



LET'S FIX SOUTH AFRICA

**INTERIM
CONSTITUTION**

PREAMBLE

We are a country that has emerged from a deeply divided and painful past. In spite of this, 1994 offered the promise of change, the promise of a prosperous future for all South Africans.

The progress we made in the early years of our democracy has been reversed. Corruption and mismanagement have eroded our standing amongst the leading nations of the world and undermined our efforts to fulfil the promise of 1994.

Despite this, as South Africans, we remain a proud, enterprising and resilient people. We want to be one nation, united in our diversity, but the legacy of our unjust past holds us back.

We have been failed by successive governments who have kept us apart through their inability to create opportunity. Everything that we have achieved has been in spite of our government, and not because of it, and still our country bursts with unrealised potential.

We are a people who want to love and not hate, who want to prosper and not survive, who want to feel safe and not fear.

We are a people who want to work and not be idle, who want to believe and not despair, who want to feel pride and not shame, who want to innovate and not be held back.

We are a people who have been failed by our own political establishment, one that has operated for its own self-interest and fails in its intended purpose – to serve us.

As a family-oriented, enterprising and proud nation, we will not be held back any longer.

We will Act as One to unseat those who have failed us and put in place a new alternative that will take South Africa forward.

We will Act as One to bring the solutions that are needed for an inclusive, prosperous and secure future for all South Africans in a country healed from its past.

Together, by Acting as One, we will achieve a future where every South African has a job, every family has a home and every child has a future.

We will achieve a future where the failings of our political system are relegated to the history books of our country, while South Africans prosper in a country healed from its past.

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CHAPTER ONE

1. FOUNDATIONAL PRINCIPLES

1.1 Name

- 1.1.1** The name of the Party is ActionSA and is expressed as such in full and when abbreviated.

1.2 Founding Principles

1.2.1 Mission Statement

We exist in service to the South African people by working to deliver governments at local, provincial and a national level that act effectively and decisively to their benefit.

1.2.2 Vision Statement

An inclusive, prosperous and secure future for all South Africans in a country healed from its past.

1.2.3 Value Proposition

ActionSA was formed to change the direction of South Africa by providing an alternative to a broken political system that has failed South Africans. Our focus is on action that moves South Africa forward from an era of broken promises, corruption and failed government.

We offer an inclusive, prosperous and secure future for all South Africans in a country healed from its past. We will assemble a team of South Africans, committed to public service and not service of political parties, who have the skills, experience and knowledge to achieve this vision.

We exist to win elections, to provide clean and effective services and to improve the lives of all South Africans. We will accomplish this with an immovable commitment to a free-market economy, provision of social justice, commitment to non-racialism, achievement of the rule of law and the delivery of electoral reform.

1.2.4 Organisational Values

In light of the failure of the political establishment in South Africa to act in the public interest, ActionSA will adhere to the following set of organisational values that will bind its office-bearers, public representatives, professional staff and members:

- 1.2.4.1** A commitment and accountability to public service above all other responsibilities.

- 1.2.4.2** An insistence on excellence in the provision of government services to communities.
- 1.2.4.3** A declaration that corruption, all forms of wrong-doing and unethical behaviour must have consequences.
- 1.2.4.4** A solution-oriented approach to communicating our offer to the South African people.
- 1.2.4.5** A rejection of internal political factionalism, or any forms of behaviour which cause disunity or distraction from our Mission Statement.

1.2.5 Our Values and Guiding Principles:

1.2.5.1 Non-racialism

- South Africa must be a country where people's potential to thrive is based on their ingenuity and hard work, regardless of the colour of their skin.
- While we strive for a non-racial South Africa, we recognise that after nearly 30 years of democracy, a strong correlation remains between race and socio-economic standing.
- We cannot pretend that race is not a primary determinant of the future prospects of many South Africans. We must Act as One to address this historical inequality.
- However, we reject the failed policies of Black Economic Empowerment (B-BBEE) and Affirmative Action as implemented by the current governing party. Breaking the cycle of racial inequality requires that we take action to implement real and substantive policies aimed at improving equality of opportunity, not equality of outcome.
- South Africans must Act as One to challenge racism in all its forms and pro-actively work to break down racial stereotypes and racial prejudice.

