

CONSTITUTION OF THE INKATHA FREEDOM PARTY

[As amended by the 2006 Annual General Conference]

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CONSTITUTION OF INKATHA FREEDOM PARTY

(Hereinafter referred to as the Party)

PREAMBLE

1. EMBRACING the principles of African humanism otherwise known as *uBuntu/Botho* and accepting that governments are instituted and maintained to promote and protect human dignity, personal growth and fulfilment, and the individual pursuit of happiness;
2. INSPIRED by a political and constitutional vision that promotes and protects political, economic, social and cultural pluralism in an open society;
3. BOUND by an unwavering and uncompromising political commitment to foster the establishment of a truly open, free, libertarian, equal-opportunity, and reconciled society with democratic safeguards for all people regarded both as individuals and as members of the social formations to which they belong;
4. RECOGNISING the need to harness the great resources of the country to fight the real enemies of the people, namely: poverty, hunger, unemployment, disease, ignorance, insecurity, homelessness and moral decay;
5. DESIRING to ensure a fair distribution of the wealth of the country for the benefit of all its people, by means of political and economic structures that encourage free enterprise and create wealth, while promoting social justice and social responsibility and solidarity throughout the country and within our communities, families and workplaces;
6. WISHING to give our Party a type of internal organisation which reflects our pluralist, federalist, democratic and non-authoritarian ideals; and
7. PLEDGING our Party to ensure the maintenance of a stable, peaceful society in which all people can pursue their individual and collective happiness, and realise their potential without fear or favour.

**THEREFORE, SHARING A COMMON BELIEF AND VISION,
WE COMMIT OURSELVES TO THE AIMS AND OBJECTIVES OF THE INKATHA FREEDOM PARTY AS
SET OUT IN THIS CONSTITUTION
AND WE PROCLAIM AND GIVE TO OURSELVES THIS CONSTITUTION**

STATEMENT OF BELIEF

1. We believe that the political stability and economic prosperity of our society must be founded on a humanistic culture of *respect* for the people, regarded both as individuals and as members of the social and cultural formations to which they belong.
2. We believe in equality before the law, and in the intrinsic value of the rule of law as the cornerstone of a free and just society under the law. We are committed to eradicating the rule of man and substituting it with the rule of law. We believe in advanced constitutionalism and in the need for a justiciable, rigid and supreme constitution. We believe in the absolute integrity and impartiality of government's institutions and in the separation between Party and State and between private and public interests.
3. We believe that social justice is the main goal of organised societies. We believe that the achievement of social justice must express the value of the freedom of our people and promote the long-term social and economic development of our society as a whole, as well as the personal growth and development of our people. We believe that promoting social justice is both a collective and individual responsibility. Therefore, we believe in effective and real equal access to all available social, economic and political opportunities, and we reject any form of communism and autocratic populism.
4. We believe that it is the duty of all governments to uplift society as a whole, paying special attention to the under-privileged and the victims of apartheid, while removing all social and economic hindrances preventing individuals from developing to the maximum their abilities and potential.
5. We believe that individual and collective rights are the foundation of society, and that all human rights must be protected, made justiciable and entrenched in the constitution with respect to all relations under the control of government. We also believe that an advanced culture of human rights protection must be developed to redress not only old and well-known forms of abuse, but also to prevent new forms of abuse of the people by the actions of government and organisations which exercise control or power over the people.
6. We believe in the value of pluralism as a political philosophy which promotes freedom, and as a technique of structuring government and governance in a diverse society.

7. We believe that political pluralism in our country must be protected and promoted by means of strong federalism, protection of political minorities, a parliamentary system of government, the practice of direct and participatory democracy, accountability of political representatives, and efficient, transparent and good government and public administration.
8. We believe that social and cultural pluralism must be protected and that to this end the integrity, preeminence and role of civil society must be constitutionally entrenched to ensure that it is government which serves society and not vice versa. We believe in the autonomy of social and cultural formations, ranging from family structures and traditional organisations to universities, professional associations, trade unions and associations of all types which shall be free from government control and interference.
9. We believe that the self-identification of individuals within a particular social and cultural milieu is essential to their identity as South Africans, and that culture, religion, morality and societal organisation belong to the people and shall never become a business of government.
10. We believe in a libertarian political culture of tolerance and non-violence which promotes the direct empowerment of the people, communities and social and cultural formations with the regulation and administration of their own interests, and which rejects all forms of authoritarianism, paternalism and centralism.
11. We believe in economic pluralism based on a system of free-market enterprise which ensures that the resources and the wealth of our country belong, and are made accessible to all the people, and therefore, we also believe that government shall not directly participate in economic enterprises or activities in all cases in which the private sector can provide the required product or service.
12. We believe that the role and scope of government must be limited to ensure the protection of corresponding areas of individual and collective freedom, liberty and autonomy.
13. We believe therefore that the final transition from an unjust society to a just society will be a difficult one. We are committed to developing a culture of reconciliation, human respect and the promotion of personal growth, so as to redress the historical human and spiritual costs suffered by the people of our country because of apartheid and some stages of the liberation struggle.
14. We believe in a free and open society based on respect and tolerance, in which men and women may pursue their happiness, nourish their values and appreciate the spiritual intangibles which make life a unique experience and a divine gift. We believe in the right and duty of any new generation to move the world forward in developing new ideas and challenging past social conventions, dogmas and superstitions.
15. We believe that South Africa faces one of the greatest challenges ever posed to a country, and which will be won only if all South Africans join hands to free all the people from the slavery of poverty, ignorance, and social and cultural segregation, while respecting their individual and collective rights and diversity, and preserving the long-term viability of the economy by promoting a culture of excellence and individual reward for industriousness and achievement.
16. We believe in the value of the culture of self-help and self-reliance as the engine through which each building block of our society may participate in improving South Africa, and call for an all-inclusive and perpetual revolution of goodwill which empowers people of goodwill in their families, workplaces, communities and relevant levels of government, to improve on their immediate social and economic conditions.
17. We believe that it is the inalienable right and duty of the people to stand up at any time to fight for that which is right and against that which is wrong, and we believe that this is the fundamental and unchangeable mission statement of the Inkatha Freedom Party.

CHAPTER I
THE AIMS AND OBJECTIVES OF THE PARTY

- 1.1 To promote and encourage the development of the people spiritually, economically, educationally and politically.
- 1.2 To eradicate all forms of corruption, exploitation and intimidation of man by man, fighting and opposing the ancient as well as the modern evils of government and all forms of social injustice.
- 1.3 To bring about the transformation of our society and system of government to ensure the long-term protection of political, economic, social and cultural pluralism.
- 1.4 To ensure equal and effective access to all available social, economic and political opportunities and equal treatment for all people in all walks of life.
- 1.5 To co-operate with any movement or organisation acting for the improvement of the conditions of the people.
- 1.6 To reach the real and factual elimination from our society of all forms of discrimination based on race, origin, sex, colour or creed.
- 1.7 To protect, encourage and promote free trade, commerce, industry and agriculture, along with the conservation and rational use of natural resources.
- 1.8 To encourage all citizens to actively participate in all sectors of the economy and social life, and to promote the concept of participatory democracy with respect to the activities of any government.
- 1.9 To maintain and entrench a justiciable Bill of Rights reflecting the highest standards of individual and collective human rights' protection.
- 1.10 To foster a consciousness of patriotism and a strong sense of national unity in diversity based on a common loyalty to our land.
- 1.11 To propagate among our people the spirit of self-help and self-reliance.
- 1.12 To co-operate locally and internationally with all parties and organisations working for international peace and a world-wide open society based on the complete eradication of all forms of national and international oppression and on the recognition of cultural and national diversities.
- 1.13 To promote and support worthy customs and cultures of all South Africans, protecting the plural nature of our society.
- 1.14 To give effect to the principles approved from time to time by the appropriate organs of the Party.
- 1.15 To carry out any other activities which, in the opinion of the Party, are conducive to the attainment of the aims and objectives of the Party.

CHAPTER II
MEMBERSHIP - DUTIES, OBLIGATIONS AND RIGHTS

Membership

- 2.1 Membership of the Party shall be voluntary and open to all South African citizens who fully subscribe to the Preamble, Statement of Belief and accept the aims and objectives and rules of the Party.
- 2.2 An application for membership shall be submitted orally or in writing to the appropriate Party official at specified offices of the Party and it should specify the ward in which he or she intends to perform his or her political activity.
- 2.3 Membership shall be conferred to an applicant upon payment of a prescribed subscription fee and shall ordinarily be valid for one (1) calendar year commencing on the 1st January and ending on the 31st December of each year. This will apply even where a member subscribes after January unless payment has been made for a specified period.

