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# CONSTITUTION

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AFRICAN HEALTH ASSURANCE



OCTOBER 10, 2018  
~ AN AFRICA HEALING VENTURES INITIATIVE ~

## 1. PREAMBLE

- 1.1. The “African Health Assurance” Party (hereinafter referred to as “the Party” or “AHA”) subscribes to the principles of the Constitution of the Republic of South Africa (RSA) to foster a culture of National Unity that promotes the rule of law and accountable governance subject to authoritative justice and righteousness.
- 1.2. The formation of the Party is the result of a comprehensive consultation process involving the devoted citizens (the public on an inclusive basis) of the Republic of South Africa (RSA).

## 2. PARTY IDENTITY

### 2.1. Party Name

- 2.1.1. The name of the Party shall be the “African Health Assurance” (hereinafter referred to as “the Party” or “AHA”).
- 2.1.2. The name shall not be translated and the abbreviation “AHA” will be used in all official languages of the Republic of South Africa (RSA).

### 2.2. Party Emblem



*Colour version (Original)*



*Black and White version*

### 2.3. Colours and the shape of the Party Emblem

- 2.3.1. The meaning of the colour of “White” on Africa on our emblem signifies the “Light” (Revelation), “Faith” (Belief), “Power” (Influence), “Honour” (Praise), “Completion” (Conclusion) and “Peace” (Harmonization or Synchronization). We are focused on a process of reconciliation and restoration of our Nation with a view to lead the people of South Africa for an inclusive identity, involving the fostering of balanced equilibrium and equitable restoration for the common good, thereby influencing the rest of Africa to similarly arise again to occupy its rightful place of respect and honour amongst the nations of the world pertaining to its traditional role as the foundation people of mankind.
- 2.3.2. The meaning of the colour “Purple” on the cross behind Africa on our emblem signifies a quality of the “Royalty” (Kingdom), “Luxury” (Precious and Valuable) and “Spirituality” (Devoutness and Servanthood); we seek to intensify and streamline the reformative development process of our nation through our Godly actions and to unlock equitable value for all.

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- 2.3.3. The shape of the cross signifies the fullness of life and the awareness of the process of integration of God the Creator, the Alpha and Omega with royalties, nations or precious people from all corners of the earth connecting the end of time to the beginning of time and the beginning of time to the end of time.
- 2.3.4. The meaning of the colour of “Pink” behind the cross (background) on our emblem means “Sensitivity” (Compassion or “Ubuntu”), “Nurturing” (Growth) and unconditional “Love” (Charity); we are committed to the advancement of the people as well of the environment inclusive of animals for a better tomorrow.

### **3. FOUNDING STATEMENT**

- 3.1.** The Party believes that we are a nation established by and of the Supreme and Almighty Creator.
- 3.2.** The Party represents:
- 3.2.1. A moral crusade that admits the history but is uncontaminated by the past.
- 3.2.2. A multicultural leadership initiative brought about by the quest for common values to bring about moral change for the benefit of all.
- 3.2.3. A morally sound and pure framework of absolute principles of leadership.
- 3.2.4. A non-partisan movement that wholly engages with our society impartially.
- 3.2.5. A commitment of our people working towards a common objective involving shared goals.
- 3.2.6. An inclusive market economy to create opportunities for all to prosper.
- 3.2.7. A platform that will enable reformation, reconciliation and reconstitution for the benefit of all.
- 3.2.8. A willpower demonstrated to bolster physical wellness, emotional wellness, mental wellness, spiritual wellness of our nation including poverty eradication, crime combat, security awareness, economic growth, quality affordable housing, meaningful education, accessible quality health care, reliable water and sanitation provisions amongst others based on proven effective policies.
- 3.2.9. A good foundation for Personal Freedom, Justice, Family Values, National Unity, Social Justice, Peace, Security, Positive Citizenry and fair Trade.

### **4. VALUES**

- 4.1.** We believe there is one Almighty Creator of life that is eternally existent.
- 4.2** We believe civil government can exceed its benchmark performance when it is led by principled individuals whom have been chosen by God fearing people for the benefit of all the people of the land
- 4.3** We share a community of values that are embodied by the following:
- 4.3.1 A fair society is one in which our achievements are determined by our own choices where opportunities are shared amongst all people impartially.
- 4.3.2 Diversity is one of our biggest assets therefore to embrace diversity

is crucial in order for us to grow as a unified nation with a common vision.

- 4.3.3 Freedom is not a favour from government, it is a divine right
- 4.4** Our thinking and actions are based on principles of freedom of speech, faith, charity, peace, equity, mutual respect, fair economic behaviour and trade, and embracing our past and differences as South Africans.

## 5 OBJECTIVES

- 5.1.** To promote, uphold and defend ethical Family and Government Values which is of paramount importance
- 5.2.** To either influence, give support or provide strong all-encompassing leadership and to defend, promote and uphold proven principles in law with the regard to the formulation and implementation of ethically founded legislation.
- 5.3.** To influence (directly/indirectly) to contend for and attain the leadership of the government of our beloved country through a sustained democratic process.
- 5.4.** To participate in the political arena, socioeconomic sphere and government in South Africa with a policy based on the principles or values set out in clause 4.
- 5.5.** To strive for the development of peaceful co-operation, beneficial relations, joint strategies objectives and alliances with organizations or persons who are pursuing similar goals.
- 5.6.** To become a leading “enabler” of wellness prosperity of the mind (mental and emotional health), body (physical health) and soul (emotional & spiritual health) of the people, in order that the wellbeing of the nation will be established comprehensively
- 5.7.** To see our movement becoming the major role player in improving the face of the poverty stricken landscape and bridging the gap drawn by poverty or vagaries of history.
- 5.8.** To see the disadvantaged, the needy, the sick, the ill, the hopeless and the poor “prosper” or uplifted, which will not only be a reward for the Party’s efforts, but will benefit the nation as a whole.
- 5.9.** To exist in its own right, apart from its members as a separate legal entity.
- 5.10** To be fully managed and controlled from an executive point of view by the founding members and/or elected office-bearers regarding core and associated activities including all aspects of trade.
- 5.11** To be able, authorized and empowered in its own name, as a separate legal entity, to own any kind of moveable or immovable property and to register in its name and own other possessions and property as an asset for the Party.
- 5.12** To be able, authorized and empowered in its own name, as a separate legal entity, to borrow money from all or any financial institutions locally or internationally or to enter into loan agreements, rental agreements or lease agreements or other finance agreements for the acquisition of assets for any of its programmes, be it short, medium, long-term, with the proviso that any such arrangements will comply with the relevant financial policies of the Party as determined by the executive council and approved by the general assembly of the Party.

