



KWAZULU-NATAL PROVINCE

OFFICE OF THE PREMIER
REPUBLIC OF SOUTH AFRICA



INTERNAL AUDITORS AND COUNCILORS (MPAC) TRAINING

“Sharpening The Municipal Oversight to Enhance
Accountability”

07 MARCH 2024

GROWING KWAZULU-NATAL TOGETHER



Ethics

Frequently asked questions

- Do government institutions have enough measures in place to promote ethical culture?



1. An official in the municipality is charged with contravening the Code of Conduct for the Municipal Employees. In the hearing he indicates he was not aware of the contents of the Code of Conduct as it was never explained to him when appointed by the Municipality. When the HR Manager was called to testify in the hearing, she indicated that the Code of Conduct is always given to all new employees and they sign for it during commencement of their duties.

Does the employee have a valid defence?



Promoting an Ethical Culture – Local Government Anti-Corruption Strategy

Councillors and officials should participate in interactive ethics workshops at least once every two years which should cover;

- Professional and organisational values.
- Relevant workplace ethical dilemmas / challenges.
- The relevant code of conduct.
- Organisational policies and procedures related to conflict of interests and whistle blowing.



2. An official in the municipality intends to start an events management company. He approaches you for advice. He tells you that his company will provide job opportunities to unemployed youth. He also state that the municipality will benefit from the service provided by his company as he has more experience in the entertainment industry.

What will your advice be and why?



Managing conflict of interests Cont... – **Municipal** **Systems Act, Act 32 of 2000 – Schedule 2 Code of Conduct for** **Municipal Employees**

Other Remunerative Work

4(2)(c) Except with the prior consent of the council of a municipality, a staff member may not be engaged in any business, trade or profession other than the work of the municipality.



Managing conflict of interests Cont... -

Public Administration Management Act

Section 8(2) of the Act states that an employee may not—

- (a) conduct business with the State; or
- (b) be a director of a public or private company conducting business with the organ of state.

Section 8(3) of the Public Administration Management Act

- (a) It is an offence,
 - **Penalty**: a fine or imprisonment for a period not exceeding 5 years or both; and
- (b) *It* constitutes serious misconduct
 - **Penalty**: may result in the termination of service.



3. The Speaker in the Municipality discovers that his brother was awarded a road maintenance contract to the value of R5mil by the Municipality. The Speaker approaches you for advice as the Chairperson of the MPAC. He also indicate that his brother requested that he become the Project Manager as he is outside of the Province most of the time.

What will your advice be?



Managing conflict of interests – **Municipal Structures Amendment Act, Act 3 of 2021 –Code of Conduct for Councillors**

6. (2) A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council at which it is possible for the councillor to make the disclosure.
7. (2) No councillor may be a party to or beneficiary under a contract for the provision of goods or services to any municipality or any municipal entity established by a municipality.



4. All that matters in business is profit. Only the Public Sector should worry about ethics.

Can a country with high level of fraud and corruption experience economic growth?



Public Administration Values –

Chapter 10 Section 195(1) of SA Constitution

Efficiency, economical
and effectiveness.

Development-oriented.

Impartiality, fairness, and
equitable.

Accountability and
Transparency.

Accessible.

Accurate information.

THANK YOU

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