- 2.4 A member shall be eligible to occupy an official position in the structure only after serving for a period not shorter than twelve (12) months as an ordinary member unless the relevant structure is newly established.
- 2.5 Members shall be eighteen years of age or older and subscribe to the conditions of membership.
- 2.6 Membership fees shall be determined from time to time by the National Council on the basis of proposals to it from the Treasurer-General after consultation with the Finance Committee.

Duties and Obligations

- 2.7 Every member shall be obliged to promote the unity of the Party at all times and on all levels and shall refrain from any activity that creates disunity, sectarianism and disruption of the services of the Party.
- 2.8 Every member shall swear to uphold the principles and policies of the Party as enshrined in this Constitution and shall pledge himself/herself to voluntarily join expecting nothing in return by way of personal gain and/or position.

Rights

- 2.9 A member of the Party shall enjoy the following rights:
- [a] to elect and to be elected to any office of the Party at any level;
 - [b] to elect and to be elected to any Committee of the Party at all levels;
 - [c] to criticise any shortcomings in the Party at its meetings when there are due reasons and grounds;
 - [d] to attend in person meetings of the Party that discuss and pass decisions on his or her activities and work;
 - [e] to request the Committee of the Party at all levels up to and including the National Council to consider any questions or petitions;
 - [f] to freely take part in discussions on the work and policies of the Party;
 - [g] a member may stand for and hold any position in the Party, save that one may not simultaneously hold more than one office bearer position, i.e. one derived from a direct election from a Party structure. Positions held in an *ex officio* capacity or held by virtue of one's office or as a Member of the National Council or as nominated by the National Council are exempt from this rule;
 - [h] a Party Office Bearer may also hold office in government, save that one may not simultaneously be a Chairperson of a Constituency and a Mayor of a Local Municipality or a Chairperson of a District and a Mayor of a District Municipality or Metropolitan Municipality.

CHAPTER III ORGANISATION OF THE PARTY

Party Structures

- 3.1 The Party is a juristic person, which, subject to this Constitution, shall have the power to sue and be sued in its name. Subject to this Constitution, each Province is a distinct juristic person responsible for its activities in respect of which it may sue and be sued in its name.
- 3.2 The Party shall be organised in National, Provincial, District, Constituency and Branch structures, each of which shall be primarily responsible for its own organisation and administration.
- 3.3 The Party's organisation shall be based on a differentiation between the roles, offices and functions which are political and those which are administrative, provided that:
- [a] this shall not preclude those involved in political activities and roles from fulfilling their duty to contribute to the administration of the Party, and
 - [b] both those involved in political activities and those attending to administration shall respect and promote the principle that Party structures are to serve and support all relevant Party leaders and constituencies equally and without favour, bias or prejudice.
- 3.4 There shall be one or more branch in each ward of a local municipality. In Traditional areas a branch shall comprise the area of the Induna's/Headman's ward. In the suburbs and the rest of the country polling stations or sections of a township could be considered in the demarcation of branches in the ward. A Constituency shall comprise the territory of a local municipality, a District the territory of a district municipality or metropolitan municipality, and a Province the territory of a province, provided that a Province may elect to establish sub-provinces as approved by the Secretary-General and the National Council.
- 3.5 District, Constituency and Branch organisation and administration shall be primarily accountable to, and report within Provincial structures. Branches shall report to the relevant Constituency, Constituencies to the District,

and the Districts to the Province. On a regular basis each Province shall send a report to the President, the National Chairperson, the Secretary-General and the National Organiser on its administration and organisation which shall also include information obtained from Districts and Constituencies.

- 3.6 Any elected Committee/Officer of the Party shall remain in office for a reasonable period after the expiry of their term to allow for the next election to take place.
- 3.7 On the recommendation of the Treasurer-General after consultation with the Finance Committee, the National Council shall develop general criteria to ensure that membership fees and nationally available resources are directly made available to the Province in which they have been raised or to which they pertain, provided that
- [a] predetermined resources shall be devolved on an annual basis to the national structure to support its organisation and administration;
 - [b] the national structure may direct special resources towards one or more Province for purposes of equalisation or political promotion in that Province; and
 - [c] in administering its available resources each Province shall ensure that membership fees and nationally available resources are made available to each District in which they have been raised, subject to the two foregoing subsections which, *mutatis mutandis*, shall apply to the Provinces.

National Finance Committee

- 3.8 There shall be a National Finance Committee of the Party which shall consist of the following:
- [a] no fewer than seven members appointed by the National Council from among its members;
 - [b] Treasurers of each Province;
 - [c] National Treasurer of the Women's Brigade;
 - [d] National Treasurer of the Youth Brigade;
 - [e] Treasurer-General; and
 - [f] Secretary-General.

Functions of the National Finance Committee

- 3.9 The National Finance Committee shall be accountable to the National Council and its functions shall include the following:
- [a] formulation of policy with regards to revenue and expenditure of the Party's funds;
 - [b] ensuring that there is equity and fairness in the distribution of resources among and between various structures and organs of the Party;
 - [c] formulation of broad guidelines to govern fundraising activities at all levels of the Party;
 - [d] monitoring adherence by all structures and organs of the Party to agreed policy and guidelines with regards to financial matters;
 - [e] ensuring adherence by all structures and organs of the Party to high standards of financial management;
 - [f] to act as a clearing house for all investment business and financial proposals and advise the National Council accordingly; and
 - [g] to meet on a regular basis and to submit reports to the National Council at least on a quarterly basis.
- 3.10 Each level of Party organisation may inspect and make recommendations with respect to any organisational, administrative and financial matter related to a structure immediately below it.
- 3.11 National and Provincial organs of the Party shall be fiscally and financially autonomous. Districts and Constituencies shall follow fiscal and financial guidelines as determined by the Province concerned.

Political Oversight Committee and its Functions

- 3.12 The National Council shall establish a Political Oversight Committee which shall consist of not less than ten (10) members and no more than fifteen (15) members who are knowledgeable about Party policies and governance matters.
- 3.13 The Political Oversight Committee shall:
- [a] provide political oversight over Party members, appointees of the Party, political office bearers and public representatives at all three levels of government;
 - [b] ensure that where applicable IFP Members, office bearers, appointees and public representatives fulfil their respective responsibilities and obligations to the Party; and where appropriate to institutions of government and ultimately, to the electorate; and
 - [c] assist and stimulate the Party in holding its representatives accountable to it and the electorate for their performance and conduct.
- 3.14 Members, office bearers, appointees and public representatives have extensive responsibilities and obligations to the Party; and where appropriate to institutions of government and ultimately, to the public as the electorate. The

Party accordingly has a clear obligation and mandate to hold its representatives accountable to it for their performance and conduct.

- 3.15 In the exercise of its mandate the Political Oversight Committee shall:
- [a] ensure that the Party representatives function at an optimal level and within the political culture of the Party;
 - [b] liaise with the IEC on the deployment and removal of Party representatives at all levels of the government;
 - [c] investigate alleged breaches of code of conduct and infringements of any law or regulation by the Party's public representatives in the performance of their responsibilities, and to refer these to disciplinary processes where necessary;
 - [d] implement disciplinary decisions from various disciplinary tribunals;
 - [e] deploy members to various Party structures and nominate candidates (after consultation with relevant stakeholders) as political office bearers and senior managers at all three levels of government; and
 - [f] attend to any other matters of political relevance that may be referred to it by the Party President or Secretary-General.
- 3.16 Political Oversight Committee shall report to the National Council.

Bodies not provided for in this Constitution

- 3.17 Each of the individual or collegial offices provided for in this Constitution may establish any other individual or collegial, political or administrative office provided that such new office:
- [a] may not exercise any power or prerogative which under this Constitution does not belong to the office which established it; and
 - [b] shall serve at the pleasure of, and shall report and be fully accountable to the office which established it.