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- 5.13** To be able, authorised and empowered to lend out own funds on acceptable income yields and/or to invest surplus funds with top financial institutions.
- 5.14** To be able, authorized and empowered to raise funds and other assets of property/possessions by way of collections, gifts, bequests, donations, grants, counselling fees, sale of products, tax exemptions, tax incentives, advisory fees, consulting fees, presentation/marketing fees, registration and membership fees.
- 5.15** To be able, authorized and empowered to invest in or financially assist other businesses or other legal entities that are operational and secure which have similar objectives as this Party or be able to purchase such businesses outright, lock stock and barrel as going concerns specifically to achieve Party objectives.
- 5.16** To be able, authorized and empowered to transact through the Party's investment operating arm(s) and associated entities including trust funds in order to trade in commodities necessary to fulfil the Party socioeconomic objectives.
- 5.17** To be able, authorized and empowered to acquire shares and/or interests in other legal entities through the Party's investment operating arm(s) and associated entities including trust funds and to enter into strategic partnerships with such legal entities that have the same or similar objective as this Party.
- 5.18** To deliver through our "Wellness", "Lifestyle" and "Healthcare" programmes such as "Well-necessity" which is a word derived from "wellness" referring to health ( physical, emotional, mental & spiritual) and "necessity" referring to an obligation, responsibility and requirement (a need).
- 5.19** To build or establish "Wellness Centres" that will fulfil multi-purpose functions focusing on the "wellnecessity" and the betterment of the lives and the lifestyles of the disadvantaged, the economically deprived (the poor), the needy, the uneducated, the disabled, the physically/mentally challenged, the homeless, the hopeless, the unemployed, the unemployable, the orphans, the widows, the elderly, the sick especially the mentally, emotionally, spiritually and socially ill persons nationally in all areas.

## 6. VISION

- 6.1.** To restore our beloved nation and beatify our country through reformation and realignment efforts to repurpose South Africa to advance absolute governance by influencing every sphere in our society from (a) Government, (b) Arts and Entertainment, (c) Business, (d) Education, (e) Family, (f) Media and (g) Religion.
- 6.2.** To promote the establishment of free business linkages, trade hubs including new markets and associated trade platforms that will enable bartering, freelancing, SMME marketing, SMME business development, lead generation, SMME activations and networking for local entrepreneurs, corporates, industries and government.
- 6.3.** To create sustainability with the potential to unite the "voice" and "vote" of those who share the same values as nation-builders working on building a

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- non-partisan governance system from the people, by the people, for the people and incorporating supreme values and principles that have been proven.
- 6.4. To facilitate a movement pertaining to our economic system out that will enable community leaders, ward councillors, parliamentarians, ministers, governors, legislators and judges to be elected out of peoples assemblies and councils by the people from within households, families, communities and national groups whom will provide justice for all without fear or favour, unlike the current political context that has been dominating our political landscape from the launch of our democracy.
  - 6.5. To be a recognized authoritative body on all matters related to the mentally ill, emotional, social, spiritual wellness of persons based on prevailing current knowledge, research, human (social), economic status and financial resources.
  - 6.6. To become a well-trusted, enduring and reliable people's voice in all areas we serve calling for change as a Non-Partisan movement uniting the people in all their diversities, regardless of colour, gender, class, creed or religious affiliation.
  - 6.7. To form alliances or support other independent similar causes, parties or movements to intensify the call for the establishment of an all-inclusive, ethical, accountable, government, and a people-driven governance system in our land for the purpose of transforming all spheres of nation building including governance, justice, integrity, equity, healing and restoration of the people of South Africa.
  - 6.8. To "not" restrict, interfere nor disrupt other legal political formations instead enable like-minded citizens to speak with one voice and to exercise their collective influence to build a far better, safe, efficient, productive and economically active country.
  - 6.9. To create, support or connect conducive platforms for engaging communities (civil society) and business (all sectors of trade or industries) locally and internationally in order to accommodate all spheres of influence of our cultures in our society and/or any type of group that shares the same values, vision, cause, and goals for a better South Africa as we the people are facing a common enemy.

## 7. MISSION

- 7.1. To restore our beloved nation and to culturally beautify our country through reformation and realignment strategies to repurpose South Africa to advance absolute governance by influencing every sphere in our society to change for the better.
- 7.2. To implement (roll-out) our unique African Health Assurance (AHA) branded programmes such as the following:
  - i) Health and Water For Africa initiative for all (Sanitation & Hygiene);
  - ii) Energy Hospitality (Spiritual freedom & Health rejuvenation);
  - iii) Acts of Love (Care Givers, Caretakers, Care Workers, Volunteer programmes, reaching out, broadcasting of Love via radio, television, online, social media platforms, call centres and door-to-door services;

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- iv) Fellowship Platform (Society engagements, networking & interactions);
  - v) Society Network (Nation's appearance to match with our true identity);
  - vi) Ecosystem (Impartial networking through trade channels & dialogues).

