

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 24 MARCH 2014

ANNOUNCEMENT COMMITTEE REPORT

The Speaker:

The Conduct Committee, having considered the subject of the operations of the Committee for the financial year 2013/14, begs to report as follows:

1. The Code of Conduct for Members of the Western Cape Provincial Parliament (Code) has been successfully implemented in that all Members, including Members of the Executive, have disclosed their registerable interests in respect of the 2013/14 financial year. The due date for submission of disclosure forms was 30 August 2013.
2. Three (3) requests for access to the public part of the Register was granted to the media, the Auditor-General and a member of the public.
3. No complaints of alleged breach of the Code were received.
4. In the reports to the Committee, the Registrar reported on the number of advice given to Members of the Provincial Parliament on the Code of Conduct.
5. During the reporting period, the Committee met four times, on 14 June 2013, 15 November 2013, 26 February 2014 and 5 March 2014, to deal with the proposed amendments to the Code of Conduct Act and the Code.
6. The Committee has proposed amendments to the Code which is attached hereto. The House is requested to consider this report and the amendments to the Code.

PROVINCE OF THE WESTERN CAPE

CONDUCT COMMITTEE AMENDMENTS

TO

CODE OF CONDUCT FOR MEMBERS OF THE

WESTERN CAPE PROVINCIAL PARLIAMENT

[A version -2014]

(As agreed to by the Conduct Committee)

PART I

[1] Preamble

WHEREAS the Constitution of the Republic of South Africa requires that all levels of government promote accountability, responsibility and openness;

and whereas the Constitution of the Western Cape affirms that the Western Cape Province is founded on responsible and accountable government and that government must aim to promote a work ethic;

WE, the Members of the Western Cape Provincial Parliament

- (a) recognizing that we are accountable to the electorate and have a duty to instil and maintain public trust in democratic institutions;
- (b) affirming that Members of the Provincial Parliament have an obligation to perform their duties conscientiously, with honour and dignity; to be true and faithful public representatives, having due regard for the common good;

THEREFORE agree to abide, individually and collectively, by the principles, rules and obligations set out in this Code of Conduct.

[2.1] Definitions

In this Code, unless the context indicates otherwise –

- [(i)] “**Act**” means the Members of the Western Cape Provincial Parliament Code of Conduct Act, 2002 (Act 3 of 2002);
 - [(ii)] “**Appeals Committee**” means the Committee established under paragraph [23]30;
 - [(iii)] “**Code**” means the Code of Conduct for Members of the Western Cape Provincial Parliament.
 - [(iv)] “**Committee**” means a committee established under the Standing Rules of the Western Cape Provincial Parliament;
 - [(v)] “[**company and/ or]corporate entity**” includes any public or private company, close corporation and any trust, other than a charitable trust, but does not include a charitable organisation or an association not for gain (section 21 company);
 - [(vi)] “**Conduct Committee**” means the Committee established under the Standing Rules of the Western Cape Provincial Parliament;
- “**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“designated staff” and “staff assigned to the Conduct Committee” means staff identified to assist the Registrar and the Conduct Committee with administrative and logistical support;

[(vii)] **“provincial Constitution[of the Western Cape]”** means the Constitution of the Western Cape, 1997 [(Act 1 of 1998)];

[(viii)] **“Constitutional body or office”** means an office or body established under the Republic of South Africa Constitution Act (Act 108 of 1996);

[(ix)] **“family member”** in relation to a Member, means a Member’s spouse, dependent child or permanent companion;

[(x)] **“Member”** means a Member of the Western Cape Provincial Parliament,

“parliamentary forum” means any legislative forum, outside the Provincial Parliament, in which Members participate;

[(xi)] **“permanent companion”** in relation to a Member, means a person who is cohabiting with the Member and is publicly acknowledged by the Member as that Member’s permanent companion;

[(xii)] **“Provincial Parliament”** means the Western Cape Provincial Parliament;

[(xiii)] **“Public Protector”** means the Public Protector contemplated in Section 181 of the [national] Constitution;

[(xiv)] **“Register”** means the Register of Members’ Interests opened under paragraph [12]10;

[(xv)] **“Registrar”** means the Registrar of Members’ Interests appointed in terms of [paragraph 18] the Act;

[(xvi)] **“registrable interest”** means financial interests listed in paragraph [14]12, and in relation to a Member, includes the financial interests of that Member’s spouse, dependent child and/or permanent companion;

[(xvii)] **“remuneration”** means receipt of benefits in cash or in kind;

[(xviii)] **“Secretary”** means the Secretary to the Provincial Parliament; and

[(xix)] **“Speaker”** means the Speaker of the Provincial Parliament.

PART II – PRINCIPLES AND GENERAL OBLIGATIONS

[3.]2. Principles

A Member [must] shall adhere to the following principles:

(1) Loyalty to the Western Cape Province and South Africa

- ([i]a) A Member shall be loyal to the Western Cape Province, to South Africa and its people.
- ([ii]b) A Member will uphold the provincial and national Constitutions and all other laws of the province and of the country.

(2) Primacy of the public interest

- ([i]a) A Member shall take decisions only in the interest of the public.
- ([ii]b) A Member shall avoid conflicts of interest between personal interest and public duty.

(3) Integrity

A Member shall ensure at all times that the dignity, credibility and integrity of the Provincial Parliament is maintained.

(4) Accountability

A Member –

- (a) is accountable to the public for his or her decisions and actions and [must]shall submit himself or herself to whatever scrutiny is appropriate to his or her office;
- (b) [must]shall exercise due diligence in the performance of his or her official duties;
- (c) [must]shall apply public resources efficiently and effectively and only for the purpose for which they are intended; and
- (d) [must]shall avoid improper use of any payment or allowances made to a Member for public purposes, and observe strictly the administrative rules that apply to these payments.

(5) Openness and honesty

A Member shall –

- (a) exercise his or her public duties in an open and transparent manner, and
- (b) act honestly and maintain the trust that the public places in him or her.

~~[(f6)]~~ Status of principles

The principles set out in paragraph 2 may, depending on their nature, be enforceable, and act as guidelines in the application of the Code.]

(6) Act in good faith and meet obligations

A member shall –

- (a) at all times act in good faith and in the interest of good governance; and
- (b) meet all obligations imposed on him or her by law.