Policy Formulation and Portfolios

- 3.18 Policy formulation shall be the result of co-operation between the National and Provincial levels. National policies shall bind each Province, but shall remain sufficiently general with respect to provincial affairs that they can be implemented in each Province so as to adjust them to the specific needs and policy aspirations of that Province.
- 3.19 Any reasonable and legitimate doubt between National and Provincial competence in a policy matter should be solved in favour of the preeminence of National policy, provided that any doubt between National and Provincial competence in an administrative, organisational or financial matter should be solved in favour of provincial autonomy.
- 3.20 The National and each Provincial Council shall establish standing committees divided on the basis of subject matter competence (Portfolios) which, *inter alia*, are to report to the President, the National Chairperson and the Secretary-General. The Portfolios shall have
- [a] the primary responsibility of formulating policy recommendations on topics of their competence; and
 - [b] the responsibility of directing, conducting and monitoring the Party's activities related to the implementation of Party policies connected with their competencies.
- 3.21 Under the co-ordination and direction of the President, the National Chairperson and the Secretary-General, each Portfolio shall seek to co-ordinate its activities with IFP study groups in the National or Provincial Parliaments, as the case may be, as well as with fora and research groups established within the Party or within affiliated organisations. When possible, all Portfolios related to a same subject matter shall have joint meetings and programmes under the direction of an elected Chairperson who shall preferably and ordinarily be a member of the parliamentary study group. The Portfolios shall include, but shall not be limited to the following subject matters, some of which, when required, may be grouped into one Portfolio:
- [a] Party Organisation and Development
 - [b] National Security
 - [c] Constitutional and Legislative Affairs, including the Party's constitutional matters
 - [d] Publicity and Information
 - [e] Economic and Financial Affairs
 - [f] Fiscal and Budgetary Matters
 - [g] Housing
 - [h] Local Government
 - [i] Community Development
 - [j] Welfare
 - [k] Education
 - [l] Health
 - [m] Sports and Recreation

- [n] Cultural Affairs and Research
- [o] Land Affairs
- [p] Environment
- [q] Labour Relations and Trade Unionism
- [r] Women's Affairs
- [s] Youth Affairs
- [t] Senior Citizens
- [u] Substance Addiction and Social Degradation
- [v] Foreign Relations
- [w] Defence
- [x] Ethics and Party Discipline
- [y] Traditional Affairs

CHAPTER IV THE NATIONAL COUNCIL AND ITS FUNCTION

National Council

- 4.1 There shall be National Council of the Party, which shall consist of one hundred (100) members, seventy five (75) of whom shall be elected by Party Structures.
- 4.2 Of the seventy five (75) elected members, thirty nine (39) of them shall be directly elected at an elective Annual General Conference by duly appointed delegates and shall comprise five (5) National Office Bearers and thirty four (34) committee members as follows:
- [a] President of the Party;
 - [b] National Chairperson;
 - [c] Deputy National Chairperson;
 - [d] Secretary-General;
 - [e] Deputy Secretary-General; and
 - [f] Thirty four (34) committee members to be directly elected in the Annual General Conference according to the formula to be determined by National Council and which ensures geographical spread across provinces weighted according to the numerical strength of membership in each province.
- 4.3 Of the seventy five (75) elected members, thirty six (36) shall have been elected by Party Structures outside the Annual General Conference as follows:
- [a] A Chairperson and Secretary of each of the nine (9) provincial executive committees thus totalling eighteen (18) members;
 - [b] A national executive committee of the Women's Brigade thus totalling nine (9) members; and
 - [c] A national executive committee of the Youth Brigade thus totalling nine (9) members.
- 4.4 The remaining twenty five (25) members shall be appointed by the Party President in order to, among others, make available to the National Council special talents, expertise and abilities the Party may need.
- 4.5 The term of the National Council shall be three (3) years. Vacancies shall be filled in terms of this section and only for the balance of the term of office.

National Executive Committee

- 4.6 There shall be an Executive Committee of the National Council which shall consist of the following members:
- [a] President of the Party;
 - [b] National Chairperson;
 - [c] Deputy National Chairperson;
 - [d] Secretary-General;
 - [e] Deputy Secretary-General;
 - [f] Treasurer-General;
 - [g] Administrative Secretary;
 - [h] National Organiser;
 - [i] National Chairperson of the Women's Brigade;
 - [j] National Secretary of the Women's Brigade;
 - [k] National Chairperson of the Youth Brigade;
 - [l] National Secretary of the Youth Brigade; and
 - [m] Four (4) persons to be appointed by the President.
- 4.7 The term of office of the National Executive Committee shall coincide with that of the office bearers.

Functions of the National Executive Committee

- 4.8 The National Executive Committee shall:
- [a] Attend to the day to day logistic and operational matters of the Party;
 - [b] Implement Party policies and resolutions as passed by the National Council and/or the Annual General Conferences;
 - [c] Assist the President and the Secretary-General in the day to day management of the Party; and
 - [d] Take policy decisions between sessions of the National Council, and such decisions shall be brought to the following National Council meeting for ratification.

Election of the President

- 4.9 On the basis of proposals received from Provinces and Districts, the National Council shall recommend to the Annual General Conference one or more candidates for the position of President, provided that such Conference may elect another Member.

- 4.10 The term of office of the President shall be five (5) years.

Election of the National Chairperson and Deputy National Chairperson

- 4.11 On the basis of proposals received from Provinces and Districts, the National Council shall recommend to the Annual General Conference one or more candidates for the position of National Chairperson and Deputy National Chairperson, provided that such Conference may elect another Member.

- 4.12 The term of office of the National Chairperson and Deputy National Chairperson shall be five (5) years.

Election of Secretary-General and Deputy Secretary-General

- 4.13 On the basis of proposals received from Provinces and Districts, the National Council shall recommend to the Annual General Conference one or more candidates for the position of Secretary-General and Deputy Secretary-General, provided that such Conference may elect another Member.

- 4.14 The term of office of the Secretary-General and Deputy Secretary-General shall be five (5) years.

Election of Treasurer-General

- 4.15 The Treasurer-General shall be elected by the National Council..

- 4.16 The term of office of the Treasurer-General shall be five (5) years.

Resignation of a member of the National Council

- 4.17 The President of the Party may, by writing under his or her hand addressed to the National Chairperson, indicate his or her intention to resign from office, giving reasons therefore for submission to the National Council.

- 4.18 A member of the National Council (other than the President) may by writing under his or her hand addressed to the President or Secretary-General give notice of his or her intention to resign from office giving reasons therefore, and such notice shall be put on the agenda of the next meeting of the National Council. A Provincial Chairperson or representative shall notify the National Council that his or her resignation has been accepted by the Provincial Council or a special committee thereof.

- 4.19 In the event of a member of the National Council (other than the President) ceasing to hold office because of resignation, incapacitation, death or other cause, the National Council shall cause the vacancy to be filled by an acting member until the next election, provided that the filling of the position held by a Provincial Chairperson or representative shall be made by the Provincial Council concerned, or by the National Council on a temporary basis only pending a meeting of the Provincial Council.

Functioning of the National Council

- 4.20 The National Council shall meet at such time and place as determined by the President, the National Chairperson or, when so requested by twenty (20) members of the Council, by the Secretary-General. Notice of meetings of the National Council shall be given in the form and manner determined by the Secretary-General, subject to the power of the National Council to determine the date of its next meeting in lieu of notice.

- 4.21 The National Council shall be validly constituted when at least half of its members are in attendance at the declared opening of its meeting. Subject to this Constitution, the National Council shall adopt resolutions with the support of the majority of its members present.

Powers and Functions of the National Council

- 4.22 The National Council shall:

- [a] implement the policies of the Party at national level and provide co-ordination of provincial policies;
- [b] programme policies of the Party as formulated by the Annual General Conference for implementation at national level or by the Provinces autonomously;
- [c] exercise final control over all Officials;
- [d] control or regulate activities and the disciplining of all officials at National Headquarters, and make recommendations in this respect to Provincial, District, Constituency, Branch or other levels of the Party;
- [e] summon regular or extraordinary meetings of the National Council or General Conferences in accordance with the standing orders;
- [f] assume responsibility for the proper maintenance of financial records at National Headquarters, and ensure that such responsibility is fulfilled by the Provinces, and, when necessary under the circumstances, by District, Constituency, Branch and other levels of the Party;
- [g] employ a firm of registered accountants to audit the financial statements kept at National Headquarters.
- [h] appoint agents to perform administrative and financial functions on its behalf;
- [i] select members of the Party to undertake visits to other countries on behalf of the Party;
- [j] make all members of the National Council responsible for the organisational efficiency of Districts and/or Constituencies of the Party as shall be allocated to them by the National Council and ensure that such members report progress to the National Council;
- [k] develop the policies of the Party, informing and controlling the activities of the Party's representatives in the national Parliament and Cabinet, and liaise closely and regularly with the IFP Parliamentary Caucus;
- [l] solicit and receive reports from the Party's representatives in the national Parliament and Cabinet;
- [m] select and propose candidates to Parliament, provided that the recommendation of the relevant District or Constituency shall first be obtained in respect of Constituency candidates; and
- [n] take any action or make any resolution which is designed to promote the objects, ideals and interests of the Party or to help it in the attainment thereof.

National Headquarters

- 4.23 The members of the National Council shall be the principal officials of the Party at National Headquarters.
- 4.24 The activities and organisation of the Party shall be supervised from National Headquarters of the Party.

