

## APPENDIX A

### A Draft Code of Parliamentary Conduct

#### *Preamble*

Members of Parliament acknowledge their responsibility to maintain the public trust placed in them by performing their duties with honesty and integrity, respecting the law and institution and conventions of Parliament, and using their influence to advance the common good of the people of South Australia.

Members should aim to ensure that their personal and professional conduct meets community expectations and does not call into question their office as elected representatives.

By adopting this Code, Members acknowledge and reiterate the obligations expected of them as elected representatives of the people.

#### *The Code*

1. Members must –
  - a) make the performance of their public duties their prime responsibility;
  - 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 relations with all parliamentary staff and public servants with due regard for the imbalance of power in such relationships;
  - e) treat all persons with respect and have due regard for their opinions, beliefs, rights and responsibilities.
  
2. Members must not *bully* or *sexually harass* another Member or his or her staff or the staff of another Member, or an officer or member of the staff of the Parliament, or statutory officers or the staff of statutory officers, or departmental staff.

For the purposes of this Code a Member “sexually harasses” another if the Member makes an unwelcome sexual advance, or an unwelcome request for sexual favours, or engages in other unwelcome “conduct of a sexual nature” towards another.

“Conduct of a sexual nature” includes making a statement of a sexual nature to a person, or in the presence of a person, whether orally or in writing or by use of technology, and inappropriate physical contact, and intimidating or threatening behaviours.

3. Members must use *information received in confidence* in the course of their parliamentary duties only in connection with those duties and not for the private benefit of themselves or any other person or entity.
4. Members must apply the *public resources* to which they are granted access in accordance with any rule or guidance relating to the use of the resources.
5. Members must not accept *gifts*, hospitality or other benefits that could be perceived as an attempt to improperly influence the Member in the exercise of duty; or be expected to give rise to a conflict of interest.
6. Members must arrange their private affairs and carry out their official functions and duties in such a manner as to prevent any *conflict of interests* arising. Members must take all reasonable steps to declare any conflict of interests which does arise, both in-
  - a) proceedings of Parliament; and
  - b) in any communications with Ministers, members, public officials or public officers.
  - c) Members may not vote during proceedings in Parliament in respect of any matters in which a direct pecuniary interest is held.
7. Members must not *improperly use their influence* in an attempt to affect a public official, including a Minister, public sector employee, statutory officer or officer of a public body, to further their private interests or those of their family members or business associates.
8. Members must not -
  - a) receive a fee, payment, retainer or *reward*, or
  - b) permit any compensation to accrue to their beneficial interest or the beneficial interest of a family member -  
for or on account of, or as a result of the use of, their position as Members; other than benefits flowing to them by application of the *Parliamentary Remuneration Act 1990*, or Determinations of the Remuneration Tribunal.
9. Members may engage in *employment*, business and community activities outside their duties as Members unless –
  - a) the activity gives rise to a conflict of interests, actual or perceived, or
  - b) where the activity compromises the Member's ability to fulfil parliamentary or public duties.

10. Members must not take improper advantage of any office held as a Member *after they cease to be a Member*, including
- a) by using information that was obtained in the course of public duty and which is not in the public domain for advantage to themselves or others; or
  - b) by breaking confidentiality obligations imposed in the course of public duties for advantage to themselves or others; or
  - c) using their status as former Members to obtain preferential treatment or privileged access to Government.

A breach of this Code of Conduct may constitute a breach of the law and lead to a report to police, a report to the Office for Public Integrity, or a report to the Parliamentary Conduct Commissioner.