[4.]3. General obligations

A Member shall, at all times, in the exercise of his or her duties adhere to the principles set out in paragraph [3]2 of the Code and shall –

[(1)] not take decisions in order to gain financial or other material benefit for himself or herself, his or her family, or his or her friends;]

[(2)](1)[exercise his or her duties and]conduct himself or herself with dignity and integrity appropriate to his or her office;

[(3)](2)not place himself or herself under financial or other obligations to outside individuals or organisations that might improperly influence the performance of his or her duties;

[(4)](3)ensure that his or her personal conduct is consistent with the dignity and integrity of the Provincial Parliament;

[(5)](4)make choices on merit in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for reward or benefit;

[(6)](5)subject himself or herself to any form of lawful scrutiny appropriate to his or her office as a Member;

[(7)](6)declare any private interest relating to his or her official duties;

[(8)](7)declare in the Register of Members' Interests all registrable interests as required; and

[(9)](8)take steps to resolve any conflict of interest that may arise in a manner that protects the public interest, as opposed to his or her private interests, as well as the Provincial Parliament's dignity, credibility and integrity.

PART III – CONDUCT**[5.]4. Declaration of [private] interests in a matter before a [C]committee[s], parliamentary forum or [and] proceedings of the Provincial Parliament**

A Member [must]shall –

- (1) declare any personal or private financial or business interest that he or she, his or her family member or business partner may have, in a matter before a [standing] committee[, *ad hoc* committee], proceedings of the Provincial

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Parliament or [other] parliamentary forum in which that Member participates and/or serves; and

- (2) withdraw from the proceedings of that Committee, proceedings of the Provincial Parliament or parliamentary forum when that matter is considered, unless that Committee, [or] parliamentary forum or the Provincial Parliament decides that the Member's interest is immaterial.

[6.]5. Declaration of private interests when making representations

If a Member makes representations, either formally or informally, in his or her capacity as a public representative, to a member of the Executive or any other organ of state with regard to a matter in which that Member, his or her family member or business partner has a personal, private financial interest or business interest, that Member must declare that interest before such representations are made to that member of the Executive or organ of state.

[7.]6. Lobbying for reward

No Member shall lobby for reward in cash or kind.

[8.]7. Remunerated employment outside the Provincial Parliament

A Member may only engage in remunerated employment outside the Provincial Parliament when such employment is-

- (1) sanctioned by the political party to which the Member belongs; and
- (2) compatible with that Member's functions as a public representative.

[9.]8. Imp[P]roper exercise of influence

A Member shall not utilise the influence he or she derives from public office to improperly give advantage to private entities or persons in their dealings with the government, where this will result in pecuniary gain for such entities or persons.

[10.]9. Refrain from using "insider" information

A Member shall not use confidential government information or information obtained in the course of exercising a public duty to advance a private interest.

[11. Post-tenure employment restrictions

- (1) After tenure, a former Member shall-
 - (a) not act in such a manner, which would take improper advantage of his/her previous employment as a Member of the Provincial Parliament;

- (b) refrain from receiving preferential treatment or privileged access to government;
 - (c) refrain from taking advantage of information obtained in the course of official duties and responsibilities until the information becomes readily available to the public; and
 - (d) refrain from using public office to unfair advantage in order to obtain employment opportunities elsewhere.
- (2) Any former Member who breaches the provisions of subparagraph (1) shall be liable to the penalties listed under paragraph 25, in so far as these penalties can apply.]

PART IV – DISCLOSURE OF REGISTRABLE INTERESTS

[12.]10. Establishment of Register of Members' Interests

- (1) The Registrar must open and keep a register for the purposes of the Code, called the Register of Members' Interests.
- (2) The Register must –
 - (a) be divided into a public section and a confidential section;
 - (b) contain the information regarding Members' registrable interests as set out in paragraph [12(3)]10(3) read with paragraph [14]12; and
 - (c) be in a format approved by the Conduct Committee.
- (3) The Registrar must record all details of the following registrable interests in the confidential section of the Register:
 - (a) the value of financial interests in a corporate entity;
 - (b) the amount of any remuneration for any employment outside the Provincial Parliament;
 - (c) the amount of any remuneration for any directorship or partnership;
 - (d) details, including the address, of any private residence;
 - (e) the value of any pension;
 - (f) details of all financial interests of a Member's family member; and
 - (g) a Member's liabilities.
- (4) Where any doubts exist as to whether any particular financial interest must be disclosed, the Member concerned must consult the Registrar.

- (5) Notwithstanding subparagraph [(1)](3), the Conduct Committee may on good cause shown, instruct the Registrar to record any details of any of a Member's registrable interests in the confidential part of the Register.

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[13.]**11. Disclosure of registrable interests**

- (1) A Member must disclose to the Registrar, on the form prescribed for this purpose by the Conduct Committee, particulars of all his or her registrable interests.
- [(2) The first disclosure must be within the period as determined by the Conduct Committee.]
- [(3)] (2)[Thereafter, d]Disclosure of registrable interests shall be within [30] 60 days after the first sitting of a [new Provincial Parliament] parliamentary term or [nomination] appointment of a Member. [If a Member has no registrable interests he or she must indicate this in writing to the Registrar.]
- [(4) After the first disclosure,](3)Thereafter Members must [annually] disclose particulars of their registrable interests[, including any transfer of such interests,] on or before [by a] 30 April of each year [date determined by the Registrar].
- (4) If a Member has no registrable interests he or she must indicate this on the form referred to in (1) above.

[14.]**12. Nature and details of registrable interests to be disclosed**

A Member must disclose the following registrable interests, held in and outside South Africa, and details of:

- (1) **Shareholding and financial interests in [companies and other] corporate entities**
- [(i)a] The number, nature and nominal value of shares of any type in any public or private company;
- [(ii)b] the name of that company; and
- [(iii)c] the nature and value of any other financial interests held in any company or any other corporate entity.
- (2) **Ownership and any other interest in land or property in or outside South Africa**
- [(i)a] A description of and the extent of the land or property;
- [(ii)b] the area in which the land or property is situated; and
- [(iii)c] the nature and value of the interest in the land or property.
- (3) **Pensions**
- [(i)a] The source of any pension; and
- [(ii)b] the value of the pension.

(4) **Remunerated employment outside the Provincial Parliament**

- ([i]a) The type of employment;
- ([ii]b) the name and type of business activity of the employer; and

([iii]c) the amount of remuneration received for such employment.

(5) **Consultancies**

- ([i]a) The nature of the consultancy or any retainership of any kind;
- ([ii]b) the name and type of business activity of the client concerned; and
- ([iii]c) the amount of any remuneration or other benefits received for such a consultancy or retainership.