Duties of the President

- 4.25 The President of the Party shall:
- [a] be the principal officer of the Party and, when present, preside over meetings of the National Council;
 - [b] be the principal spokesperson of the Party on national and international affairs;
 - [c] have the power to convene meetings of the National Council;
 - [d] have the power to give instructions to any official of the Party on any matter affecting the Party;
 - [e] have the power to receive any grievance or complaint related to any organisational, administrative or political matter relating to the Party from members and non-members and may assign with or without recommendation such grievance or complaint to any officials or office of the Party at any level for report to the President or to any Party structure for resolution;
 - [f] empower any member of the Party to exercise any power or specified function for and on behalf of the President or the Secretary-General, or the National Council;
 - [g] have the power of appointing *ad hoc* and/or standing committees on any matter whatsoever; and
 - [h] have the power to promote any disciplinary action against any member of the Party and, at his or her discretion, to suspend or temporarily replace any other national office bearer, subject to the ratification of the National Council.

Duties of the National Chairperson and the Deputy National Chairperson

- 4.26 The National Chairperson shall:
- [a] act as the President in the absence of the President;
 - [b] chair meetings of the National Council, Conferences and national rallies of the Party; and
 - [c] carry out any duties of the Party as directed by the President.
- 4.27 The Deputy National Chairperson shall have the same duties, powers and prerogatives as the National Chairperson to be exercised in co-ordination with the National Chairperson.

Duties of the Secretary-General and Deputy Secretary-General

- 4.28 The Secretary-General shall:
- [a] be the Chief Executive Officer of the Party in charge of co-ordination of all the political structures of the Party and of controlling the political offices of the Party at National level;
 - [b] promote the formulation and oversee the implementation of the policies of the Party;

- [c] communicate *inter alia* with the Provincial, District and other officials of the Party in connection with the affairs of the Party;
- [d] have the power to direct and control all national structures and employees of the Party;
- [e] have the power to give instructions on any matter affecting the Party to any official of the Party, and to ask for reports and information from any Party official or Party structure, excluding the President of the Party and the National Chairperson, and
- [f] exercise any other powers and prerogatives as directed by the President.

4.29 The Deputy Secretary-General shall assist the Secretary-General in the performance of his or her duties and shall perform any other duties delegated to him or her by the President, the Secretary-General and the National Council.

Duties of the Treasurer-General

4.30 The Treasurer-General shall:

- [a] be the Chief Accounting Officer of the finances of the Party;
- [b] report to the President of the Party, the National Finance Committee and to the National Council;
- [c] administer and supervise the finances of the Party, including fundraising, budgeting and spending; and
- [d] the Treasurer-General may, in conjunction with the relevant Provincial Executive Committee, review the financial administration of any Province.

Duties of the Administrative Secretary

4.31 There shall be an Administrative Secretary who shall be appointed by the National Council as a full-time employee of the Party based at Head Office. The Administrative Secretary shall:

- [a] be the Chief Administrative Officer of the Party at National Head Office in charge of day to day administration of the Party;
- [b] have the power to direct and control all field offices and employees of the Party;
- [c] exercise any other duties as directed by the President, Secretary-General and the National Council; and
- [d] Shall be an ex officio member of the National Council and the National Executive Committee.

Duties of the National Organiser

4.32 There shall be a National Organiser appointed by the National Council in consultation with the Secretary-General as a full-time employee of the Party in the office of the Secretary-General.

- [a] He or she will attend to the organisation and mobilisation of Party structures; and
- [b] the National Organiser shall be an ex officio member of the National Council and National Executive Committee.

CHAPTER V WOMEN'S AND YOUTH BRIGADES

The Women's Brigade

5.1 The Women's Brigade shall play an instructive role in the mobilisation of women and in the upbringing of children in the values and objectives of the Party.

5.2 The Women's Brigade shall perform the specific function of identifying, analysing, developing and advocating women's issues, including promoting an awareness of such issues in the Party and in the country.

5.3 There shall be a National Executive Committee of the Women's Brigade to be composed of:

- [a] the Chairperson and Deputy Chairperson of the Women's Brigade;
- [b] on the basis of proposals received from Women's structures in the provinces and districts, the National Executive of the Women's Brigade shall submit to National Council for its consideration two lists of up to three candidates each for the position of Women's Brigade National Chairperson and Women's Brigade Deputy National Chairperson. National Council shall select from each list one or more candidates for submission to the applicable Annual Conference of the Women's Brigade, provided that the Conference may elect another member;
- [c] the Secretary, the Treasurer, Publicity Secretary and four other officers of the Women's Brigade; and
- [d] the term of office of the officials of the National Executive Committee shall be three (3) years.

The Duties of the Chairperson and Deputy Chairperson of the Women's Brigade

5.4 The Women's Brigade Chairperson shall:

- [a] supervise the activities of the Women's Brigade of the Party;
- [b] formulate and execute plans for the activities of the women of the Party;
- [c] act with the advice of the President or the National Women's Council and in accordance with approved policy;

- [d] under the control of the Treasurer-General be entitled to
 - [i] conduct its own fund-raising activities
 - [ii] administer its finances through its treasurer
 - [iii] hold its own assets and resources;
- [e] subject to this Constitution, be entitled to organisational autonomy.

5.5 As requested by the Chairperson, the Deputy Chairperson shall assist the Chairperson in the discharge of her functions and responsibilities, and shall assume such functions and responsibilities when the Chairperson is unable to discharge them because of absence, incapacitation or other impediment.

5.6 There shall be a National Women's Council of the Women's Brigade to be composed of:

- [a] Members of the National Executive Committee of the Women's Brigade;
- [b] Provincial Committees of the Women's Brigade;
- [c] District Chairpersons of the Women's Brigade;
- [d] District Secretaries of the Women's Brigade.

5.7 District, Constituency, Branch and other units of the Women's Brigade of the Party may be established and function side by side with the main Constituencies, Branches and other units of the Party described in Chapter VI.

The Youth Brigade

5.8 The Youth Brigade of the Party shall fall under the auspices of the President and shall consist of:

- [a] people between the ages of 18 and 40 who shall join by paying the ordinary membership fee;
- [b] people under the age of 18 years who shall join by paying a reduced membership fee.

5.9 The Youth Brigade shall play a vanguard role while upholding and consolidating the existing policies and gains of the Party. The Youth Brigade shall support Branch activities and may conduct its own initiatives in harmony with each Branch structure.

5.10 There shall be a National Executive Committee of the Youth Brigade whose composition shall be as follows:

- [a] the National Chairperson and Deputy National Chairperson;
- [b] on the basis of proposals received from Youth structures in the Provinces and Districts, the National Executive of the Youth Brigade shall submit to National Council for its consideration two lists of up to three candidates each for the position of Youth Brigade Chairperson and Youth Brigade Deputy National Chairperson;
- [c] the Secretary, Treasurer, Publicity Secretary and four other officers of the Youth Brigade; and
- [d] the term of office of the officials of the National Executive Committee shall be three (3) years.

The Duties of the Chairperson and Deputy Chairperson of the Youth Brigade

5.11 The Chairperson of the Youth Brigade shall;

- [a] supervise the activities of the Youth Brigade of the Party;
- [b] formulate and execute plans for the activities of the youth in the Party;
- [c] act in accordance with the directions of the President or of the National Council and in accordance with approved policy.
- [d] under the control of the Treasurer-General be entitled to
 - [i] conduct its own fund-raising activities
 - [ii] administer its finances through its Treasurer
 - [iii] hold its own assets and resources
- [e] subject to this Constitution, be entitled to organisational autonomy.

5.12 As requested by the Chairperson, the Deputy Chairperson shall assist the Chairperson in the discharge of his or her functions and responsibilities, and shall assume such functions and responsibilities when the Chairperson is unable to discharge them because of absence, incapacitation or other impediment.

5.13 There shall be a National Youth Council of the Youth Brigade whose composition shall be as follows:

- [a] Members of the National Executive Committee of the Youth Brigade;
- [b] Provincial Youth Brigade Committees;
- [c] District Chairpersons of the Youth Brigade;
- [d] District Secretaries of the Youth Brigade.

5.14 Provincial, District, Constituency, Branch and other units of the Youth Brigade of the Party shall be established to function side by side with the main Provincial, District, Constituency and Branch units of the Party described in Chapter VI.

CHAPTER VI

ORGANISATION OF THE PARTY AT PROVINCIAL, DISTRICT AND LOWER LEVELS

Provincial Headquarters

6.1 There shall be a Provincial Headquarters for each Province in each Province.

Provincial Council

6.2 There shall be a Provincial Council to be composed of:

- [a] the Provincial Executive;
- [b] the Provincial Chairperson and Provincial Secretary of the Women's Brigade;
- [c] the Provincial Chairperson and Provincial Secretary of the Youth Brigade;
- [d] the District Chairpersons;
- [e] a number of delegates from the Districts, if any, as determined by the Provincial Council; and
- [f] members of the provincial Parliament and Cabinet.

