

## **CODE OF CONDUCT FOR ASSEMBLY AND PERMANENT COUNCIL MEMBERS**

### **DISCLOSURE OF REGISTRABLE INTERESTS**

#### **1. Role of Committee**

The Committee performs the functions mentioned in joint rule 89 in accordance with this Code.

#### **2. Registrar of Members' Interests**

1. The Committee must be served by a senior official on the staff of Parliament appointed by the Speaker and the Chairperson of the Council, acting jointly, after consulting the leaders of parties represented in the Assembly and the Council.
2. The Registrar must be assisted by staff assigned by the Secretary for the work of the Committee.

#### **3. Registrar's functions**

1. The Registrar must -
  - open and keep a register for the purposes of this Code, called the Register of Members' Interests; and
  - record in the Register particulars of Members' registrable interests;
  - amend any entries in the Register when necessary; and
  - perform the other duties in connection with to the implementation of this Code as required by the Committee.
2. The Registrar performs the functions of office in accordance with the directions of the Committee.

#### **4. Register of Members' Interests**

The Register must –

- have a confidential part and a public part;
- contain the information regarding the Members' registrable interests as the Committee may determine; and
- be in a format approved by the Committee.

#### **5. Disclosure of registrable interests**

1. Members must disclose to the Registrar, on the form prescribed for this purpose by the Committee, particulars of all their registrable interests.
2. The first disclosure must be within 30 days of the opening of Parliament or appointment as a Member. If a Member has no registrable interests, a "nil" return must be submitted.
3. After the first disclosure Members must disclose annually at a time determined by the Committee.

#### **6. Kinds of interests to be disclosed**

The following kinds of financial interests are registrable interests:

- shares and other financial interests in companies and other corporate entities;
- remunerated employment outside Parliament;
- directorships and partnerships;
- consultancies;
- sponsorships;
- gifts and hospitality from a source other than a family Member or permanent companion;
- any other benefit of a material nature;
- foreign travel (other than personal visits paid for by the Member, business visits unrelated to the Member's role as a public representative and official and formal visits paid for by the state or the Member's party);
- ownership and other interests in land and property; and

- pensions.

## 7. Details of registrable interests to be disclosed

The following details of registrable interests must be disclosed:

- (a) Shares and other financial interests in companies and other corporate entities:
  1. The number, nature and nominal value of shares of any type in any public or private company;
  2. the name of that company; and
  3. the nature and value of any other financial interests held in a private or public company or any other corporate entity.
- (b) Remunerated employment outside Parliament:
  1. The type of employment;
  2. the name, and type of business activity, of the employer; and
  3. the amount of the remuneration received for such employment.
- (c) Directorships and partnerships:
  1. The name, and type of business activity, of the corporate entity or partnership; and
  2. the amount of any of remuneration received for such directorship or partnership.
- (d) Consultancies:
  1. The nature of the consultancy or any retainership of any kind;
  2. the name, and type of business activity, of the client concerned; and
  3. the amount of any remuneration or other benefits received for such consultancy or retainership.
- (e) Sponsorships:
  1. The source and description of direct financial sponsorship or assistance from non-party sources; and
  2. the value of the sponsorship or assistance.
- (f) Gifts and hospitality:
  1. A description and the value and source of a gift with a value in excess of R1500;
  2. a description and the value of gifts from a single source which cumulatively exceed the value of R1500 in any calendar year; and
  3. hospitality intended as a gift in kind.
- (g) Benefits:
  1. The nature and source of any other benefit of a material nature; and
  2. the value of that benefit.
- (h) Foreign travel:
  1. A brief description of the journey abroad; and
  2. particulars of the sponsor.
- (i) Land and property:
  1. A description and extent of the land or property;
  2. area in which it is situated;
  3. nature of interest.
  4. Properties outside the state
- (j) Pensions:
  1. The source of the pension; and
  2. the value of the pension.

