

CAPE AGULHAS MUNICIPALITY



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CODE OF ETHICS

2017 – 2018

RESOLUTION 198/2017
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1. DEFINITIONS

Accountable	Answerable for one's actions.
Bias	Inclination or prejudice for or against one person or group, especially in a way considered to be unfair.
Batho Pele	As defined in the eight Batho Pele principles: <ol style="list-style-type: none"> 1. Consultation 2. Service Standards 3. Access 4. Courtesy 5. Information 6. Openness and transparency 7. Redress 8. Value for Money
Diligence	Careful and determined work or effort.
Equitably	Act in a fair and impartial manner.
Ethical Behaviour	One does not merely consider what is good for oneself, but also consider what is good for others.
Fairly	Treating people equally without favouritism or discrimination. Just and equitable.
Financial Interests	Financial interests as prescribed in Section 5A (1) of the Code of Conduct for Municipal Staff Members. (Local Government: Municipal Management Systems Act No. 32 of 2000)
Fraud	Wrongful or criminal corruption intended to result in financial or personal gain
Good faith	Without fear or prejudice.
Impartiality	Treating all people and groups equally
Independence	Free from any constraints or interests that would prevent an ethical course of action being taken.
Integrity	The quality of being honest and having strong moral principles
Legislation	Law or set of laws made by a government.
Mislead	Cause (someone) to have a wrong idea or impression.
Objectivity	Make decisions based on facts and not influenced by personal beliefs, feelings or interests.
Organs of the State	Any of the three primary divisions of a state's sovereignty/authority (namely, the executive, the legislature, or the judiciary); the powers of each having been divided and balanced in accordance with the political principle of the separation of powers.
Other interests	Any other interests as prescribed in Section 5A (1) of the Code of Conduct for Municipal Staff Members. (Local Government: Municipal Management Systems Act No. 32 of 2000)

Prejudice	An unfair and unreasonable opinion or feeling, especially when formed without enough thought or knowledge
Professional Ethics	Implied, expected ethical standards and behaviour from the profession one is in.
Section 195(1) of the Constitution	Sets out the values and principles governing public administration
Transparent/ Transparency	Action, method, or procedure that lacks hidden agendas and conditions
Professional	Implied, expected ethical standards and behaviour from the profession relevant to a specific staff member

2. PURPOSE OF THIS CODE

- a) To promote a high standard of professional ethics and conduct of professionalism amongst Councillors and staff members.
- b) To always act with respect, integrity, competence, diligence, and in an ethical manner with each other, subordinates, superiors, the public, officials and public office bearers from other organs of state as well as their agents.
- c) To always ensure that the integrity of the Municipality and the Council and the interests of the public are placed above own personal interests.
- d) To take reasonable care and exercise independent judgment in addressing the needs of the public
- e) To act in a manner that encourages others to follow suit, to ensure that a culture of the highest professional and ethical behaviour exist within the Cape Agulhas Municipality.
- f) To promote and give effect to the basic values and principles governing public administration as contained in section 195(1) of the Constitution;
- g) To promote and give effect to the Batho Pele principles
- h) To promote and give effect to the code of conduct for Councillors and municipal employees as prescribed in Schedule 1 and Schedule 2 (Annexure A) respectively of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)
- i) To enhance the implementation of the Cape Agulhas Municipality's policies in order that corrupt and unethical practices in the administration are eradicated.

3. BASIC VALUES AND PRINCIPLES GOVERNING PUBLIC ADMINISTRATION AND THE CAPE AGULHAS MUNICIPALITY

Section 195(1) of the Constitution provides that public administration in all spheres of government must be governed by the democratic values and principles enshrined in the Constitution, including the following:

- a) a high standard of professional ethics must be promoted and maintained;
- b) efficient, economic and effective use of resources must be promoted;
- c) public administration must be development-oriented;
- d) services must be provided impartially, fairly, equitably and without bias;

- e) people's needs must be responded to, and the public must be encouraged to participate in policy-making;
- f) public administration must be accountable;
- g) transparency must be fostered by providing the public with timely, accessible and accurate information;
- h) good human-resource management and career-development practices, to maximise human potential, must be cultivated; and
- i) public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.

4. ADHERENCE TO LEGISLATION AND POLICIES

Councillors and employees of the Cape Agulhas Municipality must:

- a) Know, understand and comply with relevant legislative requirements applicable to their function.
- b) Know and understand their respective roles, and respect the roles of co-employees and Councillors.
- c) Refrain from any violation of any laws, rules, regulations and policies.
- d) Refrain from any actions that violate the rights of other employees; Councillors and the public.