Provincial Executive Committee

6.3 Unless otherwise determined by a Provincial Conference, there shall be a Provincial Executive Committee elected by the Provincial Conference which shall report to and be fully accountable to the Provincial Council, composed of:

- [a] the Provincial Chairperson;
- [b] the Provincial Deputy Chairperson;
- [c] the Provincial Secretary;
- [d] the Provincial Deputy Secretary;
- [e] the Provincial Treasurer;
- [f] the Provincial Deputy Treasurer;
- [g] the Provincial Publicity Secretary;
- [h] the Provincial Deputy Public Secretary;
- [i] the Provincial Chairperson of the Women's Brigade;
- [j] the Provincial Secretary of the Women's Brigade;
- [k] the Provincial Chairperson of the Youth Brigade;
- [l] the Provincial Secretary of the Youth Brigade; and
- [m] three other members selected by the rest of the Provincial Executive from under-represented constituencies or to provide the Executive with required skills.

Powers and Functions of the Provincial Executive Committee

6.4 The Provincial Executive Committee shall:

- [a] attend to the day to day logistical and operational matters of the Party in the Province;
- [b] implement Party policies and resolutions as passed by the Provincial Council, the National Council or the Annual General Conference including extra-ordinary General Conferences;
- [c] assist the Provincial Chairperson and the Provincial Secretary in the day to day management of the Party;
- [d] take policy decisions between sessions of the Provincial Council, and such decisions shall be brought to the following Provincial Council meetings for ratification in consultation with the Secretary-General.
- [e] raise funds for the Party in the Province;
- [f] operate a banking account on behalf of the Provincial Council in accordance with clause 8.8 of this Constitution provided that the Provincial Chairperson, the Provincial Secretary and the Provincial Treasurer shall be three officials authorised to sign cheques drawn on the Province's banking account;
- [g] through the Provincial Treasurer ensure that proper financial records are kept; and
- [h] implement from time to time directives from the President and the Secretary-General.

Election of Provincial Chairpersons

6.5 On the basis of proposals from Districts, Constituencies and Branches, each Provincial Council shall recommend the name of a candidate for the position of Provincial Chairperson of the Party, to be submitted to the Provincial Conferences, provided that such Conferences may elect a different Member.

6.6 The term of office of Provincial Chairpersons shall be three (3) years.

Resignation of a Provincial Chairperson or member of a Provincial Council

6.7 A Provincial Chairperson may, by writing under his or her hand addressed to his or her relevant Provincial Deputy Chairperson, indicate his or her intention to resign from office giving reasons for such resignation, and the Provincial Deputy Chairperson shall forthwith convene a meeting of the Provincial Council.

6.8 A member of a Provincial Council (other than the Provincial Chairperson) may by writing under his or her hand addressed to his or her Provincial Chairperson give notice of his or her intention to resign from office giving reasons therefor, and such notice shall be put on the agenda of the next meeting of the relevant Provincial Council.

6.9 In the event of a member of the Provincial Council (other than the Provincial Chairperson) resigning, being incapacitated, dying or otherwise ceasing to be a member of the Provincial Council, the Provincial Council shall cause the vacancy to be filled.

Functioning of the Provincial Council

6.10 Members of the Provincial Council shall meet at such time and place as the Provincial Chairperson shall determine or at the request of not less than seven members.

6.11 The quorum at meetings of the Provincial Council shall be one half of the membership, provided that one of the members present shall be either the Provincial Chairperson or the Provincial Deputy Chairperson or a person properly acting on behalf of one of them.

Powers and functions of the Provincial Council

6.12 The Provincial Council in performing its powers and functions shall:

- [a] implement the policies of the Party in the Province and develop policies to meet the specific needs of the Province, within the framework of the policies of the Party;
- [b] plan the implementation of the policy of the Party as formulated by the National Council and the Annual General Conference, and shall implement provincial policies as formulated by the Provincial Conference;
- [c] exercise complete control over all Provincial officials;
- [d] control or regulate the activities and disciplining of all officials at the Provincial, District, Constituency and Branch levels of the Party;
- [e] summon regular or extraordinary meetings of a Provincial Council or Provincial Conferences in accordance with standing orders;
- [f] supervise and control the proper maintenance of books of account at Provincial Headquarters, District, Constituency, and Branch levels of the Party;
- [g] develop the policies of the Party, informing and controlling the activities of the Party's representatives in the Parliament and Cabinet of its Province and liaise closely and regularly with the caucus of such Parliament;
- [h] solicit and receive reports from the Party's representatives in Parliament and Cabinet of its Province;
- [i] make all members of the Provincial Council responsible for the organisational efficiency of Constituencies and/or Districts of the Party as shall be allocated to them by the Provincial Council;
- [j] report progress at every meeting of the Provincial Council or once a month;
- [k] inspect the relevant Branch office's minutes, bank records, receipts and membership registers before inaugurating and renewing a Branch; and
- [l] take any action designed to promote the objectives, ideals and interests of the Party or to help the attainment thereof.

Provincial Headquarters

6.13 Members of the Provincial Council shall be the principal officials of the Party at Provincial Headquarters.

6.14 The Provincial activities and Provincial organisation of the Party shall be controlled from the Provincial Headquarters of the Party.

Duties of a Provincial Chairperson and Deputy Provincial Chairperson

6.15 The Provincial Chairperson shall:

- [a] be the principal officer of the Party in the Province and shall, when present, preside over meetings of the Provincial Council;
- [b] have the power to convene meetings of the Provincial Council;
- [c] be the principal spokesperson of the Party on Provincial policies and affairs and shall oversee the implementation of the national and provincial policy of the Party in the Province;
- [d] communicate *inter alia* with District and other officials of the Party in connection with the affairs of the Party;
- [e] within the competence of the Province, have the power to give instructions on any matter affecting the Party to any official of the Party in the Province;
- [f] empower any member of the Party to exercise any powers or specified functions for and on behalf of the Provincial Chairperson or the Provincial Council;
- [g] have the power to appoint *ad hoc* and/or standing committees to advise the Party within the Province on any matter whatsoever; and

- [h] have the power to take any disciplinary action against any member of the Party in the Province and, at his or her discretion, to suspend or temporarily replace any other Provincial office bearer, subject to the ratification of the Provincial Council.

Duties of the Provincial Secretary and Deputy Provincial Secretary

- 6.16 The Provincial Secretary shall:
- [a] be in charge of co-ordination, implementation and overall political and administrative affairs of the Party at Provincial level;
 - [b] communicate inter alia with the Provincial, District and other officials of the Party in connection with the affairs of the Party;
 - [c] have the power to direct and control all Provincial structures and employees of the Party;
 - [d] have the power to give instructions on any matter affecting the Party to any official of the Party at Provincial and lower levels of the Party, and to ask for reports and information from any Provincial or lower level Party official or Party structure, excluding the Provincial Chairperson and the Deputy Provincial Chairperson;
 - [e] prepare quarterly administrative reports to be dispatched to the Secretary-General; and
 - [f] exercise any other powers and prerogatives as directed by the Provincial Chairperson.

The Provincial Conference

- 6.17 There shall be an Annual Provincial Conference to be chaired by the Provincial Chairperson, which shall be constituted as follows:
- [a] Members of the Provincial Council;
 - [b] Provincial members of the national and provincial Parliaments;
 - [c] each District executive;
 - [d] each Constituency executive; and
 - [e] three (3) delegates from each Branch.

Duties and Powers of the Provincial Conference

- 6.18 The Provincial Conference shall:
- [a] promote and implement the decisions and policies of the Annual General Conference, the National Council and the National Executive Committee, and shall consider whatever recommendations are referred to it by the National Council, the National Executive Committee, the President and the Secretary-General.
 - [b] receive and consider reports by the Provincial Executive Committee, in particular the Provincial Chairperson's address and the Provincial Secretary's and Provincial Treasurer's Annual reports;
 - [c] elect Provincial Executive Members;
 - [d] receive and consider reports from the Districts;
 - [e] adopt resolutions to be submitted to the Annual General Conference; and
 - [f] develop and implement provincial policy programmes.

Districts

- 6.19 Each Province shall have Districts, provided that, when not practicable, the functions of one or more Districts shall be exercised by the Province or assigned by the Province to another District, or to one or more Constituencies or Branches within the district municipality concerned.