**7.3.** To deliver on the above items (clause 7.2) through the following strategies:

- 7.3.1. To establish our membership database which will incorporate our various member benefit schemes, interlinking member incentivised programmes (point systems), exchange (trade) platforms, member business linkage, member job seeker portal, student assistance linkage networks (academic & financial) and volunteer registers (sector & community based) to enable the abovementioned items to be delivered cost effectively and sustainably which will benefit from our incentivised programmes (point system), safety & security initiatives, job creation initiatives and entrepreneurship drive.
- 7.3.2. To create business linkages, trade hubs, new markets and sustainable trade platforms that will enable bartering, freelancing, SMME marketing, SMME business development, lead generation, brand activations and networking for local entrepreneurs, corporates, government and industries.
- 7.3.3. To intensely and expertly train, develop or educate and counsel our own personnel (members), who in turn will train, educate and counsel the staff internally at our head office, regional central offices, national branch offices, operational sites and facilities as well as externally on behalf of the government, third (3<sup>rd</sup>) parties, communities (public), businesses and individuals who in fact would be benefiting through our initiatives.
- 7.3.4. To establish specialized organic agricultural "Health Farms" that will promote a healthy life style for humans and animals alike plus to focus on the creation of sustainable wealth through entrepreneurship (personal equity), contract and casual employment of large number of persons on such farms.
- 7.3.5. To establish the multi-purpose centres on some of these farms to sustainably cater for the needs of all employees (workers), people (families), general public or tourists (buyers/sellers) and the investors (major stakeholders encompassing financiers, researchers & suppliers) in its vicinity and to promote a nutritional feeding scheme for all children, widows and all elderly people from each such farming unit thereby benefiting everyone.
- 7.3.6. To promote organic farming as a way to ensure food security and to grow organically healthy and nutritional food for human consumption plus the promotion of using of pro-biotics with animal feed for livestock to avoid the use of banned anti-biotics and growth hormones on animals. Therefore, this will ensure consumption of healthy animal foods and thus decreasing sicknesses, illnesses and the need for medication to be administered and generally to promote a healthy body and a healthy mind therefore becoming a healthy nation enhancing our productivity and socioeconomic wellness.

7.3.7. To raise funds and other assets, property and possessions through actively engaging and promoting the following methods of funding to run, maintain and sustain the Party objectives and to accomplish the our vision:

- Functions
- Events
- Seminars
- Team-building promotions
- Exhibitions
- Promotions
- Collections (street or otherwise)
- Member registration fees (*administration costs*)
- Membership monthly fees (*administration costs*)
- Member incentive scheme membership contributions
- Gifts
- Donations
- Grants
- Bequests
- Sale of products and/or merchandise (branded or unbranded)
- Claims to social development for counselling and services rendered
- Tax exemption incentives
- Consulting and advisory fees
- Interest on investments and returns on the Party's investment arms
- Incentivised membership programmes
- Income from business operations

## 8. INCOME AND PROPERTY

The income and property of the Party shall be administered as follows:

- 8.1. The Party will keep a record of everything it owns including all transactions.
- 8.2. The Party may not give, transfer or alienate any of its money, property or possessions to its members or office bearers.
- 8.3. The Party may employ consultants, external suppliers, outsourced service providers (vendors) or independent industry experts if and when required, on a full-time or part-time consultancy basis, for specific programmes, projects or specialized and specific jobs. Such consultants shall be paid reasonable market related consultancy fees and disbursements or as per agreed payment terms.
- 8.4. The only time when a member or office bearer can be paid, compensated, reimbursed or given property, is for work that a member or office bearer does or has done for the Party corresponding to his/her appointment. Such payment must be a reasonable market related amount for the work that has been done or does.
- 8.5. A member of the Party can only claim money back from the Party for costs and expenses that he/she paid for, out of their own pockets or directly on behalf of the Party against proof of such payments that is acceptable as approved by the office.



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- 8.6.** The Party can or may take on and run income-generating activities but cannot distribute profits/surpluses to members or office bearers. All profits and surpluses are to be utilized to further the mission, the objectives and the vision of the Party.

## **9. LEGAL PERSONALITY AND POWERS**

- 9.1.** The Party shall be a body corporate with perpetual succession.
- 9.2.** The Party may own, buy, sell, hire, lease, mortgage, pledge or in any other way alienate or deal with both movable and immovable property.
- 9.3.** All moneys received/collected in the name of the Party shall vest in the Party itself.
- 9.4.** The Party may perform all such legal activities authorized by this Constitution or such activities as may be necessary for the Party to function effectively as circumscribed (stipulated) by the latest or last version this document.

## **10. PARTY MEMBERSHIP**

Membership of the Party shall be open to all persons who:

- 10.1.** Have valid nationality or citizenship of the Republic of South Africa (RSA).
- 10.2.** Have attained the legally acceptable age to vote under the South African law.
- 10.3.** In possession of the RSA green bar coded Identity Document (I.D) or the new type Identity Document (I.D) card to qualify and a Passport book does not qualify.
- 10.4.** Subscribe to the Constitution of the Party and commit to support our initiatives.
- 10.5.** Have signed the Membership Application form of the Party and in good standing.
- 10.6.** Agree to be bound by the Party's policies and procedures and to be subject to the authority of the Party officials whilst being in good standing with the Party's membership.
- 10.7.** Do not belong to any other political parties or organizations nor opposing movements or social causes, as defined by the rules or by-laws of the Party.
- 10.8.** A member may resign from the Party by handing in a written resignation to his/her immediate manager or senior representative official member. Such resignation will have immediate effect, but will not interrupt any processes in terms of clause 9, including dispute resolution in terms of the rules.
- 10.9.** Have paid the member registration and annual membership fee in full.

