

# ETHICS FRAMEWORK FOR MEMBERS OF THE GAUTENG PROVINCIAL LEGISLATURE:

*“Study Visit to the Joint Committee on Ethics and  
Members’ Interest”*

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## PURPOSE AND OVERVIEW

### PURPOSE:

- In order to ensure public confidence in the commitment of Parliament to upholding integrity.

### OVERVIEW:

- The Privileges and Ethics Committee of the GPL
- Breach of Privilege and Contempt
- The Code of Conduct and Ethics for MPL's
- Appointment of the Integrity Commissioner
- Functions of the Integrity Commissioner (IC)
- UK: House of Commons
- Canada: Mandates of Ethics Commissioners
- The Gauteng Ethics Sector Forum

# THE PRIVILEGES AND ETHICS COMMITTEE



The Gauteng Provincial Legislature has a Privileges and Ethics Committee; which is chaired by the Deputy Speaker and its mandate centres around two areas:

- Breach of Privilege and Contempt by MPL's
- Breach of the Code of Conduct and Ethics for Members

## BREACH OF PRIVILEGE AND CONTEMPT

- The Privileges and Ethics Committee must:

- investigate and report on charges of breach of privilege and contempt against Members;

(dealt with according to The Powers, Privileges and Immunities of Parliament and Provincial

Legislatures Act (Act No 4. Of 2004).

- The Rules of the GPL sets out the procedure that must be followed in instances where a complaint relating to contempt has been lodged with the Speaker of the Legislature.

- The specific provisions of this section are the following:

(a): That upon receiving a complaint in relation to contempt, the Speaker will either deal with the matter or refer the matter to the Privileges and Ethics Committee.

(b): If the matter has been referred to the Privileges and Ethics Committee, the Secretary to the legislature must prepare a report (memo) outlining the facts, legal principles and practices which have relevance to the complainant.

# BREACH OF PRIVILEGE AND CONTEMPT

- The Committee investigates the complaint, or the committee holds an enquiry
- When the Privileges and Ethics Committee has completed its investigation; it must table a report on its findings and recommendations for consideration by the House.



The COCE for the Members of the GPL provides for the appointment of an IC

- The Speaker calls for nominations of persons from Members of the public to fill the position of IC.
- The requirements for the position of an IC are : integrity and honesty, knowledge of law, public policy, politics and socio-economic issues.
- The COCE states that the Speaker, after consultation with the leaders of the parties represented in the Legislature, shall appoint a person to be the IC. (but the convention has been a multi-party interview panel).
- The Speaker presents the appointment of the IC to the House for adoption by a two-thirds majority.
- The removal of the IC due to misconduct or abuse of power, shall be subject to the same procedure.
- The IC is appointed for a five year legislative term.
- The IC may not remain in office for more than two legislative terms.
- The IC shall be assisted by staff Members, assigned by the Provincial Secretary, for the work of his/her office.

◦ To ensure the implementation of the COCE for Members.

◦ The COCE for Members are universal

◦ To keep a register of Members Interest.

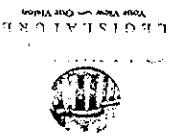
◦ Registers are universal

◦ To render advice to Members to prevent situations of real Conflict of Interest.

◦ Scrutiny of the register (Experian/CIPIC/ Who owns Who)

◦ One on one consultations

◦ Capacity building sessions/orientation workshops for members.







- Investigations
  - Complaints Register
  - Own accord
- Enquiries
- Executive Members Ethics Act
- Ministerial handbook

- The House of Commons appoints a Commissioner of Standards who has a much wider mandate than the Integrity Commissioner.
- The Commissioner is independent.
- The Commissioner reports to the Committee on Standards, which does not only deal with matters of ethics but has a wider mandate in relation to the general conduct of members.
- In terms of the standards of conduct, Members should act on all occasions in accordance with the public trust placed on them.



## Mandates of Ethics Commissioners:

- IC's/Ethics Commissioners in Canada are independent
- Separate Budgets
- The IC's/Ethics Commissioners deal purely with Conflicts of Interest
- Some of the IC's are called Conflict of Interest Commissioners
- Common features of the Canadian model: Conflict of Interest Regime:
  - Independent commissioners; written rules of conduct, disclosure requirements; advice and prevention based approach.
- The IC's/ Ethics Commissioners reports directly to Parliament through the Speaker and on some matters reports to Standing Committees.

## GAUTENG ETHICS SECTOR FORUM

The Privileges and Ethics Committee in its strategic planning session held in September 2014, resolved to explore the establishment the Ethics Sector Network/Forum.

The terms of reference of this Forum are presently being considered by the Privileges and Ethics Committee. The Broad purpose of the Forum will serve to:

- Strengthen collaboration in the legislative sector for on-going learning and sharing of best practices
- Improve synergy of the Privileges and Ethic Standing Committees across the Gauteng Legislative Sector

### Membership of the Forum:

The Gauteng Provincial Legislature Privileges and Ethics Committee

The Integrity Commissioner: GPL

Speakers of Municipalities in the Gauteng Province.



**The broad mandate of the forum will be given effect through the following initiatives:**

- building and providing expertise in the field of ethics.
- engaging with relevant stakeholders and thus promoting the exchange of information.
- creating and promoting educational opportunities
- collecting, analysing, and disseminating information regarding issues of ethics
- serving as a platform to enable better service delivery by the GPL and municipalities.
- serving as a platform for dialogue and engagement on ethics case reviews.

The Forum will not serve as a decision making body in the resolution of ethical dilemmas. Accordingly, its role will be to serve as a resource and to provide recommendations (only) to members in matters requiring ethical decision-making and interpretation).

# QUESTIONS