District Headquarters

- 6.20 There shall be District Headquarters for each District.
- 6.21 There shall be a District Conference constituted as follows:
- [a] each Constituency executive;
 - [b] at least five (5) delegates per branch;
 - [c] the District Women's Brigade Executive;
 - [d] the District Youth Brigade Executive;
 - [e] District members of the national and provincial Parliaments; and
 - [f] all councillors of the local and district municipalities.
- 6.22 There shall be a District Executive which shall be constituted as follows:
- [a] District Chairperson;
 - [b] District Deputy Chairperson;
 - [c] District Secretary;
 - [d] District Deputy Secretary;
 - [e] District Treasurer;
 - [f] District Deputy Treasurer;
 - [g] District Publicity Secretary;

- [h] District Deputy Publicity Secretary;
- [i] District Chairperson of the Women's Brigade;
- [j] District Secretary of the Women's Brigade;
- [k] District Chairperson of the Youth Brigade;
- [l] District Secretary of the Youth Brigade; and
- [m] three (3) other members selected by the rest of the District Executive from under-represented constituencies or to provide the Executive with required skills.

6.23 All District Officials shall be elected by the District Conference, and shall hold office for three (3) years.

6.24 The District Executive shall:

- [a] develop the policies of the Party, informing and controlling the activities of the Party's representatives in the relevant municipality (district and metropolitan), and liaise closely and regularly with the caucus of such council;
- [b] solicit and receive reports from the Party's representatives in the municipalities;
- [c] select and propose candidates to be elected to municipal councils;
- [d] organise and mobilise people on broad issues, promote Party membership and supervise the annual renewal of membership;
- [e] raise funds for the Party;
- [f] carry out efficiently any instruction or directive from Provincial Headquarters;
- [g] publicise and support the Party's candidate or candidates in the District in any general and local government elections;
- [h] supervise the work and activities of the Constituencies and Branches in the District;
- [i] give active support to the programmes of the Party's development plans; and
- [j] inform Members about the activities and policies of the Party by:
 - [i] organising public meetings;
 - [ii] forming Economic Committees to arrange discussions and seminars on problems of regional and national development;
 - [iii] forming Political Committees to arrange discussions and seminars on current national or international political problems; and
- [iv] promoting activities in all the Branches and Constituencies in the District.

6.25 District Chairpersons shall have overall responsibility for the units of the Party in the District and shall preside over meetings of the District Executive and the District Annual Conference.

6.26 District Chairpersons shall forward reports on district activities every month to the Provincial Headquarters of the Party.

Duties of District Officials

6.27 The responsible District Official shall:

- [a] convene and preside over meetings of the District Council when deemed necessary;
- [b] perform functions of the District Chairperson in the absence of the latter;
- [c] have responsibility, subject to the direction of the District Chairperson and the District Executive, over the Constituencies and Branches in his or her District and keep a District Membership Register;
- [d] keep a record of proceedings at all District meetings and shall compile and send a monthly report on the activities of the District to the District Chairperson for onward transmission to the Provincial Headquarters;
- [e] have, in consultation with the District Chairperson, power to call any meeting in the District;
- [f] receive or collect monies from Constituencies and issue receipts for same;
- [g] have control over any funds received, kept or spent by the District Headquarters;
- [h] be responsible for funds coming through his or her office to the District Chairperson who shall forward the same to the Provincial Headquarters;
- [i] authorise petty cash expenditure in consultation with the District Chairperson when deemed necessary;
- [j] not authorise payment of regional staff wages except where a provision shall be made by special warrant from Provincial Headquarters, such payment to be supported by vouchers signed by the payee; and
- [k] keep a set of books of account for use by the District and, where necessary he or she shall be required, together with the District Officials, to explain any financial problem in a formal statement.

6.28 The District Women's Brigade Chairperson shall:

- [a] in consultation with the District Secretary, be in charge of organising the Women's Brigade in her District;
- [b] with the approval of the District Women's Conferences' Executive Committee call meetings or rallies to strengthen the Women's Brigade;

- [c] in consultation with the District Secretary, deal with correspondence regarding Women's Brigade matters; and
- [d] perform all duties necessary to enhance the prestige of the Party in the area and to improve the structure of the Party.

6.29 The District Youth Chairperson shall:

- [a] be in charge of organising the youth in the District;
- [b] with the approval of the District Executive, call District Youth Conferences and rallies to strengthen the youth;
- [c] publicise such news items as may be necessary in the interest of the Party in the District; and
- [d] be responsible for District news and communications to Constituencies.

Constituencies

6.30 There shall be Constituencies in each District which shall be registered at the Provincial and National headquarters, provided that when not practicable, the function of one or more Constituencies shall be exercised by the District or Province if applicable, or assigned by the District or Province if applicable to another Constituency or to a Branch located within that local municipality.

6.31 A Constituency Committee shall be elected every three years and shall be composed of a:

- [a] Chairperson;
- [b] Deputy Chairperson;
- [c] Secretary;
- [d] Deputy Secretary;
- [e] Treasurer;
- [f] Deputy Treasurer;
- [g] Publicity Secretary; and
- [h] Deputy Publicity Secretary.

6.32 Each Constituency Committee shall:

- [a] organise and mobilise Members and promote Party membership;
- [b] develop the policies of the Party, informing and controlling the activities of the Party's representatives in the relevant local municipality, and liaise closely and regularly with the caucus of such council;
- [c] solicit and receive reports from the Party's representatives in the municipalities;
- [d] select and propose candidates in local municipal elections;
- [e] raise funds for the Party by obtaining membership subscriptions;
- [f] co-operate with the District Officials in the promotion of the objectives, ideals and interests of the Party, in accordance with the Constitution and with the rules of the Party;
- [g] encourage members of the Party to work collectively in order to advance the economic interests of the country;
- [h] publicise the candidates in any parliamentary or local government election;
- [i] be responsible for all Branches in the Constituency; and
- [j] be elected at the Constituency Annual Conference and shall hold office for three (3) years.

6.33 Each Constituency shall hold an Annual Conference comprising:

- [a] the Constituency Executive;
- [b] the Executive of each Branch;
- [c] three representatives of the Women's Brigade component of each Branch;
- [d] three representatives of the Youth Brigade component of each Branch;
- [e] Members of the national and provincial Parliaments resident in the Constituency;
- [f] District Councillors resident in the Constituency; and
- [g] councillors of that local municipality.

6.34 Constituency elections shall be conducted by a member of National Council.

6.35 The Constituency Committee shall meet from time to time to review the activities of the Party in the Constituency.

6.36 The Constituency Committee may, in consultation with the District Executive, suspend a Branch Committee.

Duties of Constituency Officials

6.37 The Constituency Chairperson shall:

- [a] preside at all meetings of the Constituency;
- [b] with the Executive, supervise all Party activities in the Constituency; and
- [c] exercise a casting vote.

- 6.38 The Constituency Deputy Chairperson shall deputise in the absence of the Chairperson.
- 6.39 The Constituency Secretary and in his or her absence the Constituency Deputy Secretary shall:
- [a] keep all books of account, documents and other things pertaining to the Constituency office;
 - [b] perform all duties devolving upon him or her under this Constitution;
 - [c] conduct correspondence for the Constituency; and
 - [d] keep minutes of Constituency meetings and forward copies thereof to the District Secretary within seven (7) days.
- 6.40 The Constituency Treasurer and in his or her absence the Constituency Deputy Treasurer shall:
- [a] keep a detailed account of all the monies collected and received by him or her and from Branches and forward the same to District Headquarters;
 - [b] send to the District Headquarters a monthly financial return; and
 - [c] keep records of all property held by the Branches in his or her Constituency.
- 6.41 The Constituency Publicity Secretary and the Deputy Constituency Publicity Secretary shall:
- [a] be responsible for the propaganda and publicity of the Party's activities in the Constituency; and
 - [b] send to the District Headquarters a monthly report on the propaganda and the publicity of the Party's activities in the Constituency.

Branches

- 6.42 There shall be one or more branches in each Ward of a local municipality. A Branch shall comprise fifty (50) or more members, save that in respect of individual cases motivated by the Secretary-General, National Council may accept a lower figure.
- 6.43 There shall be an Executive Committee for each Branch elected annually by secret ballot of the members. The Executive shall consist of:
- [a] the Chairperson;
 - [b] the Deputy Chairperson;
 - [c] the Secretary;
 - [d] the Deputy Secretary;
 - [e] the Treasurer;
 - [f] the Deputy Treasurer;
 - [g] the Publicity Secretary;
 - [h] the Deputy Publicity Secretary; and
 - [i] three (3) additional members to be co-opted by the Executive Committee in order to, among others, make available to the Executive Committee special talents, expertise and abilities.
- 6.44 Each Branch Committee shall:
- [a] organise members of the Party and recruit new members;
 - [b] raise funds for the Party by obtaining members' subscriptions;
 - [c] co-operate with the Constituency Officials in the promotion of the objectives, ideals and interests of the Party in accordance with the Constitution and in accordance with the rules of the Party;
 - [d] encourage members of the Party to work collectively in order to advance the political and economic interests of the country;
 - [e] publicise a candidate or candidates in any parliamentary or local government elections;
 - [f] select and propose candidates for election in local government wards; and
 - [g] carry out the activities determined for it by the Constituency Committee.
- 6.45 Constituency Officials shall have direct responsibility over Branches within their Constituencies.
- 6.46 The formation of every duly formed Branch shall be reported to the District Secretary of the Party who shall inform the Secretary-General.
- 6.47 The Secretary-General, upon the Branch being approved by the National Council, shall ensure that a certificate of registration is issued timeously to the Branch, subject to the power of the National Chairperson to at any time withdraw such certification for good cause.

