

OVERBERG DISTRICT MUNICIPALITY



CODE OF ETHICS

1. Glossary of terms:

Professional ethics	Implied, expected ethical standards and behaviour from the profession relevant to a specific staff member.
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 applicable to all staff (Schedule 2 of the Local Government System Act, No 32 of 2000)
Code of Conduct for Councillors	The Code of Conduct applicable to Councillors (Schedule 1 of the Local Government System Act, No 32 of 2000)
Councillor	Means a member of municipal council
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	Financial interests as prescribed in Section 5A (1) of the Code of Conduct for Municipal Staff Members and Section 2 of the Code of Conduct for Supply Chain Management Practitioners and Other Role Players.
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.
Mislead	Cause (someone) to have a wrong idea or impression.
Municipal Staff	Municipal staff include: • An employee of the municipality. • A person seconded to the municipality to work as a member of the staff of the municipality; or • A person contracted by the municipality to work as a member of the staff of the municipality otherwise than as an employee.
Objectivity	Make decisions based on facts and not influenced by personal beliefs, feelings or interests.

Transparency	In an open way without secrets.
Other interests	Any other interests as prescribed in Section 5A (1) of the Code of Conduct for Municipal Staff Members and Section 2 of the Code of Conduct for Supply Chain Management Practitioners and Other Role Players
The Code for Ethical Leadership in Local Government	The Code is a guidance to promote integrity, accountability, and ethical governance within South Africa local government leaders.

2. Purpose of the code

The employees and Councillors of Overberg District Municipality hold their position to serve and benefit the public, and not to achieve any personal or private gain. For furtherance of this fundamental principle, a code of ethics was developed, with a purpose:-

- 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 councilors 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 ensures that a culture of the highest professional and ethical behavior exist within the Overberg District Municipality.
- f) To promote and give effect to the values and principles in section 195(1) of the Constitution, Batho Pele principles and the Local Government: Municipal Systems Act, 2000.
- g) To enhance the Overberg District Municipality's policies in order that corrupt and unethical practices in the administration are eradicated.
- h) This code will not replace any professional code but rather strengthen it.

3. Basic values and principles governing public administration and the Overberg District Municipality

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

- 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.

In administering its affairs, all employees of the Overberg District Municipality must strive to achieve the objects of local government set out in section 152 (1) of the Constitution.

4. Adherence to legislation and policies

Councillors and employees of the Overberg District Municipality must:

- a) Know, understand and comply with all the legislative requirements governing local government.
- b) Knows and understands their respective rolls and respects the rolls of co-employees.
- c) Know, understand, comply and promote the policies of the Overberg Municipality
- d) Separate from any violation of any laws, rules, regulations and policies.
- e) Separate from any actions that violate the rights privileges and peace and comfort of co-employees and the public or any member thereof.

5. Independent and Objective

Councillors and employees of the Overberg District 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 reasonably could be expected to compromise their own or another's independence and objectivity.
- d) Declare any offer, gift, benefit, compensation in terms of the relevant Policies.

6. Bad faith and Misrepresentation:

Councillors and employees of the Overberg District 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.
- c) Must not make any misleading information public or submit it to the news media for whatever reason.
- d) Must ensure that all their actions, statements and informative interactions with a person, one another or the general public or an individual member of the public is in good faith.
- e) Must not misrepresent any information within the course and scope of his employment which can result in a pecuniary loss to the user of the information.

7. Conduct of fraud, corruption and dishonesty:

Councillors and employees of the Overberg District Municipality must refrain:

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

8. Conduct and confidentiality

Councillors and employees of the Overberg District 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 and not make any confidential information public.
- c) Not spread disinformation or falsely accuse colleagues or deliberately spread any information for the disadvantages of any other person or the Municipality or Council.
- d) Act or cause others to act on information for any other reason but to comply with legislation or to fulfill an official duty.
- e) Not make any confidential information public.

9. Loyalty

Councillors and employees of the Overberg District Municipality:

- a) Have a duty of loyalty to the Overberg District Municipality and must act with reasonable care and exercise prudent judgment.
- b) Must act for the benefit of the Municipality, the Council and the public as a whole.
- c) Must deprive from own, political and personal agendas.
- d) Must deprive from cause to harm to the Municipality and the Council.

10. Open, transparent and efficient

Councillors and employees of the Overberg District Municipality:

- a) Must be open, fair and transparent in dealing with the public and in exercising their duties.
- b) Must deal objectively with the needs of the public.
- c) Must always act without prejudice.
- d) Must endeavor 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

Employees of the Overberg District Municipality must, in the prescribed manner, disclose all interest as to relevant structures and processes.