1.2.5.2 Economic Prosperity

- We must Act as One to build a prosperous, growing and sustainable economy that provides meaningful employment to more South Africans. Inclusive economic growth is vital to addressing the legacy of our past.
- We support a competitive, market-based economy with minimal government interference. We see entrepreneurs and the private sector as a valued and trusted partner in our efforts to create jobs and reduce inequality.
- The role of government is not directly to create jobs, but to create a conducive environment in which businesses can grow and provide meaningful employment and dignity to more South Africans, and to assist those whose circumstances prevent access to opportunity.
- Social grants are necessary to protect the most vulnerable in our society, but we must work hard to give those dependent on social welfare, and who are able to work, the means to take control of their own futures.
- The best way to achieve broader participation in the economy is not through race-based policies that favour politically connected elites, but through improving the ease of doing business for entrepreneurs.

- We will provide incentives to the private sector to ensure that greater diversity is achieved in the private sector.
- Bureaucratic red tape and draconian labour laws are hurdles to unlocking economic potential. Economic policy must be overhauled to reduce the cost of doing business and incentivise private sector investment.

1.2.5.3 Respect for the Rule of Law

- No country can flourish and no economy can grow in a state of chaos. We must Act as One to build a safe and secure South Africa where criminals cannot operate with impunity.
- Tackling crime and violence in South Africa requires addressing the underlying socio-economic drivers of crime while ensuring that a capable Criminal Justice System prosecutes all offenders.
- Greed and corruption in the state and private sector is one of the greatest obstacles to overcoming the legacy of our past. We must Act as One against corruption and declare it as Public Enemy Number 1.
- Crime and violence undermine our social stability and economic confidence. We must overhaul our Criminal Justice System and empower our Law Enforcement Agencies to ensure that it is criminals, and not law-abiding citizens, that live in fear.
- We must Act as One against gender-based violence.
- Our immigration system must be overhauled to attract skilled migrants, while clamping down on the influx of undocumented migrants through our porous borders. The failures of Home Affairs undermine the rights of South African nationals and foreigners alike.

1.2.5.4 Social Justice

- The painful legacy of our past has been perpetuated by the failures of the post-democratic government. Too many South Africans still live without access to quality education, basic services and proper housing. This must change.
- We will take action for Social Justice through a pro-poor governance agenda that will ensure that the most vulnerable in our society – the Forgotten People – can live a life of dignity.
- For our country to heal from injustices and flourish for the future, we must fight against all forms of prejudice and discrimination and actively work to build an inclusive society. Everyone must be equal before the law, regardless of race, gender or sexual identity, nationality, religion, beliefs, or any other criteria.
- Land reform must be accelerated. Land must be redistributed in a fair manner. We stand against expropriation without compensation and amending the Constitution in any way that undermines the security of land ownership in South Africa. Land reform can be achieved within the existing legislative framework; we just need the political will and competent leadership to execute its provisions.

1.2.5.5 Electoral Reform

- The Party List System prioritises party representation in the Legislative arm of government at the expense of direct accountability to voters. The Party List system serves the interest of career politicians over the interests of the people.

- South Africans should have a direct say in electing their Public Representatives through a mixed electoral system that combines proportional representation with a constituency-based system.
- While we continue to advocate for Electoral Reform, our party will practice this by adopting a Primary Election system where people can directly elect our candidates for public office.

1.2.5.6 Quality Education

- Quality education will unlock South Africa's economic potential and reduce inequality by ensuring that all South Africans have the opportunity to succeed in life.
- All South Africans should be able to access a quality education no matter who they are, where they live, or what they earn.
- Our education system must teach critical thinking and entrepreneurial skills that will empower young people to be active participants and employers in our economy.
- Classrooms should never be seen as political playgrounds. We must Act as One against the politicization of the education system and break the stranglehold of unions over the future of our children.

1.2.5.7 Ethical Leadership & Public Service

- South Africa is being held back by unethical leadership and unqualified public servants. State capture, the looting of public resources and the normalisation of public sector corruption has diverted funds away from efforts to address the legacy of our past.
- We must Act as One to build a dynamic, efficient and citizen orientated public service that serves the interests of the South African people.
- We must professionalise the public sector to unlock service delivery. Appointments should be based on merit, competence and a commitment to ethical service and not based on associations to any political party.

