

SECOND SCHEDULE*(Section 4)***CODE OF CONDUCT****PART I****GENERAL PRINCIPLES**

1. A public official has the duty to take all necessary action to comply with the provision of this Code.
2. A public official should carry out his or her duties in accordance with law, and with lawful instructions and ethical standards which relate to his or her functions.
3. A public official should act in a politically neutral manner and should not attempt to frustrate the lawful policies, decisions or citations of a public authority.
4. A public official has the duty to serve loyally, the lawfully constituted national, local or regional authority.
5. A public official shall be honest, impartial and efficient and shall perform his or her duties to the best of his or her ability with skill, fairness, understanding, having regard only for the public interest and the relevant circumstances of the case.
6. In the performance of his or her duties a public official shall not act arbitrarily to the detriment of any person, group or body and shall have regard for the rights, duties and proper interest of all others.
7. A public official shall not allow his or her private interest to conflict with his or her public position. It shall be the responsibility of the public official to avoid such conflicts of interest, whether real, potential or apparent and where such conflicts are unavoidable, to fully explain the conflict to any public official above that person or where the conflict is in relation to a Minister of Government, to Cabinet.
8. A public official shall not take advantage of his or her position for his or her private interest.
9. A public official shall always conduct himself or herself in such a way that the public's confidence and trust in the integrity, impartiality and effectiveness of the public service are preserved and enhanced.
10. Having due regard for the right of access to official information, a public official shall have a duty to treat appropriately with all necessary confidentiality all information and documents acquired by him or her in the course of, or as a result of, his or her employment.
11. A public official who believes that he or she is being required to act in a way which is unlawful, improper, unethical, which involves maladministration, or which is otherwise inconsistent with this Code, should report the matter in accordance with the law.

PART II

CONFLICT OF INTEREST

12. A conflict of interest arises from a situation in which a public official has a private interest which is such as to influence, or appear to influence, the impartial and objective performance of his or her official duties.
13. A public official private interest includes any advantage to himself or herself, to his or her family, close relatives, friends and persons or organization with whom he or she has had business or potential relations. It also includes any liability whether financial or work relating thereto.
14. Since the public official is usually the only person who knows whether he or she is in that situation, he or she has a personal responsibility to—
 - (a) be alert to any actual or potential conflict of interest;
 - (b) take steps to avoid such conflict;
 - (c) disclose to his or her superiors any such conflict as soon as he or she becomes aware of it;
 - (d) comply with any final decision to withdraw from the situation or to divest himself or herself of the advantage causing the conflict.
15. Whenever required to do so, a public official should declare whether or not he or she has a conflict of interest.

PART III

INCOMPATIBLE OUTSIDE INTERESTS

16. A person in public life shall not engage in any activity or transaction or acquire any position or function whether paid or unpaid, that is incompatible with or detracts from the proper performance of his or her duties as a public official. Where it is not clear whether an activity is compatible, he or she should seek advice from the Commission.
17. A public official shall comply with any lawful requirement to declare membership of, or association with, organisation that could detract from his or her proper performance of his or her duties as a person in public life.

PART IV

POLITICAL OR PUBLIC ACTIVITY

18. Subject to respect for fundamental and constitutional rights, a public official shall ensure that none of his or her political activities or involvement or political or public debates impairs the confidence of the public and his or her employers in his or her ability to perform his or her duties impartially and loyally.
19. In the exercise of his or her duties, a public official shall not allow himself or herself to be used or his or her office to be used for partisan political purposes.
20. A public official shall comply with any restrictions on political activity lawfully imposed on certain persons in public life by reason of his or her position or the nature of his or her duties.

PART V

REACTION TO IMPROPER OFFERS

21. If a public official is offered an undue advantage he or she should take the following steps to protect himself or herself—
 - (a) refuse the undue advantage;
 - (b) try to identify the person who made the offer;
 - (c) avoid lengthy contacts with the person who made the offer;
 - (d) if the gift cannot be refused or returned to the sender, it should be preserved, but handled as little as possible;
 - (e) obtain witnesses if possible, such as colleagues working nearby;
 - (f) prepare as soon as possible a written record of the attempt, preferably in an official notebook;
 - (g) report the attempt as soon as possible to the Commission;
 - (h) continue to work normally, particularly on the matter in relation to which the undue advantage was offered.

PART VI

SUSCEPTIBILITY TO INFLUENCE BY OTHERS

22. A public official should not allow himself or herself to be put in a position of obligation to return a favour to any person or body, nor should his or her conduct in his or her official capacity or in his or her public life make him or her susceptible to the improper influence of others.
23. The public official should not seek to influence for private purposes any person or body including other public officials by using his or her official position or by offering them personal advantages.

PART VII

INFORMATION HELD BY PUBLIC AUTHORITIES

24. Having respect to the framework provided by any law with respect to access to information held by a public authority, a public official shall not disclose information in accordance with the rules and requirements applying to the authority by which he or she is employed.
25. The public official should take appropriate steps to protect the security and confidentiality of information for which he or she is responsible or for which he or she becomes aware.
26. The public official should not seek access to information which it is inappropriate for him or her to have and he should not make improper use of information which he or she may acquire in the course of, or arising from his or her employment.
27. Equally, a public official has a duty not to withhold official information that should properly be released and a duty not to provide information which he or she knows or has reasonable grounds to believe is false or misleading.

28. This Code shall form part of the terms of employment of a public official and shall be observed as terms of employment.
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