

GREAT KEI LOCAL MUNICIPALITY



ETHICAL CODE FOR MUNICIPAL STAFF

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1. INTRODUCTION

- 1.1 The legislative framework regulating local government provides for standards of conduct to be adhered to by municipal staff, such as the Code of Conduct contained in Schedule 2 to the Municipal Systems Act 32 of 2000 and as provided for in terms of Regulation 46(2) of the Supply Chain Management Regulations promulgated in terms of Section 168 of the Municipal Finance Management Act 56 of 2003;
- 1.2 Whilst the Municipality has in place policies and codes seeking to regulate the ethical behavior of its employees in line with statutory requirements, a need has arisen for a single concise document that clearly and unambiguously sets out the obligations and prohibitions in respect of the more common issues that may confront officials from time to time, such as the accepting of gifts, being engaged in activities outside the work of the Municipality, benefiting from contracts with municipalities, and in respect of the disclosing commercial or financial interests.
- 1.3 The Code sets the ethical standards expected of officials in dealing with the matters outlined in paragraph 1.2 above, and makes officials accountable for maintaining these standards.

2. DEFINITIONS

For the purpose of this Code, unless the context indicates otherwise:

2.1 **"Code"** means the Ethical Code for Municipal Staff;

2.2 **"official"** means an employee of the Great Kei Local Municipality;

2.3 **"Municipality"** means the Great Kei Local Municipality.

3. PURPOSE

The purpose of this Code is to provide a clear indication of the standard of ethical behavior expected of officials in respect of:

- Declaring of interests;
- Engaging in business, trades, professions other than the work of the Municipality;
- Benefiting from a contract with the municipality; and
- Accepting of rewards, gifts, favours, or hospitalities.

4. OBLIGATIONS AND PROHIBITIONS

4.1 Declaration of Interests

4.1.1 All officials must declare their interests in respect of

- Shares and securities in any company;
- Membership of any close corporation.
- Interest in any trust;
- Directorships;
- Partnerships;
- Other financial interests in any business undertaking;
- Interest in any property; and
- Subsidies grants and sponsorships by any organisation.

4.1.2 All officials, other than the Municipal Manager and senior managers appointed in terms of section 56 of the Municipal Systems Act 32 of 2000, must declare their interests, to the Municipal Manager;

4.1.3 The Municipal Manager and senior managers appointed in terms of section 56 of the Municipal Systems Act, must declare their interests to the Speaker.

4.1.4 The declarations stipulated in paragraphs 4.1.2 or 4.1.3, must be made in writing on the prescribed form, within 60 days of commencing employment at the Municipality and thereafter any changes in the interests referred to in paragraph 4.1.1, must be declared every quarter.

4.1.5 In accordance with paragraph 5A(1)(3) of Schedule 2 of the Municipal Systems Act, Council must determine which declared interests of the Municipal Manager or of any senior managers appointed in terms of section 56 of the Municipal Systems Act, must be made public having regard to the need for confidentiality and the public interest for disclosure.

4.1.6 The Municipal Manager may inform Council of any interest declared by any official. In such event Council shall then determine if the interests declared must be made public having regard to the need for confidentiality and the public interest for disclosure.

4.2 Engagement in Business, Trade, Profession other than the work of the Municipality

4.2.1 No official may be engaged in any business, trade or profession other than the work of the Municipality, unless he/she has obtained the prior consent of Council or Council's delegated representative, to be so engaged.

4.2.2 For the purpose of this paragraph, being engaged in a business, trade or profession means to be occupied or involved in such business, trade or profession, and does not mean merely holding an interests listed in paragraph 4.1.1 above.

4.2.3 Clarity as to whether a holding of an interest may also give rise to being engaged in a business, trade or profession, should be sought from the Legal Services Unit of the Municipality, prior to an official taking up an interest so as to ensure compliance with this Code.

4.2.4 On joining the Municipality, an official must declare on the prescribed form that he or she is not engaged in any business, trade or profession other than the work of the Municipality;

4.2.5 Where a person at the time of joining the Municipality is engaged in a business, trade or profession, his or her employment with the Municipality shall be suspended without pay until such time that he or she disengages from such business, trade or profession, or alternatively, obtains permission from Council or Council's delegated representative, to be so engaged.

4.3 Benefiting from municipal contracts

4.3.1 Where a spouse, partner, business associate or close family member of an official has acquired, or stands to acquire, a direct benefit from a contract with the Municipality, full disclosure of such benefit must be made by the official concerned to Council, or Council's delegated representative.

4.3.2 The disclosure made in terms of paragraph 4.3.1 above, must state:

4.3.2.1 the nature of the relationship between the official and the person or persons benefitting or standing to benefit from a contract with the Municipality;

4.3.2.2 the nature and value of the contract which the spouse, partner, business associate or close family member has benefitted or stands to benefit.

4.3.3 An official may not be a party to or beneficiary under a contract for the provision of goods or services to any municipality or any municipal entity within the Republic of South Africa.

4.4 Rewards, gifts, favours and hospitalities

4.4.1 An official may not accept any reward, gift, favour, hospitality or other benefit directly or indirectly, where the value of which exceeds R350.00.

4.4.2 Any reward, gift, favour, hospitality or benefit of a value less than R350.00 must be declared to the Head of Department concerned. A copy of the declaration noted by the Head of Department must be placed on the personnel file of the official concerned and a copy must be kept by the Supply Chain Management Unit.

4.4.3 An official may not accept any reward gift, favour, hospitality or benefit in the form of cash, whether or not the value of the cash is less than R350.00.

4.4.4 The provisions of paragraph 4.4., 4.4.2, and 4.4.3 are only applicable in circumstance where the reward, gift, favour, hospitality or other benefit:

4.4.4.1 has been given as a result or consequence of the official's employment with the Municipality; or

4.4.4.2 may reasonably be perceived as having been given as a result or consequence of the official's employment with the Municipality.

4.4.5 In instances where there is uncertainty whether the accepting of a reward, gift, favour, hospitality or benefit by and official will attract the provisions of paragraphs 4.4.1 to 4.4.3, clarity should be sought from the Legal Services Unit of the Municipality, to ensure compliance with this Code.

5. SCOPE AND APPLICATION

This Code is applicable to all officials of the Municipality. A breach of the Code shall be considered an act of serious misconduct.

6. APPROVAL AND EFFECTIVE DATE OF THE CODE

This Code shall come into effect immediately upon approval by Council of the Great Kei Municipality.

Signature of the Municipal Manager.....

Signature of the Mayor.....