Branch Committees

- 6.48 A Provincial or District Executive may, in consultation with the Constituency Committee, suspend a Branch Committee of the Party, whereupon all the officials concerned shall cease to hold office and all the funds and property held by the Branch or its Officials shall vest in the District, subject to the election of a new Branch Committee, provided however that the Provincial Council be informed.

- 6.49 The Branch Committee shall have power to call an ordinary or special meeting of the whole Branch when necessary.
- 6.50 Regular meetings of the Branch Executive Committee shall be held from time to time and at least once a fortnight. The quorum shall be one-half of the Members of the Committee.

Duties of Branch Officials

- 6.51 The Branch Chairperson shall:
- [a] preside at all meetings of the Branch Committee;
 - [b] call meetings of the Branch; and
 - [c] mobilise members in support of Party activities and objectives.
- 6.52 The Branch Deputy Chairperson shall assist the Branch Chairperson in conducting the business of the Branch and preside over Branch meetings in the Chairperson's absence.
- 6.53 The Branch Secretary and in his or her absence the Deputy Secretary shall:
- [a] keep all books of account, documents and other things pertaining to his or her office;
 - [b] perform all duties devolving upon him or her under this Constitution;
 - [c] conduct the correspondence of the Branch;
 - [d] write and keep minutes of such meetings and forward copies thereof to the Constituency Secretary within seven days;
 - [e] forward to the Constituency Secretary by the first week of April every year a brief report on the activities of the Branch during the past year;
 - [f] report briefly on any matter for discussion at Provincial and National Annual Conferences;
 - [g] forward the names of Branch Officials elected to represent the Branch at the District Annual Conference to the District Executive; and
 - [h] compile a monthly membership return and forward it to the Constituency Secretary every month.
- 6.54 The Branch Treasurer shall:
- [a] be responsible for collecting funds and remitting all monies so collected to the Constituency Treasurer, and shall keep a detailed account of the monies received or sent by him or her;
 - [b] issue receipts for all monies collected and received by him or her;
 - [c] keep and issue membership cards and be responsible for all the Branch property; and
 - [d] submit monthly financial returns to the Constituency Headquarters.
- 6.55 The Branch Publicity Secretary shall:
- [a] be responsible for propaganda and for publicity of the Party's activities in the Branch; and
 - [b] send to the Constituency Headquarters a monthly report on the Party's propaganda and publicity activity in the Branch.

CHAPTER VII ANNUAL GENERAL CONFERENCE

- 7.1 An Annual General Conference of the Party shall be held once every year.
- 7.2 The President, in consultation with the National Council, may summon an Extraordinary General Conference, which shall have the same powers as the Annual General Conference.
- 7.3 The Annual General Conference shall be held in accordance with the regulations of the Party and in accordance with instructions issued by the President in consultation with the National Council with regard to place, time and procedure of the Conference.
- 7.4 Delegates to the Annual General Conference of the Party, who must be members of the Party, shall be as follows:
- [a] Two (2) delegates (or their alternates) from each Branch;;
 - [c] the Executive Committee of each Constituency;
 - [d] the Executive Committee of each District;
 - [e] the Executive Committee of each Province;
 - [f] all members of the National Council;
 - [g] the National Executive Committee of the Youth Brigade;
 - [h] the National Executive Committee of the Women's Brigade; and
 - [i] Party public representatives in all the three spheres of government.

- 7.5 Voting at the Annual General Conference shall be by secret ballot or by such other method as the President may recommend and the Conference approve.
- 7.6 The programme for the Annual General Conference shall be prepared by the National Council on the basis of proposals received from the Districts and the Provinces. Each District or Province shall have the right to table matters for discussion and resolution by the Conference.
- 7.7 The Annual General Conference of the Party shall be empowered to consider, review or change any policy of the Party.

CHAPTER VIII FINANCIAL PROVISIONS

- 8.1 The Party's funds shall be derived from:
- [a] monies received from membership subscriptions;
 - [b] grants, loans, donations or levies which the Party may receive from time to time; and
 - [c] any other method of raising funds within the general provisions of this Constitution.
- 8.2 The income and property of the Party shall be applied solely towards paying the expenses of the Party incurred in the furtherance of its aims and objectives, and no part thereof shall be distributed amongst the members as a dividend or share of profits or otherwise whatsoever.
- 8.3 The Party shall utilise its funds solely in the furtherance of its aims and objectives, and shall invest such excess funds as it may have in the manner directed by the National and Provincial Councils.
- 8.4 Expenditure of the Party shall be approved by the appropriate, constitutionally authorised structure or office.
- 8.5 The Party shall not be responsible for any liabilities incurred by any Province, District or other Party structure, none of which shall have the power to bind the Party in any financial respect, including *inter alia* contracts, quasi-contracts and delict, unless they are specifically authorised to do so on an *ad hoc* basis. Provinces may assume rights and liabilities in their own name. Subject to the provisions of this Constitution, Provinces may determine the financial status of, and relations with, and the financial responsibility of the District structures and other subordinate Party structures.
- 8.6 If for any reason the Party is wound up, liquidated or in any way dissolved and there remains after satisfaction of its liabilities, any assets whatsoever, the same shall not be distributed amongst the members, but shall be transferred to such other society or association in the Republic of South Africa, as the members shall in general meeting decide, which is exempt from Income Tax and which is engaged in or promotes activities of a cultural nature.
- 8.7 If for any reason a Province is wound up, liquidated or in any way dissolved and there remains after satisfaction of its liabilities, any assets whatsoever, the same shall not be distributed amongst the members, but shall be transferred to the Party's National Headquarters.
- 8.8 The Party shall operate different banking accounts for the National and Provincial organisational and administrative levels - provided that Districts, Constituencies and Branches may operate their respective banking accounts on authorisation of the Province concerned. All banking accounts are to be held with any commercial bank, and cheques drawn on the Party's banking accounts shall be signed by at least two of three authorised officials of the Party.
- 8.9 The Party's financial year shall be the twelve month period beginning on 1 January in each year.
- 8.10 The Party's National and Provincial accounts shall be audited annually by independent qualified auditors.
- 8.11 The audited accounts of the Party at National and Provincial levels, together with the Auditor's Report, shall be presented to the National Council, provided that provincial audited accounts are to be submitted to the Provincial Council concerned for prior approval. A Province may elect to integrate its finances with those of National Headquarters and be audited as a part of the national structure of the Party.
- 8.12 There shall be paid out of the Party's funds of each of the Party's administrative and organisational levels concerned, the following expenses:
- [a] allowances and salaries of the staff and full-time officials of the Party;
 - [b] travelling allowances;

- [c] purchase of office furniture, stationery and other useful equipment;
- [d] educational and business grants and other grants;
- [e] expenses of meetings and conferences;
- [f] legal fees for litigation when sanctioned by the National Council;
- [g] audit fees; and
- [h] any other expenditure as shall be approved by the National Council.

CHAPTER IX MISCELLANEOUS

Standing Orders

- 9.1 Standing Orders may be made by the National Council in respect of any subject for the purpose of facilitating the implementation of the provisions of this Constitution.
- 9.2 Standing Orders made by the National Council shall be submitted to the next Annual General Conference for ratification, and those of a Provincial Executive to the Provincial Conference.
- 9.3 Standing Orders shall have force and effect subject to this Constitution, and may be amended, rescinded or altered as provided for herein, provided that the relevant Council may amend or rescind them subject to ratification at the subsequent relevant Conference.

Amendment of the Constitution and Rules

- 9.4 This Constitution may be amended by a General Conference of the Party provided that:
 - [a] a notice of the proposed amendment has been circulated to Members of the National Council not less than one month before the meeting of the National Council; and
 - [b] the proposed amendment is subsequently approved by a two-thirds majority at the Annual General Conference of the Party.
- 9.5 In the case of an Extraordinary General Conference the provisions of clause 9.4 will be deemed to have been complied with if:
 - [a] at least seven (7) clear days' notice of the proposed amendment is given to Members of the National Council; and
 - [b] at least twenty-four hours' notice is given to the delegates to the General Conference.
- 9.6 Subject to the provisions of this Constitution, the National Council, the Provincial Councils or any District, Constituency and Branch Committees of the Party and all other units of the Party shall be bound by this Constitution and all amendments thereto.