(6) **Directorship and partnerships**

- ([i]a) The name and type of business activity of the corporate entity or partnership; and
- ([ii]b) the amount of any remuneration received for such directorship or partnership.

(7) **Sponsorships**

- ([i]a) The source and description of direct financial sponsorship or assistance from any source other than the Member's party which benefits the Member in his or her personal and private capacity; and
- ([ii]b) the amount or value of the sponsorship or assistance.

(8) **Gifts and hospitality received by a Member from a source other than a family member**

A description, including the value and source of

- ([i]a) any gift with a value in excess of [R500] R1500;
- ([ii]b) gifts received from a single source which cumulatively exceed the value of [R500] R1500 in any calendar year;
- ([iii]c) hospitality intended as a personal gift and with a value of more than [R500] R1500; and
- ([iv]d) hospitality intended as a gift and received from a single source, and which cumulatively exceeds the value of [R500] R1500 in any calendar year.

(9) **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)

- ([i]a) A brief description of the journey abroad; and
- ([ii]b) particulars of the sponsor.

(10) **Any other benefit of material nature**

- ([i]a) The nature and source of any other benefit of a material nature; and
- ([ii]b) the value of that benefit.

[15.]13. **Disclosure of and access to Register of Members' Interests**

- (1) Any person has access to the public part of the Register on parliamentary working days and at times prescribed by the [Speaker] Registrar.
- [(2) The Registrar shall publish the public section of the Register during April of each year in a manner prescribed by the Speaker.]
- [(3)] (2) Only the Conduct Committee, the Public Protector, the Registrar and his or her designated staff shall have access to the confidential part of the Register.
- [(4)] (3) 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 that part to anyone other than the Member concerned or another person who has such access[, except when a court or the Public Protector so orders].
- [(5)] (4) A member of the Conduct Committee who contravenes paragraph [15(4)] 13(3) is in breach of the Code and shall:
- (a) be ineligible to continue as a member of the Conduct Committee; and
- (b) be liable to reduction of up to 30 days' salary.
- [(6) A parliamentary employee who contravenes paragraph 15(4) is in breach of the Code and shall be subject to disciplinary action applicable to parliamentary employees.]
- (5) The Registrar or a staff member who contravenes paragraph 13(3) is subject to disciplinary action applicable to parliamentary staff, including dismissal.

PART V – [ENFORCEMENT] CONDUCT COMMITTEE

[16. **Conduct Committee]**

[(1)]14. **Powers and functions**

- [(a)]1) The Conduct Committee established in terms of the Standing Rules of the Western Cape Provincial Parliament [shall be competent to deal with the Code.] is charged with carrying out the functions required from it under the Code.
- [(b)]2) The Conduct Committee shall:
- [(i)]a) implement the Code of Conduct;
- [(ii)]b) develop standards of conduct;
- [(iii)]c) regularly review the Code and make recommendations for its amendment;
- [(iv)]d) perform other functions and exercise other powers reasonably assigned to the Committee by the Code and in terms of resolutions adopted; and

([v]e) report to the House at least annually on its operations and the effectiveness of the Code.

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[(2)]15. Meetings

[(a)1] All [M]meetings of the Conduct Committee [must be held in closed session when the committee regards the matter as confidential] are open, unless the Committee determines otherwise.

[(b)2] When the Conduct Committee regards a matter as being confidential all reports and minutes related to the relevant matter of the Conduct Committee are to be kept confidential.

[(c)3] [All m]Material identified by the Conduct Committee as confidential [acquired during the Conduct Committee meeting] shall be distributed to Conduct Committee members and stored confidentially.

[(d) All documents distributed in a Conduct Committee meeting shall be kept confidential.]

[(3)]16. Quorum

[(a) Save when a question is being decided, business at the meeting of a Conduct Committee may be proceeded with if at least one third of the members of the committee are present.

[(b) The Conduct Committee may decide a question only if a majority of the members drawn from the majority of the parties represented on the Conduct Committee is present.

[(a) If the Conduct Committee has to decide a question when a quorum is not present, the Chairperson may either suspend business until a quorum is present or adjourn the meeting till a next meeting is convened.]

The Standing Rules applicable to quorums apply *mutatis mutandis* to Conduct Committee meetings.

[(4)]17. Decisions

[(a) Decisions by the Conduct Committee are taken with the support of the majority of members present.

[(a) The Chairperson of the Conduct Committee has, in addition to his or her vote as a member, a decisive vote whenever there is an equal number of votes on each side of the question.]

The Standing Rules applicable to decisions by a committee apply *mutatis mutandis* to decisions taken by the Conduct Committee.

[(5) Consideration of Report

The Conduct Committee shall consider the report provided by the Registrar and may call for further evidence from any other person relevant to the case.]

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[(6)]18. Recusal by member

Should any Member of the Conduct Committee be the subject of a conduct investigation, that Member should recuse himself or herself from the committee's deliberations on that investigation.

[17.]19. Confidentiality and affirmation of members of Conduct Committee, Registrar and staff assigned to the Conduct Committee

- (1) Each member of the Conduct Committee must swear or affirm before the Speaker to honour the requirements of confidentiality.
- (2) The Registrar appointed in terms of the Code and each member of staff assigned to work for the Conduct Committee must swear or affirm, before the Speaker to honour the requirements of confidentiality.

PART VI – REGISTRAR OF MEMBERS' INTERESTS

[18.]20. Appointment of Registrar

(1) Appointment

- (a) The Registrar shall be appointed in terms of section 3 of the Members of the Western Cape Provincial Parliament Code of Conduct Act, 2002 (Act 3 of 2002).
- (b) The Registrar shall be assisted by such staff, assigned by the Secretary, for the work of the Conduct Committee.
- (c) The Speaker may determine the additional remuneration and conditions of service, if any, of the Registrar.

[(2) Impartiality

The Registrar shall act impartially.]

(2) Functions of Registrar

The Registrar shall –

- (a) open and keep a register for the purposes of this Code, called the Register of Members' Interests;
- (b) record in the Register particular of Members' registrable interests;
- (c) amend any entries in the Register when necessary;
- (d) perform the other duties in connection with the implementation of this Code as required by the Committee;

- (e) perform the functions of office in accordance with the directions of the Committee; and
- (f) act impartially.