1.3 Legal Personality

- 1.3.1 The Party is a body corporate with perpetual succession.
- 1.3.2 The Party is capable of suing and being sued in its own name and it may own, purchase, lease, hire, mortgage, pledge or in any other way acquire, alienate or deal with movable and immovable property and may perform all legal activities authorized by this Constitution as well as legal activities normally associated with a body corporate.
- 1.3.3 The Party shall only be legally bound in the exercise of its competencies set out in this Constitution by persons authorized in advance or by persons with the written delegated authority to act on behalf of the Party such written delegated authority may only be given by the Chairperson.
- 1.3.4 The Senate, represented by the Chairperson, is the only body that may act on behalf of the Party and legally bind the Party in all matters.

- 1.3.5 The Chairperson of the Senate, or any person duly authorised, in writing, by the Chairperson may act on behalf of the Party in all legal matters by or against the Party.
- 1.3.6 Any person who purports to represent the Party, who is not duly authorised in writing by the Chairperson, shall be personally liable for any obligations they incur on behalf of the Party.
- 1.3.7 All monies received and collected, on behalf of the Party, vest in the Party.
- 1.3.8 Income and assets of the Party are not distributable to members or office bearers except as reasonable compensation for services rendered.

CHAPTER TWO

2. LEADERSHIP

2.1 The President

- 2.1.1 The President is the head of the Party, who is elected for a 5 (five) year term, by the People's Convention.
- 2.1.2 The President is the Party's spokesperson within the Republic and abroad, advancing the Party's Founding Principles, objectives and is tasked with ensuring the Party's image and reputation are advanced and maintained.
- 2.1.3 The President is empowered to make decisions, including but not limited to, policy decisions, political decisions, associations to other organisations, and general decisions that are of an urgent nature.
- 2.1.4 The President may, in consultation with The Convention Council, direct the activities of the Party.
- 2.1.5 The President is an ex officio member with voting rights of any and all structures of the Party.

2.2 The Chairperson

- 2.2.1 The Chairperson is appointed for a 5 (five) year term linked to the term of the President, by the elected President and is accountable to the President and the Senate.
- 2.2.2 The Chairperson serves as both the internal organisational head of the Party and the administrative head of the professional staff body.
- 2.2.3 The Chairperson is tasked with the day-to-day organisational matters of the Party and the implementation of approved strategies arising from relevant structures.

- 2.2.4 The Chairperson operates off the delegated authorities granted by the Senate.
- 2.2.5 The Chairperson presides over meetings of the People's Convention as well as meetings of the Senate.
- 2.2.6 The Chairperson is the custodian of the Party's policies and Constitution adopted at the People's Convention, furthermore, the Chairperson is tasked with the implementation of the policies and decisions adopted at the People's Convention.
- 2.2.7 The Chairperson may, after consultation and in concurrence with the President, legally bind the Party.
- 2.2.8 The Chairperson shall carry the delegated organisational functions of the Party and may, after consultation and in concurrence with the President, sub-delegate powers.
- 2.2.9 The Chairperson is an ex officio member with voting rights of any and all structures of the Party.
- 2.2.10 Should any irreconcilable differences of strategy or operation arise between the President and the Chairperson, the matter must be referred to the Senate. Either party may refer a matter concerning irreconcilable differences of strategy or opinion to the Senate.

2.3 The Deputy President

- 2.3.1 The Deputy President is appointed for a 5 (five) year term linked to the term of the President, by the elected President and is accountable to the President and the Senate.
- 2.3.2 The Deputy President shall operate under a set of organisational delegations and powers established by the President and ratified by the Senate.
- 2.3.3 The Deputy President is an ex officio member with voting rights of any and all structures of the Party.
- 2.3.4 The Deputy President will report jointly to the President and the National Chairperson.

2.4 Provincial Chairpersons

- 2.4.1 Each province shall elect a Provincial Chairperson for a 5 (five) year term at the People's Convention.
- 2.4.2 The Provincial Chairperson will act as the Party's official spokesperson on all matters affecting the province in which the Provincial Chairperson represents.

- 2.4.3 The Provincial Chairperson shall advance the Party's Founding Principles and is tasked with leading the organisation and growing the Party's support and reputation within the jurisdiction of the province they lead.
- 2.4.4 The Provincial Chairperson will represent their province in the Senate, and will be responsible for communicating and implementing the decisions taken by The Senate.
- 2.4.5 The Provincial Chairperson must make recommendations to the Senate on the appointment of the:
 - 2.4.5.1 Provincial Secretary;
 - 2.4.5.2 Provincial Fundraising Coordinator;
 - 2.4.5.3 Provincial Treasurer;
- 2.4.6 The Provincial Chairpersons will report jointly to the President and the National Chairperson.
- 2.4.7 The Provincial Chairperson is an ex officio member with voting rights of any and all Party structures of his or her province.

