



DRAFT B-BBEE MAC COUNCIL DECLARATION OF INTEREST POLICY

1. BACKGROUND/INTRODUCTION/OVERVIEW

- 1.1. The B-BBEE MAC Council (Council) is established in terms of section 9 (1) of the B-BBEE Act of 2003 as amended, with a mandate to oversee and monitor the implementation of the MAC Sector Code. The responsibilities of the Council including but not limited to:-
 - 1.1.1. Advise the organs of state on all matters relating to B-BBEE in the MAC Sector
 - 1.1.2. Monitor and review the implementation of the MAC Sector Code (Code) and all matters related thereto in the MAC Sector.
 - 1.1.3. Be responsible for the development and fostering of common standards and code of ethics in the implementation of MAC Sector Code in the industry and compliance with B-BBEE legislation and Codes of Good Practice.
 - 1.1.4. Issue guidance notes on the interpretation and application of the MAC Sector Code
 - 1.1.5. Prepare an annual review which outlines progress and evaluates new areas of intervention, and submit the report to the DTIC for publication.
 - 1.1.6. Engage with government, the public sector, the B-BBEE Advisory Council and other regulatory agencies to promote the implementation of the MAC Sector Code.
 - 1.1.7. The B-BBEE Act of 2003, Codes of Good Practice published on 16 May 2015, the Council Constitution and its Terms of Reference and the MAC Sector Code of 2016 regulate the Council's activities.

2. PURPOSE OF THE POLICY

- 2.1. To strengthen and foster integrity and ethical conduct by all Councillors and the administrative support staff to the B-BBEE MAC Sector Council.
- 2.2. To give effect to the Code of Conduct of the Council.
- 2.3. To preserve the integrity of the Council.

3. OBJECTIVES OF THE POLICY

- 3.1. To have a Council that is trusted and respected by all stakeholders in the Sector.
- 3.2. To have a Council that treat all stakeholders in an impartial and dignified manner without compromising its mandate and principles.
- 3.3. To have a Council that operates in accordance with the provisions of corporate governance and is corruption free.

4. INTERESTS

- 4.1. For the purpose of this Policy Interests shall refer to positions, memberships, assets, discounts, discount vouchers, travel and accommodation, remuneration, gifts, presents, shares, ownership (percentage or whole).

5. SCOPE

- 5.1. The Policy shall apply to all Councillors and Council support staff.

6. CODE OF CONDUCT

- 6.1. This section must be read in conjunction with the Code of Conduct of the Council.
- 6.2. Councillors and Council staff shall fully disclose their interests relating to any stakeholder, company or organisation doing business with the Council or seek advice or guidance from the Council on any matter relating to the implementation of the Code.

7. METHODS OF DECLARATION OF INTERESTS

- 7.1. Interests can change over time, from relinquishing existing interests to acquiring new interests.
- 7.2. Although it would be ideal to expect the Councillors to declare their interests upon appointment, it is considered practical to declare an interest when the circumstances arise at a particular moment, e.g. when the Council or Councillor interacts with a particular stakeholder at a particular time.

- 7.3. This position arises from the acknowledgement that the Councillors have been nominated from the MAC Sector and would have various interests in the Sector by virtue of their designations.
- 7.4. The following methods shall be utilised to declare interests:
- 7.4.1. Indicating in the relevant section of the attendance register of Council meetings if there is an interest to declare.
- 7.4.2. Reporting in the section of the agenda of the Council meeting if there is any interest to declare.
- 7.4.3. Reporting the interest at the beginning of the meeting with a stakeholder.
- 7.4.4. Reporting at the beginning of an interview (Council support staff) if there is any relationship with the interviewee or if someone known to the interviewer referred the latter.
- 7.4.5. Attaching a signed declaration note to a procurement quotation in cases of procurement of goods through quotations.

8. TREATMENT OF A DECLARATION OF INTEREST

- 8.1. Once a declaration of interest is made the following decisions shall be made:
- 8.1.1. Take a resolution to allow the Councillor/Council staff member to continue as part of the meeting or engagement with the stakeholder if it is determined that participation would not compromise the process.
- 8.1.2. Take a resolution to excuse the Councillor/Council staff member from the meeting or engagement with stakeholder.
- 8.1.3. In both (8.1.1) and (8.1.2) the resolutions must be recorded.

9. REVIEW OF THE POLICY

- 9.1. The Policy shall be reviewed every two years or as and when the need arises.