12. Code for Ethical Leadership in Local Government

The Code for Ethical Leadership in Local Government was adopted by Council on 30 June 2025. (Annexure A)

The code aims to give effect to the spirit of the South African Constitution and create an environment where the existing legislative and regulatory can thrive. The code does not replace the existing legislative and policy provisions, e.g. Code of Conduct for Councillors and the Code of Conduct for Municipal Staff Members in that those codes govern personal behaviour. The code applies to both political and administrative municipal leaders. The code will not replace the municipalities Code of Ethics adopted by Council but rather strengthen it.

The outcomes of the code are:

- An ethical culture
- Well-functioning municipality
- Trust

Principles

- a) Sets the tone for an ethical culture.
- b) Follows a community-centred approach to governance.
- c) Respects the boundary between the political and administrative spheres of the municipality.
- d) Ensures the appointment of staff who have competence and integrity.
- e) Ensures the appropriate level of competence, integrity and diversity on committees and oversight structures.
- f) Deals fairly and decisively with ethics transgressions and poor performance.
- g) Engages respectfully and constructively with other leaders.

13. Implementation plan to institutionalise Code of Ethics

1. Annual ethics awareness with staff.
2. Provide the Code of Ethics to all newly appointed staff.
3. Promote national ethics day
4. Display the Code of ethics principles on notice boards.

14. Where to report unethical behaviour

Unethical behaviour by any employee, manager or Councillor of the Overberg District Municipality, should be reported to the appropriate authority.

14.1 Reporting channels

14.1.1 Reporting responsibilities of Employees

- Employees must report unethical behaviour to his/her manager.
- If not comfortable to report to his/her manager, the matter should be reported to such manager's superior.
- Final recourse to report to is the Accounting Officer (Municipal Manager).
- If the act is conducted by your manager - report the matter to such manager's superior.
- Final recourse to report to is the Accounting Officer (Municipal Manager).
- If the act is conducted by the Accounting Officer (Municipal Manager) report the matter to the Mayor of the municipality.
- If the act is conducted by the Mayor or Councillor, report the matter to the Accounting Officer (Municipal Manager)

14.1.2 Reporting responsibilities of Councillors

- Councillors must report any cases by employees to the Accounting Officer (Municipal Manager)
- If an unethical activity is conducted by the Accounting Officer (Municipal Manager) – report the matter to the Mayor.
- If an unethical activity is conducted by the Mayor – report the matter to the Accounting Officer / Speaker of Council.
- If an unethical activity is conducted by the Speaker – Report the matter to the Myor.

- If an unethical activity is conducted by a Coucillor – Report the matter to the Accounting Officer/Speaker of Council.

14.1.3 Reporting responsibilities of the Public

The public must report any kind of unethical behaviour to:-

- The Chairperson of the Audit and Performance Audit Committee, or
- Chairperson of the Fraud and Risk Management Committee, or
- Accounting Officer, or
- Senior Manager: Internal Audit

Should anyone wish to report allegations of unethical behaviour anonymously, they can also use the National Corruption Hotline on 0800 701 701 or Provincial Forensic Services on 021 483 0931 or offs@westerncape.gov.za

14.2 Confidentiality

All allegations of unethical behaviour will be treated with care and every effort will be made, subject to any legal constraints, not to reveal the identity of the whistle-blower.

The Protected Disclosures Act, 2000, protects whistle blowers. No employee will be subjected to any occupational detriment by the municipality on account, or partly on account of having made a protected disclosure.

14.3 Malicious Reporting

Whistle-blowers are discouraged from making malicious or false allegations. Allegations that are not made in good faith can lead to reputational damage and financial losses to the organization. Should it be proven that a whistle-blower internally made malicious allegation, necessary action will be taken against him/her.

14.4 Responds to incident reported

- i) Receiving reports
- ii) Assessing reports
- iii) Investigating reports
- iv) Concluding cases

Below is an example of a whistleblowing management system located in the Ethics Office.



15. Review and Approval

This code will be reviewed and approved by the Fraud and Risk Management Committee annually. Any significant changes must be approved by Council.

Date of last approval:

Approved by Council: 30 /06/2017, Item A113

Approved by Council: 29/06/2020, Item A65

Approved by Council: 22/08/2022, Item A8

Reviewed by FARMCO: 02/06/2023

Reviewed by FARMCO: 07/06/2024

Reviewed by FARMCO: 02/06/2026

Reviewed by APAC: 25/06/2026

Reviewed by Council: 27 July 2026, Item A84