2.5 The Convention Treasurer

- 2.5.1 The Convention Treasurer is the Chairperson of the Convention Finance Committee and is appointed for a 5 (five) year term by the elected President of the Party.
- 2.5.2 The Convention Treasurer shall call and chair meetings of the Convention Finance Committee.
- 2.5.3 Convention Treasurer is responsible for the oversight of the financial management of the Party. The aforementioned oversight must be conducted in accordance with the financial policies of the Party, as determined by the Senate.
- 2.5.4 The Convention Treasurer will coordinate the activities of the Provincial Treasurers. The aforementioned coordination must be conducted in accordance with the financial policies of the Party, as determined by the Senate.

2.6 The Fundraising Chairperson

- 2.6.1 The Fundraising Chairperson is the principal fundraising agent of the Party and is appointed for a 5 (five) year term by the elected President of the Party.
- 2.6.2 The Fundraising Chairperson is tasked with initiating and co-ordinating the Party's fundraising activities and is the custodian of the Fundraising Policy of the Party.

- 2.6.3 The Fundraising Chairperson will coordinate the activities of the Provincial Fundraising Coordinators.

2.7 Regional Chairpersons

- 2.7.1 Each Region will be led by a Regional Chairperson.
- 2.7.2 The Regional Chairperson is appointed by the Provincial Chairperson, upon ratification by the Senate.
- 2.7.3 The geographical jurisdiction of a Regional Chairperson will be determined by the Senate on advice from the Provincial Chairpersons.
- 2.7.4 Regional Chairperson will be responsible for the driving and managing of political activity within their regions that communicate the Party's offer to the residents of that region.
- 2.7.5 Regional Chairpersons will account to the Provincial Chairpersons and the Director of Operations.
- 2.7.6 The Regional Chairperson can be removed by resolution of the Senate, on advice of the Provincial Executive Committee, in the event of non-performance.

2.8 Constituency Chairpersons

- 2.8.1 Each Constituency will be led by a Constituency Chairperson.
- 2.8.2 The Constituency Chairperson is appointed by the Provincial Chairperson on the recommendation of the Regional Chairperson and upon ratification by the Provincial Executive Committee.
- 2.8.3 The Constituency Chairperson will account to the Regional Chairperson and the Provincial Chairperson.
- 2.8.4 The Constituency Chairperson can be removed by resolution of the Provincial Executive Committee, on advice of the Provincial Chairperson, in the event of non-performance.

2.9 Party Structures

- 2.9.1 The Senate may, upon due consideration and in consultation with the relevant Provincial Chairperson, place any structure under administration if the majority of members of the structure have been accused of misconduct and/or have poorly performed in their duties and/ or functions.
- 2.9.2 In the event a structure has been placed under administration, in terms of clause 2.8.1, the Senate may appoint an administrator to act as the leader of the structure

until such time as the Senate resolves to withdraw their decision to place a structure under administration.

2.9.3 The powers and function of the administrator shall be prescribed by the Senate.

2.9.4 The Senate may, upon due consideration and in consultation with the relevant Provincial Chairperson, dissolve a structure if the majority of members of the structure have engaged in the following conduct:

2.9.4.1 Misconduct;

2.9.4.2 Continued poor performance and a failure to carry out their duties and/or responsibilities;

2.9.4.3 Cause disunity within the Party; and

2.9.4.4 Continuously acts in a manner that negatively impacts the Party.

2.9.5 In the event a structure has been dissolved, in terms of clause 2.8.4 the Senate may take decisions on behalf of the structure until such time as the structure has been reconstituted.

2.10 Branch Chairpersons

2.10.1 Each Branch will be led by a Branch Chairperson.

2.10.2 The Branch Chairpersons shall be elected from the members of the Branch and will account to the Constituency Chairperson and the Regional Chairperson.

2.10.3 The Branch Chairperson can be removed by resolution of the Provincial Executive Committee, on advice of the Provincial Chairperson, in the event of non-performance.

CHAPTER THREE

3. PARTY STRUCTURES

3.1 The People's Convention

3.1.1 The People's Convention is the party's highest decision-making body.

3.1.2 The inaugural People's Convention shall take place within 9 (nine) months after the 2024 national government elections, thereafter the Peoples Convention shall meet every 5 (five) years thereafter.

