

# SWELLENDAM MUNICIPALITY



## CODE OF ETHICS

2023/2024

APPROVED BY COUNCIL ON XXX PER ITEM XXX

## 1. Glossary of Terms:

Description Heading	Interpretation and Context as stated in this Code
Accountable	Answerable for one's actions.
Batho Pele principles	As defined in the eight Batho Pele principles: 1. Consultation 2. Service Standards 3. Access 4. Courtesy 5. Information 6. Openness and transparency 7. Redress 8. Value for Money
Bias / Prejudice	Inclination or prejudice for or against one person or group, especially in a way considered to be unfair.
Code of Conduct for Municipal Staff Members	The Code of Conduct that form part of all municipal staff's employment or service contracts.
Diligently	Consistent adherence to the Code of Ethics, Code of Conduct, policies and legislation.
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	Any stake or involvement with an enterprise that is of a financial nature.
Gifts Policy for Officials	The version of the Gifts Policy for Officials of Swellendam Municipality most recently approved by the Swellendam Municipal Council.
Good faith	Without fear or prejudice.
Impartially	Act in a way that treats all people equally.
Independence	Free from any constraints or interests that would prevent an ethical course of action being taken.
Local Government: Municipal Finance Management Act (Act 56 of 2000)	Secure sound and sustainable management of the financial affairs of municipalities and other institutions in the local sphere of government; to establish treasury norms and standards for the local sphere of government; and to provide formatters connected therewith.

Local Government: Municipal Systems Act (Act 32 of 2000)	Defines the legal nature of a municipality as including the community and clarifies the executive and legislative powers of municipalities. It seeks to boost effective local government by establishing a framework for municipal planning, performance management and use of resources. The Act also ensures that municipalities put in place service tariffs and credit control policies that take the needs of the poor into account and it promotes the participation of local communities in local governance
Mislead	Cause (someone) to have a wrong idea or impression.
Municipal Staff	Municipal staff include: <ul style="list-style-type: none"> <li>• an employee of the municipality;</li> <li>• a person seconded to the municipality to work as a member of the staff of the municipality; or</li> <li>• a person contracted by the municipality to work as a member of the staff of the municipality otherwise than as an employee.</li> </ul>
Objectivity	Make decisions based on facts and not influenced by personal beliefs, feelings or interests.
Other interests	Any other interest that can cause a conflict of interests during the execution of duties.
Professional Ethics	Implied, expected ethical standards and behaviour from the profession relevant to a specific staff member.
Promotion of Access to Information Act (Act 2 of 2000)	An act that gives effect to the constitutional right of access to any information that is required for the exercise or protection of any rights where such information is held by, among others, municipalities.
Protection of Personal Information Act (Act 4 of 2013)	An act that establishes legal requirements for the protection of personal information processed by, among others, municipalities and their municipal staff.
Supply Chain Management Policy	The version of the Supply Chain Management policy of Swellendam Municipality most recently approved by the Swellendam Municipal Council.
Transparency	In an open way without secrets.

## 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 councillors from other municipalities and officials and politicians from the provincial and national government departments.
- 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 such a way that others are encouraged to follow suit and thereby ensure that a culture of the highest professional and ethical behaviour exist within the Swellendam Municipality.
- f) To promote and give effect to the values and principles 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 two respectively of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- i) To enhance the Swellendam 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 Swellendam Municipality**

Section 195(1) of the Constitution provides the framework for intergovernmental relations and prescribes the following basic values and principles for public administration:

- I. a high standard of professional ethics must be promoted and maintained;
- II. efficient, economic and effective use of resources must be promoted;
- III. public administration must be development-oriented;
- IV. services must be provided impartially, fairly, equitably and without bias;
- V. people's needs must be responded to, and the public must be encouraged to participate in policy-making;
- VI. public administration must be accountable;
- VII. transparency must be fostered by providing the public with timely, accessible and accurate information;
- VIII. good human-resource management and career-development practices, to maximise human potential, must be cultivated; and
- IX. 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 Swellendam Municipality must:

- I. Know, understand and comply with the legislative requirements governing local government.
- II. Know and understand their respective roles, and respect the roles of co-employees and councillors.
- III. Know and understand the Code of Conduct for Municipal Councillors and employees and the disciplinary- and grievance procedures of the Swellendam Municipality.
- IV. Know, understand, comply and promote the policies of the Swellendam Municipality.
- V. Dissociate from any violation of any laws, rules, regulations and policies.
- VI. Dissociate from any actions that violate the rights privileges and peace and comfort of co-employees; councillors and the public or any member thereof.

## **5. Independent and Objective**

Councillors and employees of the Swellendam Municipality must

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

## **6. Bad faith and Misrepresentation:**

Councillors and employees of the Swellendam Municipality:

- a) Must not knowingly make any misrepresentations or give false information relating to any duty or task assigned to them.
- b) Must refrain from making false or misleading declarations in any document to be presented to a person, a co-employee, a superior, the council or a member of the public.
- c) Must not make any misleading information public or submit it to the news media for whatever reason.
- d) Must ensure that all actions, statements and informative interactions with one another or the general public or any organisation is in good faith and honest and to the benefit of the Council, the Municipality and the broader public.

## **7. Conduct of fraud, corruption and dishonesty:**

Councillors and employees of the Swellendam Municipality must refrain:

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

## **8. Conduct and confidentiality**

Councillors and employees of the Swellendam Municipality shall:

- a) Always act with a high standard of conduct;
- b) 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 consideration of the Access to Information Act and the -Manual of the Municipality.
- c) Not make any confidential information public;
- d) Not spread disinformation or falsely accuse colleagues or deliberately spread any information for the disadvantage of any other person or the Municipality or Council.
- e) 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 Swellendam Municipality:

- I. Have a duty of loyalty to the Swellendam Municipality and must act with reasonable care and exercise prudent judgment.
- II. Must act for the benefit of the public and place the Municipality's, the Council's and the public's interests before their own interests.
- III. Must act for the benefit of the Municipality, the Council and the public as a whole.
- IV. Must deprive from own, political and personal agendas.
- V. Must deprive from cause to harm to the Municipality and the Council.

#### **10. Open, transparent and efficient**

Councillors and employees of the Swellendam Municipality:

- I. Must be open, fair and transparent in dealing with the public and in exercising their duties.
- II. Must deal objectively with the needs of the public.
- III. Must always act without prejudice.
- IV. Must endeavour to address the public's needs with simplicity and plainness to such an extent that the communication is effective and efficient.

#### **11. Disclosure of interest**

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

#### **12. Enforcement:**

Every Councillor and Staff member will be bound to adhere to this Code of ethics and must act in such a way that others are encouraged to follow suit and thereby ensure that the highest professional and ethical behaviour remains the culture within the municipality.