5. INDEPENDENCE AND OBJECTIVITY

Councillors and employees of the Cape Agulhas Municipality must

- a) Always take reasonable care when dealing with matters concerning the general public.
- b) Maintain independence and objectivity in their respective areas of work when dealing with matters concerning the general public.
- c) Must not offer, solicit, any gift, benefit, compensation, or consideration that would compromise their own or another's independence and objectivity.
- d) Declare any offer, gift, benefit, compensation in terms of the relevant code of conduct.

6. BAD FAITH AND MISREPRESENTATION

Councillors and employees of the Cape Agulhas Municipality:

- a) Must not knowingly make any misrepresentations or give false information relating to any duty or task assigned to them or any other matter affecting the Municipality.
- b) Must refrain from making false or misleading declarations in any communication to be presented to a person, a co-employee, a superior, media (social-media, printed, TV, radio, loud hailing broadcasting), the Council or a member of the public

- c) Must ensure that all their actions, statements and informative interactions with one another, organs of the state, individuals of the public- or general public is in good faith and honest and to the benefit of the Council, the Municipality.

7. FRAUD, CORRUPTION AND DISHONESTY

Councillors and employees of the Cape Agulhas Municipality must refrain:

- a) From any conduct involving corruption, fraud and dishonesty.
- b) From committing any act that reflects adversely on their reputation, integrity, or competence and negatively impact on the Municipality.

8. CONDUCT AND CONFIDENTIALITY

Councillors and employees of the Cape Agulhas Municipality shall:

- a) Not disclose information to a person for reasons other than in an official capacity and concerning the specific official interest of that person and in this case take due considering the Promotion of Access to Information Act 2 of 2000 of the Republic of South Africa.
- b) Not make any confidential information public;
- c) Not spread disinformation or falsely accuse colleagues or deliberately spread any information that will disadvantage any person or the Municipality.
- d) Act or cause others to act on information, for any other reason, but to comply with legislation or to fulfil an official duty

9. LOYALTY

Councillors and employees of the Cape Agulhas Municipality:

- a) Have a duty of loyalty to the Cape Agulhas Municipality and must act with reasonable care and exercise prudent judgment.
- b) Must act for the best interest of the Municipality, the Council and the public as a whole.
- c) Must refrain from own, political and personal agendas

10. REPORTING

- a) Employees are encouraged to report acts of unethical behaviour committed by fellow employees of any unethical behaviour.
- b) Follow reporting requirements contained in section 10 of the Anti-Corruption and Fraud Prevention Policy of Cape Agulhas Municipality.

11. OPENNESS, TRANSPARENCY AND EFFICIENCY

Councillors and employees of the Cape Agulhas Municipality must at all times:

- a) Loyal execute the lawful policies of the municipal council;

- b) Perform the functions of the office in good faith, diligently, honestly and in a transparent manner;
- c) Act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised; and
- d) Act impartially and treat all people, including other staff members, equally without favour or prejudice.

12. DISCLOSURE OF INTEREST

Councillors and employees of the Cape Agulhas Municipality must, in the prescribed manner, disclose all their financial and other interests in terms of the relevant code of conduct.

13. ANNEXURE A

In terms of Schedule 1 of the Local Government: Municipal Systems Act, 2000, the Code of Conduct for Councillors contains the following categories:

- General conduct of councillors (Cross reference to section of Act);
- Attendance at meetings;
- Disclosure of interests;
- Personal gain;
- Declaration of interests;
- Full-time councillors;
- Rewards, gifts and favours;
- Unauthorised disclosure of information;
- Intervention in administration;
- Council property;
- Duty of chairpersons of municipal councils;
- Breaches of Code; and
- Application of Code to traditional leaders.

In terms of Schedule 2 of the Local Government: Municipal Systems Act, 2000, the Code of Conduct for Municipal employees contains specific conduct standards categorised as follows:

- General Conduct;
- Commitment to serving the public interest;
- Personal gain;
- Disclosure of benefits;
- Unauthorised disclosure of information;
- Undue influence;
- Rewards, gifts and favours;
- Council property;
- Payment of arrears;
- Participation in elections;
- Sexual harassment;
- Reporting duty of staff members; and
- Breaches of Code.

(Republic of South Africa, 2000: Schedules 1 & 2).