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(3). **Advice and counsel to Members**

- (a) A Member may approach the Registrar to obtain personal advice and counsel, if he or she suspects that he or she may have committed a violation.
- (b) All sessions of advice and counsel between the Registrar and the Member shall be confidential.
- (c) Should the Registrar, during the advice and counseling session, realize that there is a possible violation of the Code, the Registrar shall inform the Member, that he or she is obliged to report this to the Conduct Committee and the Registrar shall inform the Conduct Committee thereof within a reasonable time.

[(c)](d) The Registrar shall report to the Conduct Committee the number of times he or she has had advice and counseling sessions over a given period of time without disclosing the identity of the Member involved.

[(d)] Should the Registrar, during the advice and counselling session, realize that a violation has been committed by a Member, he or she shall reserve the right to keep the matter confidential, provided the violation is remedied within the agreed time period.]

PART VII – BREACH OF CODE

21. Breach of Code by a Member

A Member breaches this Code if the Member –

- (1) contravenes or fails to comply with a provision of this Code; or
- (2) willfully provides the Registrar with incorrect or misleading details, when disclosing registrable interests.

PART VIII – COMPLAINTS PROCEDURE

[19.]22.Submission of complaint

- (1) Any person or body who reasonably believes that a Member of the Provincial Parliament has breached this code may lodge a [written] complaint by submitting an affidavit setting out the grounds for the complaint with the Registrar.
- (2) The complaint shall contain the following information –

- (a) the name and address of the complainant;
- (b) full particulars of the alleged conduct of the Member; and

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- (c) such other information as may be required by the Registrar.

[(2)](3) The Registrar shall assist any person wishing to report a breach and who requires assistance to do so.

[(3)](4) The Registrar shall register all complaints received.

[20.]23. **Investigation and report by the Registrar**

- (1) The Registrar shall commence an investigation into the matter, in accordance with the procedure set out in Part IX, after registration of the complaint.
- (2) The Member implicated in the alleged breach shall make himself or herself accessible to the Registrar for the purpose of the investigation.
- (3) The Registrar shall have the power to request documentation from a Member, [or an] official of the government or provincial [state] organ of state or a member of the public in order to further his or her investigation.
- (4) The Registrar shall, within 30 days of receiving the complaint, produce a report on his or her findings, detailing both the merits and demerits of the case brought forth once the investigation has been finalized. The report will include detailed recommendations for action on the matter and shall be submitted to the Conduct Committee for consideration.

PART IX PROCEDURE FOR INVESTIGATION OF COMPLAINTS

24. **General**

This procedure is based on and is intended to be guided by, the principles of *audi alteram partem*, promptness, fairness and consistency.

25. **Procedures**

- (1) The Registrar shall within seven days of receiving a complaint inform the Member concerned of the substance of the complaint.
- (2) The Member shall respond to the Registrar within fourteen days of being informed of the complaint.
- (3) The Registrar shall consider the Member's response or if the Member does not respond, the Registrar may begin a preliminary investigation to determine the facts. The Member shall be notified in writing within three days in this regard.
- (4) The Registrar may decide to take no further action if he/she regards the complaint as frivolous, vexatious or unfounded. A decision of the Registrar in this regard shall be confirmed by the Conduct Committee.

- (5) If urgency demands, the Registrar in consultation with the Chairperson of the Conduct Committee may call a special meeting of the Conduct Committee.
- (6) The Registrar shall provide the Conduct Committee a summary of the preliminary investigation and a proposed procedure for further investigation, including an assessment on the need for a hearing.

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- (7) The Conduct Committee shall consider the report provided by the Registrar and may call for further evidence from any other person relevant to the case.
- (8) The Conduct Committee may
 - (a) accept the Registrar's report;
 - (b) reject the Registrar's report and refer it back to the Registrar with further instructions and clear timelines to resubmit the report;
 - (c) reject the Registrar's report; or
 - (d) it may call for further evidence.
- (9) The Conduct Committee must agree to the procedure for further investigation.

26. Hearings

- (1) Hearings must be held when the facts are in dispute. The Conduct Committee may decide to call a hearing if the investigation of the Registrar is inconclusive or if the Registrar is unable to make a recommendation or if the Conduct Committee decides that a hearing should be held.
- (2) The hearing will be on an inquisitorial basis and witnesses may be called.
- (3) The Member, the complainant and any prospective witnesses shall be given a minimum of 10 days' written notice of the date of the hearing.
- (4) In each case the Conduct Committee has the discretion regarding the weight to be attached to different forms of evidence and the extent of cross examination of witnesses.
- (5) The Member shall be notified of his/her right to be represented by another Member, to call material witnesses and have an interpreter present.
- (6) The Conduct Committee presides at the hearing.
- (7) The Registrar presents the evidence to the Conduct Committee.
- (8) The Registrar may call witnesses.
- (9) The proceedings must be recorded.
- (10) The Conduct Committee will decide in each circumstance on issues related to costs for witnesses and complainants.
- (11) The Conduct Committee shall make a full and considered finding supported by reasons on the validity of any complaint at the conclusion of its investigations, which it must make public, together with any sanction imposed, and must also supply an adequate summary of the facts.
- (12) The findings of the Conduct Committee must be reported to the House within seven days of a hearing being concluded or, if the House is in recess, within seven days of the date on which it resumes business.
- (13) In conducting hearings, the Conduct Committee may adopt any procedures it deems reasonable, just and fair.

27. Reacting to media reports

- (1) The Registrar on his or her own, subject to the approval of the Conduct Committee, may initiate a preliminary investigation to assess the validity of allegations made in media reports.

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- (2) The Member named in the media shall be informed immediately of the allegations and of the preliminary investigation being conducted.
- (3) Should the situation warrant it, the Conduct Committee may authorize a full investigation. If a full investigation is carried out the procedure to be followed is that which is detailed in the Code.

[21.]28. Findings of Conduct Committee

- (1) At the conclusion of its investigation, the Conduct Committee [must] shall make a finding, supported by reasons, on the alleged breach of the Code.
- (2) The finding and the reasons for the finding must be announced in the “*Announcements, Tablings and Committee Reports*”.
- (3) If the hearing was in closed session (*in camera*) a summary of the facts must be announced in the “*Announcements, Tablings and Committee Reports*”.

[22.]29. Right of appeal

A Member found guilty by the Conduct Committee of contravening the Code may appeal to the Appeals Committee.

[23.]30. Appeals Committee

- (1) The Appeals Committee is hereby established and shall consist of the following:
 - (a) Speaker (Chairperson);
 - (b) Deputy Speaker;
 - (c) Chief Whip(s) of the governing party or [political grouping] an alternate Member; and
 - (d) [O]ne member per party not otherwise represented.
- (2) No Member serving on the Conduct Committee may serve on the Appeals Committee.