General Provisions

- 9.7 The Party may make rules and regulations designed to educate members of the Party in matters relating to Party policy, the policy of the Government, international affairs and other matters of national interest. For this purpose the National Council may issue from time to time detailed regulations for the operation of the Economic and Political Committee of each District. The National Council may arrange seminars in Districts and Provinces to strengthen the work of Political and Economic Committees, and provide external travel grants to leading Party officials to visit places of interest domestically and in foreign countries.

CHAPTER X DISCIPLINARY PROCEDURE RULES

Discipline

- 10.1 Discipline in the Party shall be strictly enforced by Disciplinary Committees responsible for discipline at the following levels:
 - [a] Constituency;
 - [b] District;
 - [c] Province; and
 - [d] National Council.
- 10.2 All the structures in 10.1 will have the right to employ qualified professionals to assist them in the execution of their disciplinary functions such as a sheriff for the service of documents and attorney or advocate as prosecutor.
- 10.3 Party members who appear before a disciplinary or appeal committee will be entitled to legal representation at their own cost.

- 10.4 Where public representatives are involved, decisions of a disciplinary committee shall be enforced by the Political Oversight Committee.
- 10.5 Constituency Disciplinary Committee shall be responsible for maintaining and enforcing discipline in the Branches and Constituencies and shall have disciplinary powers over Party representatives in local municipalities. Appeals from the Constituency Disciplinary Committee shall lie with the District Appeal Committee. A Constituency Disciplinary Committee shall consist of the Constituency Chairperson, Secretary and three other members from the Constituency appointed at a Constituency Committee meeting.
- 10.6 The District Disciplinary Committee shall be responsible for maintaining and enforcing discipline in the District and shall ensure that Party representatives in District Municipalities, are carrying out their functions properly. Appeals from a District Disciplinary Committee shall lie with the Provincial Appeals Committee. A District Disciplinary Committee shall consist of the District Chairperson, District Secretary and three other members from the District appointed at a District Committee meeting.
- 10.7 Provincial Disciplinary Committees shall be responsible for maintaining and enforcing discipline in the Provinces, and shall hear appeals against first instance decisions taken by the District Disciplinary Committees. A Provincial Disciplinary Committee shall consist of the Provincial Chairperson, Provincial Secretary and three other members from the Provincial Executive appointed at a Provincial Committee meeting.
- 10.8 The National Council shall appoint a National Disciplinary Committee and a separate National Appeal Committee each consisting of five (5) members and five (5) alternates. The National Disciplinary Committee shall be responsible for maintaining and enforcing discipline at national level and the National Appeal Committee shall hear appeals against first instance decisions taken by Provincial Disciplinary Committees.
- 10.9 Notwithstanding anything else in this Constitution in its absolute discretion by resolution adopted by two-thirds of its members present, and after having received a report on the relevant facts and heard the affected Member, the National Council may impose any disciplinary sanction against such Member, including but not limited to his or her immediate expulsion from the Party or may revoke or commute any sanction imposed by any Disciplinary Committee.
- 10.10 An Appeal Committee shall hear appeals from a Disciplinary Committee only when leave to appeal is granted by the Disciplinary Committee. Any appellant shall have only a single right to appeal. Appeals from the Districts lie with the Provincial Appeal Committee; from the Provinces with the National Appeal Committee and appeals against decisions of the National Disciplinary Committee lie with the National Appeal Committee.
- 10.11 Appeal Committees shall be composed in exactly the same manner as Disciplinary Committees. It will be mandatory to constitute Disciplinary/Appeal Committees according to the provisions of this chapter but if one or two members are not present on any day of the hearing, this will not invalidate the proceedings provided that decisions are adopted by at least two thirds majority.
- 10.12 An Appeal Committee and a Disciplinary Committee of the first instance shall have discretion to grant or reject leave to appeal depending on the nature and validity of the grounds for appeal. In the same vein an appellant who is adversely affected by the rejection of his or her application shall have the right to apply to a higher structure for leave to appeal.
- 10.13 A higher Party structure shall have jurisdiction to hear all disciplinary cases that fall within the jurisdiction of lower Party structures. However, the Political Oversight Committee shall advance reasons for approaching a higher structure if a lower structure has jurisdiction, and such reasons shall be approved by the National Council.
- 10.14 Decisions of the Disciplinary and/or Appeal Committees shall come into effect immediately, or, where the respondent was tried in absentia after he or she has been informed of such decision, and an application of appeal shall not suspend the enforcement of such decisions.

Time-Limit for Appeals

- 10.15 Appeals against a decision of the Disciplinary Committee must be in writing and lodged with the relevant Disciplinary Committee within fourteen (14) days from the date that leave to appeal was granted. The Appeal Committee shall have discretion to hear any appeal where such appeal was not lodged within the prescribed time.
- 10.16 The Disciplinary Committee shall forward to the Appellate Committee a copy of the typed record of the proceedings and the full reasons for the Disciplinary Committee's decision with the written application for

appeal and at the same time shall make available a copy thereto to the Appellant. The appeal shall be based solely on these documents unless the Appeal Committee deems it necessary to lead further evidence.

- 10.17 The appropriate Chairperson of a Disciplinary Committee may from time to time adjourn the hearing or appeal and may extend the time for doing anything in terms of this section. In the event of either party to the appeal failing to comply with the provisions of these Rules, a Chairperson of a Committee may, notwithstanding such failure, set down the case or the appeal for hearing and, upon giving the parties no less than seven days written notice, proceed to hear the appeal or the case and make such decision thereon as it may, if the circumstances of the case seem just.

Disciplinary Rules

- 10.18 These Rules may be cited as Disciplinary Rules of the Party.

- 10.19 All the members of the Party are subject to these Rules and any member who commits an offence against the Party is liable to disciplinary action as provided in the Rules.

- 10.20 Offences against the Party include:

- [a] violation of the Constitution of the Party, including but not limited to assuming any title of office not provided for in this Constitution, acting in an official capacity to which a member is not either elected or appointed as provided in this Constitution;
- [b] breach of any rules or regulations of the Party;
- [c] acting in a manner likely to bring the name of the Party into ridicule or contempt;
- [d] disobeying relevant rulings, directions, orders or instructions of any organ of the Party;
- [e] being in a state of drunkenness at a Party meeting in the case of an ordinary member of the Party and in the case of an official of the Party being in a state of drunkenness on any public occasion;
- [f] being party to any fraudulent or dishonest practice which tends to embarrass or disgrace the Party, or participating in any act of bribery or corruption;
- [g] giving out any confidential information of the Party without the proper authorisation of the Party to do so;
- [h] carrying on false information or propaganda which tends to injure the reputation of the Party or any of its officials;
- [i] defaming the Party or any of its officials at any meeting of the Party;
- [j] giving false information to any organ of the Party or any of its officials with intent to deceive or mislead;
- [k] defrauding the Party or any of its officials;
- [l] deliberate irregularities in attendance at meetings of the Party;
- [m] publishing or causing to be published, orally or in writing, any matter which in the opinion of the National Council is an attack on the Party or an attack on a member or official of the Party in relation to the discharge of his or her functions as a member or official of the Party;
- [n] collecting funds in the name of the Party without issuing proper receipts or without authority from the Treasurer-General; and
- [o] violating of the provisions of a code of conduct applicable to elected political representatives by virtue of their position or adopted by resolution of two-thirds of the members present of the National Council.

- 10.21 The sanction on a disciplinary action will be in accordance with the seriousness of the offence of which the member is guilty. The gravity of the offence and the related standard of care shall be determined also with regard to the position held by the member within the Party structures, requiring compliance with the strictest duty of care and Party discipline for member of legislatures and cabinets.

- 10.22 The sanction on a disciplinary action may be any one or more of the following:

- [a] caution and discharge;
- [b] censure;
- [c] payment of a fine;
- [d] dismissal from office;
- [e] debarring from holding office;
- [f] suspension from membership and/or office;
- [g] expulsion from the Party; or
- [h] any other sanction to be imposed with the agreement of the party concerned

Provided that dismissal from office and/or expulsion from the Party shall not be enforced before it is ratified by the National Executive Committee on behalf of the National Council.

- 10.23 National Headquarters shall keep records of disciplinary actions taken by the Party and the National Council shall be notified of all such actions.

- 10.24 An expelled member may be re-admitted into the Party if on a petition of penitence by him or her to the President, the National Council may decide to re-admit him or her. The President and/or the National Council may, however, reserve such decision for the Annual General Conference.
- 10.25 Any member of the Party charged with a criminal act or accused of fraudulent behaviour or profiteering shall have the privileges of his or her membership automatically suspended until such time as the National Disciplinary Committee has dealt with the matter and laid its recommendations before the National Council.
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