

CODE OF CONDUCT FOR MEMBERS OF
PARLIAMENT

CHAPTER XXXB

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Code of Conduct
for Members of
Parliament

455B. Members of the Council shall be subject to the following Code of Conduct:

Preamble

Members of Parliament are in a unique position of being accountable to the electorate. The electorate is the final arbiter of the conduct of Members of Parliament and has the right to dismiss them from office at elections.

Members of Parliament have a responsibility to maintain the public trust placed in them by performing their duties with fairness, honesty and integrity, subject to the laws of the State and rules of the Parliament, and using their influence to advance the common good of the people of South Australia.

The objective of this Code is to ensure that the responsibilities and obligations of Members reflect community expectations and community standards.

Political parties and political activities are a part of the democratic process. Participation in political parties and political activities is within the legitimate activities of Members of Parliament. In performing these activities, and their public duties, Members of Parliament should demonstrate the following values:

- a) Serving the public interest;
- b) Exercise reasonable care and diligence in performing their public duties;
- c) Submit themselves to the lawful scrutiny appropriate to their office;
- d) Behave with respect and courtesy in their relationships with all parliamentary staff and public servants;

- e) Treat all persons with respect and have due regard for their opinions, beliefs, rights and responsibilities.
- f) Act with civility in their dealings with the public, Ministers and other Members of Parliament and the Public Service.

Members of Parliament must always be mindful of their responsibility to accord due respect to their right of freedom of speech within Parliament and not to misuse this right, consciously avoiding undeserved harm to any individual.

The preamble does not form part of the Code of Conduct.

Nothing in this Code of Conduct affects the privileges, immunities or powers of the Legislative Council or House of Assembly or their committees or members.

This Code of Conduct is a 'code of conduct' for the purposes of section 4(1) of the *Ombudsman Act 1972*.

The Code of Conduct

Conflicts of Interest

1. Members must avoid conflicts, or apparent conflicts, between their private interests and their official functions.

Members of Parliament must take reasonable steps to declare any conflict of interest between their private financial interests and decisions in which they participate in the execution of their duties. Members must declare their interests as required by the Members of Parliament (Register of Interests) Act 1983, and declare their interests when speaking on a matter in the House or a Committee in accordance with the Standing Orders.

A conflict of interest does not exist where the Member, their spouse or domestic partner, relative or associate, is only affected as a member of the public or a member of a broad class.

Members of Parliament must not promote any matter, vote on any bill or resolution, or ask any question in the Parliament or its Committees, in return for any financial or pecuniary benefit.

Gifts

2. In accordance with the requirements of the *Members of Parliament (Register of Interests) Act 1983*, Members of Parliament must declare all gifts and benefits received in connection with their official duties, including contributions made to any fund for a Member's benefit.

Public Resources

3. Members of Parliament must apply the public resources with which they are provided for the purpose of carrying out their duties, in accordance with any guidelines or rules about the use of those resources.

Confidentiality

4. Members of Parliament must not knowingly and improperly use official information, which is not in the public domain, or information obtained in confidence in the course of their Parliamentary duties, for private benefit of themselves or others.

Standards of Behaviour

5. Members of Parliament must not harass, sexually harass, or discriminate against:
 - a. A member of their staff;
 - b. Another Member of Parliament;
 - c. A member of the staff of another Member of Parliament;
 - d. An officer or member of the staff of the Parliament;

- e. Any other person who in the course of employment performs duties at Parliament House.

Definitions

For the purposes of this Code —

- (a) a person *sexually harasses* another (the person harassed) if—
 - (i) the person makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to the person harassed; or
 - (ii) engages in other unwelcome conduct of a sexual nature in relation to the person harassed, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated; and
- (b) conduct of a sexual nature includes making a statement of a sexual nature to a person, or in the presence of a person, whether the statement is made orally or in writing;
- (c) a person is *harassed* if, an individual or a group of individuals repeatedly behaves unreasonably towards the person, and the behaviour creates a risk to health and safety.
- (d) a person is *discriminated* against when they are treated less favourably than another person in the same or similar circumstances due to their attributes or characteristics, and includes unlawful discrimination under the *Equal Opportunity Act 1984*.