[24.]31. Appeals procedure

- [(a)](1) The affected Member who is aggrieved by a decision made by the Conduct Committee, may, within 14 days [thereafter,] after the submission of the

Conduct Committee's report, give notice of leave to appeal to the Appeals Committee.

[(b)](2) The affected Member shall, within [one month] 30 days thereafter, submit a written submissions for an appeal to the Speaker stipulating the basis and reasons for an appeal.

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[(c)](3) In hearing evidence, the Appeals Committee may within 30 days of receiving the written submission for an appeal, request the Registrar and the appellant to give evidence, [within one month of receiving written submission for an appeal] after providing a minimum of 10 days' written notice to the Registrar and the appellant.

[(d)](4) The provisions of paragraphs [16(2), 16(3), 16(4), 16(5), 16(6)]15,16,17,18 and [17]19 with the necessary changes [shall] apply to Appeals Committee proceedings [*mutatis mutandis*].

[(e)](5) The Appeals Committee shall not later than 30 days after the close of the hearing mentioned in paragraph [24(c)] 31(3) either affirm, amend or reverse the decision of the Conduct Committee[, no later than one month after the close of the hearing mentioned in subparagraph 24(c)].

[(f)](6) The decision of the Appeals Committee must be [in writing] embodied in a report and shall be [submitted to the House for consideration] announced in the "Announcements, Tabling and Committee Reports".

[25.]32. Penalties

The Conduct 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 the Code –

- [(a)] private warning with a requirement to correct behaviour complained of;
- [(b)] public warning with a requirement to correct behaviour complained of;
- [(c)] private censure or reprimand;
- [(d)] public censure or reprimand;
- [(e)] loss of certain privileges of office;
- [(f)] a financial penalty requiring a Member to repay in full the amount of the funds misappropriated or funds earned for profit;
- [(g)] temporary ineligibility of office; or
- [(h)] declare a Member unfit to hold his or her current position or to be a Member of the Provincial Parliament.]
- (1) a reprimand;

- (2) a fine not exceeding the value of 30 days' salary; or
- (3) the suspension of privileges or a Member's right to a seat in parliamentary debates or committees for a period not exceeding 15 days.

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[26.]33 Conduct Committee and/or Appeals Committee to report to House

- (1) The Conduct Committee or the Appeals Committee, as the case may be, [must]shall report its findings and recommendations as to penalties, if any, to the House.
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A Member or members of the public shall gain access to information on matters already decided upon by the Committee or as prescribed by the Constitution of the Republic of South Africa, 1996 [(Act 108 of 1996)], the Promotion of Access to Information Act (Act 2 of 2000), or as otherwise provided by any other law.

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- (1) The Code may be amended or replaced, and the amounts specified in the Code adjusted, from time to time by publication in the *Announcements, Tablings and Committee Reports*.
- (2) The Code is called the Code of Conduct for Members of the Western Cape Provincial Parliament, 2014 and comes into effect on the date determined by promulgation in the *Provincial Gazette*.

PROVINCE OF THE WESTERN CAPE

CONDUCT COMMITTEE AMENDMENTS

TO

CODE OF CONDUCT FOR MEMBERS OF THE

WESTERN CAPE PROVINCIAL PARLIAMENT

[B version -2014]

(As agreed to by the Conduct Committee)

PART I

Preamble

WHEREAS the Constitution of the Republic of South Africa requires that all levels of government promote accountability, responsibility and openness;

and whereas the Constitution of the Western Cape affirms that the Western Cape Province is founded on responsible and accountable government and that government must aim to promote a work ethic;

WE, the Members of the Western Cape Provincial Parliament

- (a) recognizing that we are accountable to the electorate and have a duty to instil and maintain public trust in democratic institutions;
- (b) affirming that Members of the Provincial Parliament have an obligation to perform their duties conscientiously, with honour and dignity; to be true and faithful public representatives, having due regard for the common good;

THEREFORE agree to abide, individually and collectively, by the principles, rules and obligations set out in this Code of Conduct.

1. Definitions

In this Code, unless the context indicates otherwise –

“**Act**” means the Members of the Western Cape Provincial Parliament Code of Conduct Act, 2002 (Act 3 of 2002);

“**Appeals Committee**” means the Committee established under paragraph 30;

“**Code**” means the Code of Conduct for Members of the Western Cape Provincial Parliament.

“**Committee**” means a committee established under the Standing Rules of the Western Cape Provincial Parliament;

“**Conduct Committee**” means the Committee established under the Standing Rules of the Western Cape Provincial Parliament;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“corporate entity” includes any public or private company, close corporation and any trust, other than a charitable trust, but does not include a charitable organisation or an association not for gain (section 21 company);

“designated staff” and **“staff assigned to the Conduct Committee”** means staff identified to assist the Registrar and the Conduct Committee with administrative and logistical support;

“family member” in relation to a Member, means a Member’s spouse, dependent child or permanent companion;

“Member” means a Member of the Western Cape Provincial Parliament,

“parliamentary forum” means any legislative forum, outside the Provincial Parliament, in which Members participate;

“permanent companion” in relation to a Member, means a person who is cohabiting with the Member and is publicly acknowledged by the Member as that Member’s permanent companion;

“provincial Constitution” means the Constitution of the Western Cape, 1997;

“Provincial Parliament” means the Western Cape Provincial Parliament;

“Public Protector” means the Public Protector contemplated in Section 181 of the Constitution;

“Register” means the Register of Members’ Interests opened under paragraph 10;

“Registrar” means the Registrar of Members’ Interests appointed in terms of the Act;

“registrable interest” means financial interests listed in paragraph 12, and in relation to a Member, includes the financial interests of that Member’s spouse, dependent child and/or permanent companion;

“remuneration” means receipt of benefits in cash or in kind;

“Secretary” means the Secretary to the Provincial Parliament; and

“Speaker” means the Speaker of the Provincial Parliament.

PART II – PRINCIPLES AND GENERAL OBLIGATIONS

2. Principles

A Member shall adhere to the following principles:

(1) Loyalty to the Western Cape Province and South Africa

- (a) A Member shall be loyal to the Western Cape Province, to South Africa and its people.

- (b) A Member will uphold the provincial and national Constitutions and all other laws of the province and of the country.

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(2) **Primacy of the public interest**

- (a) A Member shall take decisions only in the interest of the public.
- (b) A Member shall avoid conflicts of interest between personal interest and public duty.