## 8. Entries in Register

1. The Registrar may record all details of registrable interests in the public part of the Register, except the following, which must be recorded in the confidential part:
  - The value of financial interests in a corporate entity other than a private or public company.
  - The amount of any remuneration for any employment outside Parliament.
  - The amount of any remuneration for any directorship or partnership.
  - Details of foreign travel when the nature of the visit requires those details to be confidential.
  - Details of private residences.
  - The value of any pensions.
  - Details of all financial interests of a Member's spouse, dependent child or permanent companion to the extent that a Member is aware of.
2. Where any doubt exists as to whether any financial interests must be disclosed, the Member concerned must act in good faith.
3. Despite sub item (1) the Committee may on good cause instruct the Registrar to record any details of any of a

Member's registrable interests in the confidential part of the register.

### **9. Confidential part of Register**

1. Only a Committee Member, the Registrar and staff assigned to the Committee has access to the confidential part of the Register.
2. No person who has access to the confidential part of the Register may, except when a court so orders, disclose particulars of any entry in the confidential part to anyone other than the Member concerned or another person who has such access.
3. A Committee Member who contravenes sub item (2) - (a) is liable to a reduction of up to 30 days' salary; and (b) becomes ineligible to continue as a Committee Member.
4. The Registrar or a staff Member who contravenes sub item (2) is subject to disciplinary action applicable to parliamentary staff, including dismissal.

### **10. Public part of Register**

1. Any person has access to the public part of the Register on a working day during office hours.
2. The Registrar must publish the public part of the Register during April of each year in a manner determined by the Committee.

## **ETHICAL CONDUCT**

### **11. Declaration of private interests to parliamentary committees and forums**

A Member must -

- declare any personal or private financial or business interest that that Member or any spouse, permanent companion or business partner of that Member may have in a matter before a joint committee, committee or other parliamentary forum of which that Member is a Member; and
- withdraw from the proceedings of that committee or forum when that matter is considered, unless that committee or forum decides that the Member's interest is trivial or not relevant.

### **12. Declaration of private interests when making representations**

If a Member makes representations as a Member to a Cabinet Member or any other organ of state with regard to a matter in which that Member or any spouse, permanent companion or business partner of that Member has a personal or private financial or business interest, that Member must declare that interest to that Cabinet Member or organ of state.

### **13. Lobbying for remuneration**

No Member may lobby for remuneration.

### **14. Remunerated employment outside Parliament**

A Member may only engage in remunerated employment outside Parliament when such employment is –

- sanctioned by the political party to which the Member belongs; and
- is compatible with that Member's function as a public representative.

## **BREACHES OF THE CODE**

### **15. What constitutes a breach**

A Member breaches this Code if the Member –

- contravenes or fails to comply with a provision of this Code;

- when disclosing registrable interests, wilfully provides the Registrar with incorrect or misleading details.

#### **16. Investigations by Committee**

1. The Committee, acting on its own or on a complaint by any person through the Office of the Registrar, may investigate any alleged breach by a Member of this Code.
2. The Committee may determine its own procedure when investigating any alleged breach but must at least hear the complainant and the Member against whom the complaint is lodged.
3. If the matter concerns a registrable interest recorded in the confidential part of the Register or which is regarded as confidential by the Committee, the proceedings of the Committee may be held in closed session.

#### **17. Findings**

1. At the conclusion of its investigation, the Committee must make a finding supported by reasons, on the alleged breach of this Code.
2. The finding and the reasons for the finding must be made public.
3. If the hearing was in closed session a summary of the facts must be disclosed.

#### **18. Penalties**

1. The Committee must recommend the imposition of one or more of the following penalties where it has found that a Member has breached a provision of this Code – a reprimand;
  - a fine not exceeding the value of 30 days' salary;
  - a reduction of salary or allowances for a period not exceeding 15 days; or
  - the suspension of privileges or a Member's right to a seat in Parliamentary debates or committees for a period not exceeding 15 days.

#### **19. Committee to report to appropriate Houses**

1. Within 30 days of commencing its investigation, the Committee must report its finding and its recommendation as to penalties, if any, to the appropriate House.
2. If the Committee recommends a penalty, the House must either –
  - accept or reject the recommendation; or
  - refer the matter back to the Committee for further consideration.
3. If the House has accepted the Committee's recommendation, the Speaker or the Chairperson of the Council must act on such decision promptly.