectivity
- Openness
- Honesty
- Leadership

Conflict of Interests Rules

- may not receive a gift which cause a conflict of interests
- resolve any conflict of interest in favour of the public interest
- ensure no person is improperly advantaged by using his or her influence
- prevent any Member from being improperly advantaged through having inside information
- declare interests when participating in any forum and withdraw when the matter is considered
- may not engage in remunerated employment which causes a conflict of interests

What are the other requirements of the Code of Conduct for Councillors

Councillors are required to operate in good faith, honestly and transparently

Regular attendance at meetings

Disclosure of personal or private interest interests to Council or Committee that the councillor may have in the matter before that forum and withdraw from the proceeding unless it is deemed trivial

A councillor whose spouse/business partner or close family member benefits directly from a contract must disclose particulars at the first Meeting of council

What are the other requirements of the Code of Conduct ? Councilors

A councillor may not solicit, request any gift or favour for voting or not voting in council

Persuading the council or any committee in regard to the exercise of any power

Disclosing privileged information (any matter discussed in closed session or is declared privileged, confidential or secret. Unduly interfere with the administration of council

May not have unauthorised view of any council property. Full time councillors may not participate in paid work

May not participate in the provision of goods and services to the municipality

May not obtain financial interest in any business of the municipality
May not be paid a fee to appear before council or committee on behalf of any other person

Prohibited activity

- Any benefit/tender or contract with an organ of state
- Any benefit, tender or contract received by a Member's spouse/permanent companion, immediate family or business partner that arises out of that Member's influence or due to their relationship with a Member
- Lobbying for remuneration
- Any remunerated employment with the state

When does a Member breach the Code

- Does not disclose a registrable interest
- Willfully or negligently provides wrong or misleading information when disclosing his/her interests
- Contravenes all ethical standards imposed by this Code
- Contravenes the requirements related to conflict of interests
- Conducts prohibited business activity with the state
- Engages in remunerated employment outside Parliament without proper authorisation
- Improperly uses benefits.

Penalties

- If the breach is minor the Committee could ask the Member to rectify and counsel the Member
- Penalties could include a fine up to the equivalent of thirty days salary
- A loss of benefits
- Should the breach be serious the House could impose an additional penalties it deems appropriate,

Proper use of Members' Benefits

- The Code requires that Members use the benefits provided to them in accordance with the rules.

DEADLINE FOR DISCLOSURE

SET BY THE COMMITTEE

60 DAYS AFTER BEING SWORN IN AS A

MEMBER

Procedure for the Investigation of complaints

Council may investigate and make a finding on any breach
Establish a special committee to investigate and make
finding on the breach

Council may issue a reprimand, request suspension
by the MEC

Issue a fine

Request that the MEC remove the Councillor from Office.

Appeal within 14 days to the MEC.

MEC may confirm or set aside findings

THANK YOU

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CONTACT INFORMATION

QUESTIONS??

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