(3) **Integrity**

A Member shall ensure at all times that the dignity, credibility and integrity of the Provincial Parliament is maintained.

(4) **Accountability**

A Member –

- (a) is accountable to the public for his or her decisions and actions and shall submit himself or herself to whatever scrutiny is appropriate to his or her office;
- (b) shall exercise due diligence in the performance of his or her official duties;
- (c) shall apply public resources efficiently and effectively and only for the purpose for which they are intended; and
- (d) shall avoid improper use of any payment or allowances made to a Member for public purposes, and observe strictly the administrative rules that apply to these payments.

(5) **Openness and honesty**

A Member shall –

- (a) exercise his or her public duties in an open and transparent manner, and
- (b) act honestly and maintain the trust that the public places in him or her.

(6) **Act in good faith and meet obligations**

A member shall –

- (a) at all times act in good faith and in the interest of good governance; and
- (b) meet all obligations imposed on him or her by law.

3. **General obligations**

A Member shall, at all times, in the exercise of his or her duties adhere to the principles set out in paragraph 2 of the Code and shall –

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- (1) conduct himself or herself with dignity and integrity appropriate to his or her office;
- (2) not place himself or herself under financial or other obligations to outside individuals or organisations that might improperly influence the performance of his or her duties;
- (3) ensure that his or her personal conduct is consistent with the dignity and integrity of the Provincial Parliament;
- (4) make choices on merit in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for reward or benefit;
- (5) subject himself or herself to any form of lawful scrutiny appropriate to his or her office as a Member;
- (6) declare any private interest relating to his or her official duties;
- (7) declare in the Register of Members' Interests all registrable interests as required; and
- (8) take steps to resolve any conflict of interest that may arise in a manner that protects the public interest, as opposed to his or her private interests, as well as the Provincial Parliament's dignity, credibility and integrity.

PART III – CONDUCT

4. **Declaration of interests in a matter before a committee, parliamentary forum or proceedings of the Provincial Parliament**

A Member shall –

- (1) declare any personal or private financial or business interest that he or she, his or her family member or business partner may have, in a matter before a committee, proceedings of the Provincial Parliament or parliamentary forum in which that Member participates and/or serves; and
- (2) withdraw from the proceedings of that Committee, parliamentary forum or proceedings of the Provincial Parliament when that matter is considered, unless that Committee, parliamentary forum or the Provincial Parliament decides that the Member's interest is immaterial.

5. **Declaration of private interests when making representations**

If a Member makes representations, either formally or informally, in his or her capacity as a public representative, to a member of the Executive or any other organ of state with regard to a matter in which that Member, his or her family member or business partner has a personal, private financial interest or business interest, that Member must declare that interest before such representations are made to that member of the Executive or organ of state.

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6. Lobbying for reward

No Member shall lobby for reward in cash or kind.

7. Remunerated employment outside the Provincial Parliament

A Member may only engage in remunerated employment outside the Provincial Parliament when such employment is-

- (1) sanctioned by the political party to which the Member belongs; and
- (2) compatible with that Member's functions as a public representative.

8. Improper exercise of influence

A Member shall not utilise the influence he or she derives from public office to improperly give advantage to private entities or persons in their dealings with the government, where this will result in pecuniary gain for such entities or persons.

9. Refrain from using "insider" information

A Member shall not use confidential government information or information obtained in the course of exercising a public duty to advance a private interest.

PART IV – DISCLOSURE OF REGISTRABLE INTERESTS

10. Establishment of Register of Members' Interests

- (1) The Registrar must open and keep a register for the purposes of the Code, called the Register of Members' Interests.
- (2) The Register must –
 - (a) be divided into a public section and a confidential section;
 - (b) contain the information regarding Members' registrable interests as set out in paragraph 10(3) read with paragraph 12; and
 - (c) be in a format approved by the Conduct Committee.
- (3) The Registrar must record all details of the following registrable interests in the confidential section of the Register:
 - (a) the value of financial interests in a corporate entity;

- (b) the amount of any remuneration for any employment outside the Provincial Parliament;
- (c) the amount of any remuneration for any directorship or partnership;

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- (d) details, including the address, of any private residence;
 - (e) the value of any pension;
 - (f) details of all financial interests of a Member's family member; and
 - (g) a Member's liabilities.
- (4) Where any doubts exist as to whether any particular financial interest must be disclosed, the Member concerned must consult the Registrar.
- (5) Notwithstanding subparagraph (3), the Conduct Committee may on good cause shown, instruct the Registrar to record any details of any of a Member's registrable interests in the confidential part of the Register.

11. Disclosure of registrable interests

- (1) A Member must disclose to the Registrar, on the form prescribed for this purpose by the Conduct Committee, particulars of all his or her registrable interests.
- (2) Disclosure of registrable interests shall be within 60 days after the first sitting of a parliamentary term or appointment of a Member.
- (3) Thereafter Members must disclose particulars of their registrable interests on or before 30 April of each year.
- (4) If a Member has no registrable interests he or she must indicate this on the form referred to in (1) above.

12. Nature and details of registrable interests to be disclosed

A Member must disclose the following registrable interests, held in and outside South Africa, and details of:

- (1) **Shareholding and financial interests in corporate entities**
 - (a) The number, nature and nominal value of shares of any type in any public or private company;
 - (b) the name of that company; and
 - (c) the nature and value of any other financial interests held in any company or any other corporate entity.
- (2) **Ownership and any other interest in land or property in or outside South Africa**

- (a) A description of and the extent of the land or property;
- (b) the area in which the land or property is situated; and
- (c) the nature and value of the interest in the land or property.

(3) **Pensions**

- (a) The source of any pension; and
- (b) the value of the pension.

(4) **Remunerated employment outside the Provincial Parliament**

- (a) The type of employment;
- (b) ~~the~~ name and type of business activity of the employer; and
- (c) the amount of remuneration received for such employment.

(5) **Consultancies**

- (a) The nature of the consultancy or any retainerhip of any kind;
- (b) the name and type of business activity of the client concerned; and
- (c) the amount of any remuneration or other benefits received for such a consultancy or retainerhip.

(6) **Directorship and partnerships**

- (a) The name and type of business activity of the corporate entity or partnership; and
- (b) the amount of any remuneration received for such directorship or partnership.

(7) **Sponsorships**

- (a) The source and description of direct financial sponsorship or assistance from any source other than the Member's party which benefits the Member in his or her personal and private capacity; and
- (b) the amount or value of the sponsorship or assistance.