## **11. RENEWAL AND VALIDATION**

- 11.1.** Membership fees are payable annually from 1<sup>st</sup> January to 31<sup>st</sup> December and audited on or before the 1<sup>st</sup> March of the preceding financial year of the Party.
- 11.2.** New membership may upon recommendation by the Branch Executive Committee (BEC), be granted by the Regional Executive Committee (REC) or where no REC representative body is in place, by the Provincial Executive Committee (PEC).

## 12. DISCIPLINE, APPEAL AND ARBITRATION

- 12.1.** Grounds for disciplinary action shall be:
- 12.1.1 Failure to conform to Party Policy laid down by the National Convention (NC) or contravention of any provision of this Constitution, the rules made under it, or a decision competently taken at any properly constituted meeting of the Party, at national, provincial, regional, or branch level.
- 12.1.2 Making of public statements which are in conflict with Party Policy.
- 12.1.3 Conduct (PPC) which brings or threatens to bring or is deemed to bring the Party into disrepute, which conduct shall include, but not be limited to, that mentioned in the rules.
- 12.1.4 Any other unlawful conduct relating to the affairs of the Party.
- 12.2.** A disciplinary panel, arbitrator or appeal panel may impose the sanctions as set out in the rules.
- 12.3.** Any sanction referred to in clause 12.1.3 and the rules may be suspended wholly or in part upon such conditions as the disciplinary panel, arbitrator or appeal panel may deem appropriate.
- 12.4.** A sentence thus imposed shall remain in force and effective notwithstanding any pending appeal.
- 12.5.** A dispute resolution procedure as set out in the rules can be requested by any member, office-bearer or Party structure.

## 13. THE STEERING COMMITTEE

- 13.1.** The Steering Committee at National, Provincial, Regional and Branch levels shall monitor the integrity of Party policies and leaders.
- 13.2** The President, in consultation with the Deputy-President, Party Chairman and Party Liaison Officer, shall appoint a National Steering Committee (hereafter abbreviated "NSC") of no more than twelve (12) persons of good stature, people orientated and spiritually mature leaders of good standing in the community who shall comply with the following requirements:
- 13.2.1 That the Party policies remain true to Family Values and absolute morals
- 13.2.2 That Party office bearers and political leaders live by the principles of good ethics, compassion, diversity, people orientated, well experienced in socioeconomic matters and abreast with current affairs, spiritually mature and of high moral integrity.
- 13.1.1** That the Steering Committees function in accordance with procedures and rules as laid down by the National Executive Council (NEC) in consultation with National Steering Committee (NSC).
- 13.2** Steering Committee members may also act as mediators and arbitrators in the event of disputes between parties and shall endeavour, after disciplinary hearings, to reconcile parties.
- 13.3** The Provincial Executive Committee (PEC) shall appoint a Provincial Steering Committee (PSC) and the Regional Executive Committee shall appoint a Regional Steering Committee (RSC) consisting of at least three members of which the majority shall not be members of the Party, to perform an eldership role as aforementioned at Provincial and Regional Levels respectively.
- 13.4** The Branch Executive Committee (BEC) shall appoint a Local Steering

Committee (LSC) consisting of at least three members of which the majority shall not be members of the Party from amongst persons nominated by the Regional Executive Committee or where no region is in place, the Provincial Executive Committee (PEC), to perform an eldership role as aforementioned, at Branch Level.

- 13.5** Such Steering Committees shall hold office until reconstituted, which reconstitution may be done at any time to be determined by the President or the relevant Executive Committee in their sole discretion.
- 13.6** No member of the Party shall be elected/appointed to any office in the Party or any government structure at any level, unless approved by the appropriate Steering Committee provided that such approval shall not be valid for more than five years.
- 13.7** A Member who is not satisfied or finds that there is some discrepancy/injustice with any decision of a Local Steering Committee (LSC) shall have the right to be re-screened by the Provincial Steering Committee (PSC), whose ruling shall be final. There shall however be no right to be re-screened following any decision of any Provincial Steering Committee (PSC) or National Steering Committee (NSC).
- 13.8** The Steering Committees on various levels must furnish reasons for their decisions after screenings when requested to do so by the screened members.
- 13.9** The afore-mentioned Steering Committee members shall operate in good faith to uphold the good name and standing of the Party, and in accordance with the Rules and Procedure document.

## **14 NATIONAL CONVENTION**

### **14.1 Frequency of National Convention meetings**

- 14.1.1** A National Convention (NC) shall be held at least every three years. The National Convention must decide when the next National Convention will be held failing which it will be held every two (2) years.
- 14.1.2** Provincial, Regional and Branch Conventions must be held in the same year that a National Convention (NC) will be held. However, they can also be held more frequently should the Provincial/ Regional Council respectively so determine.

### **14.2 Powers of the National Convention**

- 14.2.1** The National Convention shall be the supreme policy making body.
- 14.2.2** The National Convention explicitly reserves the power to:
- 14.2.2.1 Elect the President and Deputy President of the Party;
  - 14.2.2.2 Ratify or elect the Federal Council of Provinces (FCOP) of the Party;
  - 14.2.2.3 Ratify or amend Party Policy;
  - 14.2.2.4 Determine the annual Membership Fee;
  - 14.2.2.5 Amend this Constitution except for Party principles and values;
  - 14.2.2.6 Vote on resolutions presented by Branches;
  - 14.2.2.7 Appoint auditors.

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### **14.3 Calling a National Convention**

- 14.3.1** The calling of a National Convention shall be by letter, transmitted by post, fax or e-mail from the secretary-general of the Party, to all branches of the Party, not less than 60 days prior to the date set for the National Convention.
- 14.3.1** Branch delegates to the National Convention and their alternates shall be elected at a branch meeting.
- 14.3.2** Proper delegate credentials shall be presented at the National Convention, after having been duly signed by the Branch Chairman and Secretary.
- 14.3.3** A special National Convention may be called at the discretion of the National Executive Committee by not less than 21 business working days written notice to the Provincial, Regional and Branch Chairmen.
- 14.3.4** The notice calling any regular or special National Convention to amend this Constitution, shall expressly stipulate the proposed amendments.

### **14.4 Delegates**

- 14.4.1** The following Party members shall be eligible to attend and vote as delegates to the National Convention:
- 14.4.1.1 Members of the Federal Council of Provinces (FCOP), National, Provincial and Regional Executive Committees;
- 14.4.1.2 Members of the National and Provincial parliaments as well as all Councillors;
- 14.4.1.3 Not more than the number of branch delegates or their alternates as determined by the size of the branch as specified in the Rules.
- 14.4.1.4 Elected members of the National Executive Committee (NEC), Provincial Executive Committees (PECs) and Regional Executive Committees (RECs) including all the leadership of the Youth League national, provincial and regional representatives, where such structures are properly constituted and active as defined in the Rules and Procedures of the Party as per Constitution.
- 14.4.2** The National Convention shall be open to members as non-speaking and non-voting observers.

### **14.5 Amendment of this Constitution**

- 14.5.1** The Constitution can be changed by way of a resolution.
- 14.5.2** This constitution shall not be amended other than by a two-thirds majority of delegates present and voting at the National Convention. Two thirds of the members shall be present at a meeting to constitute a quorum, before a decision to change the Constitution is taken.
- 14.5.3** Members must vote at this meeting to change the Constitution.
- 14.5.4** Any Annual General Meeting may vote upon such a motion, if the details of the changes are set out in the notice.
- 14.5.5** No amendments to this Constitution shall be debated and decided upon unless written notice has been given in terms of this Constitution. Notwithstanding the provisions of this clause, a four-fifths majority of all those present and voting at the National Convention may agree to debate and decide upon proposals to amend this Constitution.
- 14.5.6** The term National Convention shall refer to both a special National Convention

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and a regular National Convention for the lifespan of the Party.

**14.5.7** No amendments may be made to the Organisations constitution, which would have the effect of rendering the Organisation non-operational or cease to exist.

## **15 NATIONAL ORGANISATION**

### **15.1 Federal Council of Provinces (FCOP)**

**15.1.1** The Federal Council of Provinces (FCOP) shall comprise of all Members of Parliament, six (6) representatives from each active Province as submitted and one representative from each Youth League national, provincial and regional representative structures plus all voting members of the NEC, who are not part of the FCOP (as ex-officio members with voting rights). The Federal Council of Provinces (FCOP) shall, from amongst themselves, elect a Chairman, Deputy-Chairman, and Secretary.

**15.1.2** The Federal Council of Provinces (FCOP) shall meet at least twice a year and at the National Convention of the Party.

**15.1.3** The Federal Council of Provinces (FCOP) shall be the principal organ for the formulation of internal and external policies of the Party when the National Convention is not in session.

**15.1.4** The Federal Council of Provinces (FCOP) shall have the power to order the submission of any report, document, material, money, or to call for proper accounting from any member or office bearer of the Party, or any organ of the Party, for the purposes of exercising its powers in this Constitution.

**15.1.5** The Federal Council of Provinces (FCOP) shall have the power to refer any matter to an ad-hoc sub-committee for examination or investigation.

**15.1.6** The Federal Council of Provinces (FCOP) may review any resolution, recommendation or decision of the NEC or any subsidiary council, committee or office-bearer of the Party.

**15.1.7** A quorum at meetings of the Federal Council of Provinces (FCOP) shall be 50% plus one of the voting members of the Council.

**15.1.8** The Federal Council of Provinces (FCOP) may determine rules to govern the holding of its meeting and the carrying on of the business of the Council.

**15.1.9** Subject to clause 15.2.6.8, the NEC and the FCOP will jointly list candidates for National Elections.

### **15.2 The National Executive Committee**

**15.2.1** The National Executive Committee (NEC) shall elect from amongst its own members, at least the following thirteen office-bearers:

- ✓ The Party Chairman
- ✓ The Party Deputy Chairman
- ✓ The Party Secretary-General
- ✓ The National Elections Manager
- ✓ The Party Organizer
- ✓ The Party Treasurer
- ✓ The Party Policy Co-ordinator
- ✓ The Party Media Officer

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- ✓ The Public Relations Officer
  - ✓ The Party Whip
  - ✓ The Party Legal Advisor
  - ✓ The Party Projects Director
  - ✓ The Church Liaison Officer

***With the Party President and the Party Deputy President, the National Youth League representative and Chairman of the Federal Council of Provinces (FCOP) serving as ex-officio voting members with those voting members co-opted by the President.***