(8) **Gifts and hospitality received by a Member from a source other than a family member**

A description, including the value and source of

- (a) any gift with a value in excess of R1500;
- (b) gifts received from a single source which cumulatively exceed the value of R1500 in any calendar year;
- (c) hospitality intended as a personal gift and with a value of more than R1500; and
- (d) hospitality intended as a gift and received from a single source, and which cumulatively exceeds the value of R1500 in any calendar year.

- (9) **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)
- (a) A brief description of the journey abroad; and
 - (b) particulars of the sponsor.

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- (10) **Any other benefit of material nature**
- (a) The nature and source of any other benefit of a material nature; and
 - (b) the value of that benefit.

13. Disclosure of and access to Register of Members' Interests

- (1) Any person has access to the public part of the Register on parliamentary working days and at times prescribed by the Registrar.
- (2) Only the Conduct Committee, the Public Protector, the Registrar and his or her designated staff shall have access to the confidential part of the Register.
- (3) 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 that part to anyone other than the Member concerned or another person who has such access.
- (4) A member of the Conduct Committee who contravenes paragraph 13(3) is in breach of the Code and shall:
 - (a) be ineligible to continue as a member of the Conduct Committee; and
 - (b) be liable to a reduction of up to 30 days' salary.
- (5) The Registrar or a staff member who contravenes paragraph 13(3) is subject to disciplinary action applicable to parliamentary staff, including dismissal.

PART V – CONDUCT COMMITTEE

14. Powers and functions

- (1) The Conduct Committee established in terms of the Standing Rules of the Western Cape Provincial Parliament is charged with carrying out the functions required from it under the Code.
- (2) The Conduct Committee shall:
 - (a) implement the Code of Conduct;
 - (b) develop standards of conduct;
 - (c) regularly review the Code and make recommendations for its amendment;
 - (d) perform other functions and exercise other powers reasonably assigned to the Committee by the Code and in terms of resolutions adopted; and

- (e) report to the House at least annually on its operations and the effectiveness of the Code.

15. Meetings

- (1) All meetings of the Conduct Committee are open, unless the Committee determines otherwise.

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- (2) When the Conduct Committee regards a matter as being confidential all reports and minutes related to the relevant matter of the Conduct Committee are to be kept confidential.

- (3) Material identified by the Conduct Committee as confidential shall be distributed to Conduct Committee members and stored confidentially.

16. Quorum

The Standing Rules applicable to quorums apply *mutatis mutandis* to Conduct Committee meetings.

17. Decisions

The Standing Rules applicable to decisions by a committee apply *mutatis mutandis* to decisions taken by the Conduct Committee.

18. Recusal by Member

Should any Member of the Conduct Committee be the subject of a conduct investigation, that Member should recuse himself or herself from the committee's deliberations on that investigation.

19. Confidentiality and affirmation of Members of Conduct Committee, Registrar and staff assigned to the Conduct Committee

- (1) Each Member of the Conduct Committee must swear or affirm before the Speaker to honour the requirements of confidentiality.

- (2) The Registrar appointed in terms of the Code and each member of staff assigned to work for the Conduct Committee must swear or affirm, before the Speaker to honour the requirements of confidentiality.

PART VI – REGISTRAR OF MEMBERS' INTERESTS

20. Appointment of Registrar

(1) Appointment

- (a) The Registrar shall be appointed in terms of section 3 of the Members of the Western Cape Provincial Parliament Code of Conduct Act, 2002 (Act 3 of 2002).

- (b) The Registrar shall be assisted by such staff, assigned by the Secretary, for the work of the Conduct Committee.
- (c) The Speaker may determine the additional remuneration and conditions of service, if any, of the Registrar.

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(2) **Functions of Registrar**

The Registrar shall –

- (a) open and keep a register for the purposes of this Code, called the Register of Members' Interests;
- (b) record in the Register particular of Members' registrable interests;
- (c) amend any entries in the Register when necessary;
- (d) perform the other duties in connection with the implementation of this Code as required by the Committee;
- (e) perform the functions of office in accordance with the directions of the Committee; and
- (f) act impartially.

(3) **Advice and counsel to Members**

- (a) A Member may approach the Registrar to obtain personal advice and counsel, if he or she suspects that he or she may have committed a violation.
- (b) All sessions of advice and counsel between the Registrar and the Member shall be confidential.
- (c) Should the Registrar, during the advice and counseling session, realize that there is a possible violation of the Code, the Registrar shall inform the Member, that he or she is obliged to report this to the Conduct Committee and the Registrar shall inform the Conduct Committee thereof within a reasonable time.
- (d) The Registrar shall report to the Conduct Committee the number of times he or she has had advice and counseling sessions over a given period of time without disclosing the identity of the Member involved.

PART VII – BREACH OF CODE

21. **Breach of Code by a Member**

A Member breaches this Code if the Member –

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

- (2) willfully provides the Registrar with incorrect or misleading details, when disclosing registrable interests.

PART VIII – COMPLAINTS PROCEDURE

22. Submission of complaint

- (1) Any person or body who reasonably believes that a Member of the Provincial Parliament has breached this Code may lodge a complaint by submitting an affidavit setting out the grounds for the complaint with the Registrar.
- (2) The complaint shall contain the following information –
 - (a) the name and address of the complainant;
 - (b) full particulars of the alleged conduct of the Member; and
 - (c) such other information as may be required by the Registrar.
- (3) The Registrar shall assist any person wishing to report a breach and who requires assistance to do so.
- (4) The Registrar shall register all complaints received.

23. Investigation and report by the Registrar

- (1) The Registrar shall commence an investigation into the matter, in accordance with the procedure set out in Part IX, after registration of the complaint.
- (2) The Member implicated in the alleged breach shall make himself or herself accessible to the Registrar for the purpose of the investigation.
- (3) The Registrar shall have the power to request documentation from a Member, an official of the government, provincial organ of state or a member of the public in order to further his or her investigation.
- (4) The Registrar shall, within 30 days of receiving the complaint, produce a report on his or her findings, detailing both the merits and demerits of the case brought forth once the investigation has been finalized. The report will include detailed recommendations for action on the matter and shall be submitted to the Conduct Committee for consideration.

PART IX - PROCEDURE FOR INVESTIGATION OF COMPLAINTS

24. General

This procedure is based on and is intended to be guided by, the principles of *audi alteram partem*, promptness, fairness and consistency.

25. Procedures

- (1) The Registrar shall within seven days of receiving a complaint inform the Member concerned of the substance of the complaint.