- 15.2.2** The members of the National Executive Committee, save for the Party President, the Deputy-President, the Women of Destiny and Youth League representatives, shall be appointed by the President at the National Convention from names forwarded by the PEC's. The names of candidates will be elected by the PC's onto a candidate's list. Additional persons with specific expertise may be appointed from outside the candidates list but such persons shall be non-voting.
- 15.2.3** The National Executive Committee shall meet on a regular basis to conduct the business of the Party.
- 15.2.4** The National Executive Committee may determine the areas of jurisdiction of Provinces of the Party.
- 15.2.5** The quorum at meetings of the National Executive Committee shall be fifty percent plus one of the voting members.
- 15.2.6** The National Executive Committee shall, subject to the provisions of this Constitution also have the power:
- 15.2.6.1 To engage and dismiss employees of the Party, to determine their remuneration and to define their duties;
  - 15.2.6.2 To appoint from time to time such Commissions of Enquiry, mediators and arbitrators and sub-committees as it may deem fit;
  - 15.2.6.3 To institute/defend legal proceedings by/against the Party, as the case may be;
  - 15.2.6.4 To open and operate a banking account in the name of the Party;
  - 15.2.6.5 To delegate any duty or power to any person or organ of the Party in the interests of the Party;
  - 15.2.6.6 To promulgate rules, and by-laws relating to any matter reasonably ancillary to the Constitution which it considers necessary to achieve the aims and further the objectives of the Party. These rules and by-laws may determine and assign functions, duties, and authority; Provided that they may be amended to contain further grounds for disciplinary action and further penalties in the event of a transgression. The reasons for any rules to be added, amended or deleted by the NEC must be furnished to the FCOP in the form of a memorandum;
  - 15.2.6.7 To attend meetings of the Federal Council of Provinces (FCOP) for the purpose of formulating Party Policy;
  - 15.2.6.8 To elect candidates for elections, having the discretion to finalise National and Provincial lists;
  - 15.2.6.9 To finalise Provincial Lists only in the event of inactive Provinces or where provinces do not adhere to the methods, formulae and criteria accepted by

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- the FCOP, in consultation with leadership of the Province concerned, using methods, formulae and criteria accepted by the FCOP;
- 15.2.6.10 To immediately suspend anyone without a hearing, whenever it is considered necessary in the interests of the Party, in its sole discretion, with immediate effect. Provided that such suspension shall not take place without prior communication with the member concerned, unless such communication is not possible, as determined by the NEC. A disciplinary hearing/mediation and arbitration process initiated by the National Party Whip or delegated official and held in terms of this Constitution and rules, shall follow such suspension;
- 15.2.6.11 To ensure the Provincial structures of the Party function democratically and effectively;
- 15.2.6.12 To issue and send directives and instructions to, and receive reports from the Provinces and the Youth League structures;
- 15.2.6.13 In consultation with the FCOP, to suspend or dissolve a PEC where necessary and call for new elections to take place within three months. The NEC may appoint an interim administrator for the province pending new elections. The suspension or dissolution may not last for more than six months and must be considered by the FCOP at its next meeting;
- 15.2.6.14 To oversee the work of the Youth League structures; and
- 15.2.6.15 Generally to do all things necessary to prosper the Party, yet without violating the federal nature of the Party.

### **15.3 The National Parliamentary Caucus**

- 15.3.1** There shall be a national parliamentary caucus consisting of all members of national parliament. Its main function shall be the discussion of all matters relevant to the party's activities at national parliament.

## **16 PROVINCIAL ORGANISATION**

- 16.1** A Provincial Council shall be constituted at the Provincial Convention of delegated members in the relevant province in the Republic of South Africa.
- 16.2** The procedure for calling meetings, determining the quorum and delegated members for a Provincial Council meeting is specified in the Rules and Procedures Manual.
- 16.3** The management of a Provincial Council shall vest in a Provincial Executive Committee (PEC), comprising not less than three persons elected at a meeting of the Provincial Council. The chairperson of the Provincial Council may also be Chairperson of the Provincial Executive Committee.
- 16.4** The duty of adapting national policies for provincial application shall vest in a Provincial caucus, elected by the Provincial Council subject to the Provincial Executive Committee having the right to appoint and permit the co-option of additional members or appointing ex officio, non-voting experts for specific input.
- 16.4.1** The Provincial Council shall have the following powers:
- 16.4.1.1 To interpret Party policy at Provincial level;
- 16.4.1.2 To ensure that Regional and Branch structures function democratically and effectively;

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- 16.4.1.3 To order the production of any report, document, material, money, or to call for proper accounting from any member or office bearer of the Party insofar as it relates to the business of the Party within the Province whether on Provincial, Regional or Branch level.
- 16.4.1.4 To order the submission of any report, document, material, money, or to call for proper accounting from any provincial member or office bearer of the Party, or any organ of the Party for the purposes of exercising its powers within the Province.
- 16.4.1.5 To refer any provincial matter to an ad hoc sub-committee for examination or investigation.
- 16.4.1.6 To review any resolution, recommendation or decision of the PEC, or any subsidiary council, committee or office-bearer of the Party.
- 16.5** The Provincial Executive Committee shall, subject to any rules, by-laws and procedures promulgated by the National Executive Committee, have the following powers and duties at a provincial level:
- 16.5.1** To appoint from time to time such sub-committees as it may deem fit;
- 16.5.2** To open and operate a banking account in the name of the Party;
- 16.5.3** To list candidates for elections;
- 16.5.4** To forward minutes and financial reports to the National Executive Committee after each meeting;
- 16.5.5** To determine the areas of jurisdiction of branch and regional structures of the Party;
- 16.5.6** To engage and dismiss employees of the Party, to determine their remuneration and to define their duties;
- 16.5.7** To delegate any duty or power to any person or organ of the Party in the interests of the Party;
- 16.5.8** To attend meetings of the Provincial Council for the purpose of formulating Party policy;
- 16.5.9** To issue and send directives and instructions to, and receive reports from, regions and branches;
- 16.5.10** To summarily suspend anyone without a hearing, whenever it is considered necessary in the interests of the Party, in its sole discretion, with immediate effect.
- 16.5.11** Provided that such suspension shall not take place without prior communication with the member concerned, unless such communication is not possible, as determined by the PEC.
- 16.5.12** A disciplinary hearing or mediation and arbitration process initiated by the Provincial Party Whip or delegated official, and held in terms of this Constitution, shall be instituted within 21 days of such suspension; *and*
- 16.5.13** To draft Provincial Bylaws (Rules and Procedures), applicable to the appropriate Province, which are not inconsistent with the Party's Constitution or National Rules and Procedures.

## **16.6 Senior Office Bearers**

### **16.6.1 The Provincial Leader shall:**

- 16.6.1.1 In general, act as leader and spokesman of the Party in the Province.
- 16.6.1.2 Be a voting member of the Provincial Executive Committee.



16.6.1.3 Or may, save when the Provincial Council or Provincial Executive are in session, within the framework of the principles, aims and program of action of the Party, interpret the policy of the Party within the Province;

16.6.1.4 Be a member of any caucus, Committee or Standing Committee established in the Province, and shall be entitled to attend such meetings as a full member thereof;

**16.6.2 The Provincial Chairman shall:**

16.6.2.1 Be responsible for the convening and organisation of the Provincial Convention;

16.6.2.2 Be responsible for the organisation and administration of the Party in the Province and also be responsible for strategic planning and mobilisation;

16.6.2.3 Be responsible for all staff matters and functioning of the staff;

16.6.2.4 Be a member of any caucus, Committee or Standing Committee established in the Province, and shall be entitled to attend such meetings as a full member thereof;

16.6.2.5 Be responsible for convening regular meetings of the members of the Provincial Council.

**16.6.3 Electoral College:**

16.6.3.1 Subject to clauses 15.2.6.8 and 16.8.3, the PEC and the PC will jointly list candidates for Provincial Elections.

## **17 REGIONAL ORGANISATION**

**17.1** The Provincial Executive Committee may authorize the establishment of Regions in geographically defined areas of their respective provinces where it may deem fit as far as possible, in accordance with the geographical boundaries of the various types of municipalities found in that area.

**17.2** A Regional Council shall comprise the chairman and secretary of each active branch or their alternates, in the relevant region in the Province.

**17.3** The procedure for calling meetings, determining the quorum and delegated members for a Regional Council meeting shall be laid down by the National Executive Committee.

**17.4** The management of a Regional Council shall vest in a Regional Executive Committee, comprising not less than three persons elected at a meeting of the Regional Council.

**17.5** The Regional Executive Committee shall, subject to any by-laws, rules and procedures promulgated by the National Executive Committee or Provincial Executive Committee, have the following powers and duties in its respective region:

**17.5.1** To appoint from time to time such sub-committees as it may deem fit and to stimulate branch activities and development;

**17.5.2** To open and operate a banking account in the name of the Party;

**17.5.3** Subject to clauses 15.2.6.8, 16.8.3, and 16.10 to list candidates for election;

**17.5.4** To forward minutes and financial reports to the Provincial Executive Committee after each meeting.

**17.5.5** To determine the areas of jurisdiction of branches of the Party in accordance with the demarcated ward boundaries;

**17.5.6** To engage and dismiss employees of the Party, to determine their remuneration and to define their duties;

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- 17.5.7** To delegate any duty or power to any person or organ of the Party in the interests of the Party;
- 17.5.8** To attend meetings of the Provincial Council for the purpose of formulating Party policy; *and*
- 17.5.9** To issue and send directives and instructions to, and receive reports from branches.

## **18 BRANCH ORGANISATION**

- 18.1** The respective Provincial Executive Committees, or the National Executive Committee, shall authorize the establishment and continued functioning of Branch Executive Committees at its discretion.
- 18.2** Members at local level shall be duty bound to hold regular public meetings where party principles and policies shall be explained and members of the public encouraged to join the Party.
- 18.3** Regular meetings shall also be held to conduct the general business of the Party.
- 18.4** Members at local level shall elect, at a Branch Convention, a Branch Executive Committee (BEC), which shall be responsible for the implementation of the policies and principles of the Party, and for the conducting of Party affairs at local level.
- 18.5** The Branch Executive Committee shall elect from its number a Chairman, Secretary and Treasurer (and, at its discretion, may elect other persons who shall constitute a Branch Executive Committee).
- 18.6** The Branch Executive Committee shall, subject to any by-laws and procedures promulgated by the National Executive Committee (NEC), have the following powers and duties:
- 18.6.1** To appoint from time to time such sub-committees as it may deem fit;
- 18.6.2** To open and operate bank account in the name of the Party;
- 18.6.3** Subject to clauses 15.2.6.8, 16.8.3, 16.10 and 17.6.3, to list candidates for election; *and*
- 18.6.4** To forward minutes and financial reports to the Provincial Executive Committee after each meeting.

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## **19 PRESIDENTIAL POWERS**

- 19.1** The President of the Party shall be authorized to initiate the formulation of the vision, objectives and strategies of the Party and interpreting policy and guiding Party members.
- 19.2** The President shall be an Executive President. Wherever practical, the National Executive Committee shall consult with the President prior to making major decisions other than those of a day to day nature.
- 19.3** The President in consultation with the National Executive Committee shall be empowered to fill any vacancies which may arise on the National Executive Committee.
- 19.3.1 Persons appointed from outside the candidates list elected by the Provincial Councils, will be non-voting.

## **20 PARTY YOUTH EMPOWERMENT LEAGUE**

- 20.1** A Youth League (youth empowerment) may be established to facilitate in achieving its objectives.
- 20.2** The Youth League will function as an autonomous body within the overall structure of the Party of which it will be an integral part with its own Constitution, provided that that Constitution shall not in conflict with the Party's Constitution and policies.