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- (2) The Member shall respond to the Registrar within fourteen days of being informed of the complaint.
- (3) The Registrar shall consider the Member's response or if the Member does not respond, the Registrar may begin a preliminary investigation to determine the facts. The Member shall be notified in writing within three days in this regard.
- (4) The Registrar may decide to take no further action if he/she regards the complaint as frivolous, vexatious or unfounded. A decision of the Registrar in this regard shall be confirmed by the Conduct Committee.
- (5) If urgency demands, the Registrar in consultation with the Chairperson of the Conduct Committee may call a special meeting of the Conduct Committee.
- (6) The Registrar shall provide the Conduct Committee a summary of the preliminary investigation and a proposed procedure for further investigation, including an assessment on the need for a hearing.
- (7) The Conduct Committee shall consider the report provided by the Registrar and may call for further evidence from any other person relevant to the case.
- (8) The Conduct Committee may
 - (a) accept the Registrar's report;
 - (b) reject the Registrar's report and refer it back to the Registrar with further instructions and clear timelines to resubmit the report;
 - (c) reject the Registrar's report; or
 - (d) ~~it may~~ call for further evidence.
- (9) The Conduct Committee must agree to the procedure for further investigation.

26. Hearings

- (1) Hearings must be held when the facts are in dispute. The Conduct Committee may decide to call a hearing if the investigation of the Registrar is inconclusive or if the Registrar is unable to make a recommendation or if the Conduct Committee decides that a hearing should be held.
- (2) The hearing will be on an inquisitorial basis and witnesses may be called.

- (3) The Member, the complainant and any prospective witnesses shall be given a minimum of 10 days' written notice of the date of the hearing.
- (4) In each case the Conduct Committee has the discretion regarding the weight to be attached to different forms of evidence and the extent of cross examination of witnesses.

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- (5) The Member shall be notified of his/her right to be represented by another Member, to call material witnesses and have an interpreter present.
- (6) The Conduct Committee presides at the hearing.
- (7) The Registrar presents the evidence to the Conduct Committee.
- (8) The Registrar may call witnesses.
- (9) The proceedings must be recorded.
- (10) The Conduct Committee will decide in each circumstance on issues related to costs for witnesses and complainants.
- (11) The Conduct Committee shall make a full and considered finding supported by reasons on the validity of any complaint at the conclusion of its investigations, which it must make public, together with any sanction imposed, and must also supply an adequate summary of the facts.
- (12) The findings of the Conduct Committee must be reported to the House within seven days of a hearing being concluded or, if the House is in recess, within seven days of the date on which it resumes business.
- (13) In conducting hearings, the Conduct Committee may adopt any procedures it deems reasonable, just and fair.

27. Reacting to media reports

- (1) The Registrar on his or her own, subject to the approval of the Conduct Committee, may initiate a preliminary investigation to assess the validity of allegations made in media reports.
- (2) The Member named in the media shall be informed immediately of the allegations and of the preliminary investigation being conducted.
- (3) Should the situation warrant it, the Conduct Committee may authorize a full investigation. If a full investigation is carried out the procedure to be followed is that which is detailed in the Code.

28. Findings of Conduct Committee

- (1) At the conclusion of its investigation, the Conduct Committee shall make a finding, supported by reasons, on the alleged breach of the Code.

- (2) The finding and the reasons for the finding must be announced in the “*Announcements, Tablings and Committee Reports*”.
- (3) If the hearing was in closed session (*in camera*) a summary of the facts must be announced in the “*Announcements, Tablings and Committee Reports*”.

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29. **Right of appeal**

A Member found guilty by the Conduct Committee of contravening the Code may appeal to the Appeals Committee.

30. **Appeals Committee**

- (1) The Appeals Committee is hereby established and shall consist of the following:
 - (a) Speaker (Chairperson);
 - (b) Deputy Speaker;
 - (c) Chief Whip(s) of the governing party or an alternate Member; and
 - (d) one member per party not otherwise represented.
- (2) No Member serving on the Conduct Committee may serve on the Appeals Committee.

31. **Appeals procedure**

- (1) The affected Member who is aggrieved by a decision made by the Conduct Committee, may, within 14 days after the submission of the Conduct Committee’s report, give notice of leave to appeal to the Appeals Committee.
- (2) The affected Member shall, within 30 days thereafter, submit a written submission for an appeal to the Speaker stipulating the basis and reasons for an appeal.
- (3) In hearing evidence, the Appeals Committee may within 30 days of receiving the written submission for an appeal, request the Registrar and the appellant to give evidence, after providing a minimum of 10 days’ written notice to the Registrar and the appellant.
- (4) The provisions of paragraphs 15,16,17,18 and 19 with the necessary changes apply to Appeals Committee proceedings.
- (5) The Appeals Committee shall not later than 30 days after the close of the hearing mentioned in paragraph 31(3) either affirm, amend or reverse the decision of the Conduct Committee.

~~[, no later than one month after the close of the hearing mentioned in subparagraph 24(e)].~~

- (6) The decision of the Appeals Committee must be embodied in a report and shall be announced in the “Announcements, Tabling and Committee Reports”.

32. **Penalties**

The Conduct 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 the Code –

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- (1) a reprimand;
- (2) a fine not exceeding the value of 30 days’ salary; or
- (3) the suspension of privileges or a Member’s right to a seat in parliamentary debates or committees for a period not exceeding 15 days.

33. **Conduct Committee and/or Appeals Committee to report to House**

- (1) The Conduct Committee or the Appeals Committee, as the case may be, shall report its findings and recommendations as to penalties, if any, to the House.
- (2) If the Conduct Committee and/or Appeals Committee recommends a penalty, the House shall either –
 - (a) accept or reject the recommendation; or
 - (b) refer the matter back to the Committee for further consideration.
- (3) If the House accepts the Conduct Committee and/or Appeals Committee’s recommendation, the Speaker shall act on such decision without undue delay.

34. **Access to information**

A Member or members of the public shall gain access to information on matters already decided upon by the Conduct Committee or as prescribed by the Constitution of the Republic of South Africa, 1996, the Promotion of Access to Information Act (Act 2 of 2000), or as otherwise provided by any other law.

35. **General**

- (1) The Code may be amended or replaced, and the amounts specified in the Code adjusted, from time to time by publication in the *Announcements, Tablings and Committee Reports*.
- (2) The Code is called the Code of Conduct for Members of the Western Cape Provincial Parliament, 2014 and comes into effect on the date determined by promulgation in the *Provincial Gazette*.