## **21 FINANCE**

- 21.1** The Treasurers of every Committee of the Party shall be accountable for the receiving of monies and for expenditure incurred by the Party on behalf of the respective Committee.
- 21.2** The Treasurers' function is to control the day to day finances of the Party.
- 21.3** The Treasurers shall arrange for all received funds to be deposited into the Party's bank accounts. The treasurer must also keep up to date and proper records of all the finances of the Party including management accounts, debtors and creditors.
- 21.4** Whenever funds are withdrawn from the bank account(s) the Chairperson and at least one other committee member of the Party must sign the withdrawal/cheques.
- 21.5** The National Treasurer shall have the additional duty to consolidate the financial reports from the Provincial, Regional and Local Branch Committees.
- 21.6** The National Treasurer shall have the authority to lay down such financial policy and procedures as may be necessary for the proper accounting of the Party's financial transactions.
- 21.7** The National Treasurer shall be responsible for preparing an Annual Balance Sheet and Income and Expenditure Statement, which shall be subject to audit. This provision shall not require every set of financial statements for Local Branches, Regional and Provincial Committees to be audited, but this may be required at the discretion of the National Treasurer or the auditors of the Party.
- 21.8** The National Executive Committee, in its discretion shall be empowered from time to time, to conduct Fund Raising Campaigns and may delegate this function to lower structures at its discretion.

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- 21.9** The Party's accounting records and reports must be finalised and delivered to the relevant controlling body regulating the operation of Party's within six (6) months after the financial year end.
- 21.10** The financial year of the Party is at the last day of February of each year (covering a full twelve (12) month period).
- 21.11** If the Party has funds or a surplus that can be invested, the funds may be invested with registered financial institutions, asset management, investment portfolio managers including venture capitalists amongst others. These institutions are listed in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984.
- 21.12** The Party may obtain securities that are listed on a licensed Stock Exchange as set out in the Stock Exchange Control Act, 1985.
- 21.13** The Party may seek the advice from as many financial institutions on the most lucrative and secure way of investing funds on a short to long term basis and to look after its funds and ensure there is a consistent cash flow to sustain it.
- 21.14** Funds that have been raised by the region shall be for exclusive use for programmes, projects, events or initiatives related to the region concerned.
- 21.15** All funds received by the region shall be deposited in a centralized banking account determined by the NEC.
- 21.16** The Regional Executive Committee (REC) shall at the end of the financial year cause the Regional Treasurer to prepare and submit written financial statements and accounts to the Regional Congress.
- 21.17** The Regional Executive Committee (REC) shall determine the manner and the means of revenue and expenditure for the region.
- 21.18** At its annual Regional Conference each Region shall adopt a budget for the forthcoming financial year, which budget shall be submitted to the Provincial Executive Committee (PEC).

## **22 PUBLICITY**

- 22.1** The President or his appointee shall before release approve all Party Statements and Reports on national issues for publication.
- 22.2** All Party statements to the media by members of the Party shall conform to Party Policy as laid down by the members-in-National Convention, members-in-Federal Council of Provinces and the members-in-National Executive Committee.
- 22.3** Members duly authorized to make Party statements on behalf of the Party shall be the Media Liaison Officer or the Party President and any such member as may on occasion be specially permitted by authority of the National Executive Committee.

## **23 INDEMNITY AGAINST LEGAL CLAIM FOR DAMAGES**

- 23.1** Subject to the provisions of any relevant statute and to clause 24, each member of the Party and all other office-bearers shall be indemnified by the Party, for all acts done by them in good faith on its behalf, and it shall be the duty of the Party to pay all costs and expenses which any such person incurs or becomes liable for as a result of any contract entered into or act/deed done by him/her, in his or

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her said capacity, in the bona fide discharge of his or her duties on behalf of the Party.

- 23.2** Subject to the provisions of any relevant statute, no Party member or other office-bearer shall be personally liable for the acts, receipts, neglects or defaults of any other member or office-bearer; or for having joined in any receipt or other act for conformity; or for any loss or expense suffered by the party through the insufficiency or deficiency of title to any property by the party, or for the insufficiency or deficiency of any security in or on which the monies of the party may be invested; or for any loss or damage arising from the bankruptcy, insolvency or an offence (act) of any person with whom any monies, securities or effects are deposited; or for any loss or damage caused in any other way, which occurs in the execution of the duties of his or her office or in relation thereto.
- 23.3** Subject to the provisions set out herein or in the rules, no member shall institute any legal proceedings against the Party or any member thereof whether to recover any loss or damages (special or general) or otherwise as a result of any acts or neglects of any Party member, or any other office bearer done by them in good faith on behalf of the Party, save through a mediation and arbitration process in terms of the rules.

## **24 INDEMNITY FROM LEGAL LIABILITY**

- 24.1** Only National, Provincial, Regional or Branch office-bearers shall have the authority to bind the Party at the appropriate level, in accordance with duties or powers conferred on them by this Constitution or the relevant authority in the Party or to create any legal relationship.
- 24.2** A person alleging to bind the party must produce written proof of their authority.
- 24.3** This clause limits actions against the Party to recover damages or otherwise where the Party acts lawfully, subject to clause 11.3 if that option is followed.
- 24.4** The Party shall be a legal person (entity) with all the rights and obligations associated with this status.

## **25 DISBANDMENT, WINDING UP AND DISSOLUTION**

- 25.1** The Party may be dissolved, closed down and terminate its activities if at least four-fifths (majority) of the founding members present and voting at a National Congress or National Convention meeting convened specifically for the purpose of considering such motion, are in favour of the closing down and winding up of the Party. The founding members may decide individually in the event of resignation or death in writing to an such an event happens.
- 25.2** When the Party closes down and is winding up its affairs it has to pay off all its debts. After achieving this, if there are property, assets or money remaining, it should not be paid, transferred, alienated or otherwise disposed of or given to any of its members and should be transferred, donated and given to another organisation, or legal entity with a non-profit objective and that has similar objectives to this Organisation.
- 25.3** The Party General Meeting may decide which organisations or other legal entities this should be.

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**This Constitution was approved and accepted by Members of the Party.**