3.1.3 A membership audit must confirm that branches have been established in 70% of the wards of the country before The People's Convention can be called or upon the presentation of a resolution signed by 60% of the members of the Party.

- 3.1.4 The Peoples Convention may not be held 18 (eighteen) months prior to an election of a general nature.
- 3.1.5 The composition to The People’s Convention, all of whom possessing voting rights, will consist of:
 - 3.1.5.1 The President;
 - 3.1.5.2 The Chairperson;
 - 3.1.5.3 The Deputy President
 - 3.1.5.4 All Members of The Senate;
 - 3.1.5.5 All Members of the Provincial Executive Committees;
 - 3.1.5.6 Delegations from the branches of the provinces, who have completed the ActionSA Political Academy, as per an appropriate formula adopted by The Senate with due consideration for representation and logistics;
 - 3.1.5.7 Any invited guests, as proposed by The Senate, who will not have voting rights.
- 3.1.6 The People’s Convention shall elect the following office bearers:
 - 3.1.6.1 The President;
 - 3.1.6.2 The Provincial Chairpersons;
- 3.1.7 Each office bearer mentioned in clause 3.1.6.1 and 3.1.6.2 shall be elected through an electoral system adopted by The Senate.
- 3.1.8 All members who seek to be elected in any of the leadership positions in clause 3.1.5 above shall only be eligible if the said member has completed the ActionSA political academy.
- 3.1.9 All member who seeks election as the President are required to have been a member of the Party in good standing for a minimum period of 2 (two) years and have a demonstrable track record of leadership.
- 3.1.10 All procedures relating to the nomination and voting for office bearer positions in terms of clause 3.1.5 shall be determined by the Senate and shall be published by the Party.
- 3.1.11 The People’s Convention shall be tasked with the review and adoption of the Party’s constitution.

3.2 The Policy Conference

- 3.2.1 The Policy Conference is the policy decision-making body of the Party.
- 3.2.2 The Policy Conference will meet prior to every election of a general nature to adopt the Party's policy offering for the forthcoming election.
- 3.2.3 The function and powers of the Policy Conference will be limited to finalising the policy position of the Party.
- 3.2.4 The Senate will determine and communicate the model of representation of Party structures to The Policy Conference.
- 3.2.5 The Senate will determine and communicate the process of consultation and policy development that will lead to The Policy Conference.

3.3 The Senate

- 3.3.1 The Senate is the Party's highest decision-making body, when The People's Convention is not convened, and makes all necessary decisions.
- 3.3.2 The Senate may review, amend or adopt policies on both internal and external matters to the Party.
- 3.3.3 The Senate is comprised of the following persons:
 - 3.3.3.1 The President;
 - 3.3.3.2 The Chairperson;
 - 3.3.3.3 The Deputy President;
 - 3.3.3.4 The National Spokesperson;
 - 3.3.3.5 The Direction of Operations;
 - 3.3.3.6 The Provincial Chairpersons;
 - 3.3.3.7 The Convention Treasurer;
 - 3.3.3.8 The Fundraising Chairperson;
 - 3.3.3.9 The Chief Strategist;
 - 3.3.3.10 Heads of Ancillary Units

3.3.3.11 Members of the Party, tasked with key portfolios, co-opted by the President.

- 3.3.4 The Senate may take any decisions that may be required by the Party in order to further the Party's national agenda, Founding Principles and protect and advance the Party's reputation, during the period between meetings of The People's Convention.
- 3.3.5 The Party's candidate selection committees and procedures shall be determined by the Senate.
- 3.3.6 The Senate shall meet once a month, or as frequently as required, in order to take decisions outlined in clause 3.3.4.
- 3.3.7 The National Chairperson will report to each ordinary meeting of the Senate regarding the state of the Party.

3.4 The Convention Council

- 3.4.1 The Convention Council is tasked with the day-to-day management of the Party.
- 3.4.2 The Convention Council is comprised of the following persons:
- 3.4.1.1 The President;
 - 3.4.1.2 The Chairperson;
 - 3.4.1.3 The Deputy President;
 - 3.4.1.4 The Chief Strategist;
 - 3.4.1.5 The National Spokesperson;
 - 3.4.1.6 The Parliamentary Leader (if not the President);
 - 3.4.1.7 Chief Governance Director;
 - 3.4.1.8 The National Communications Director;
 - 3.4.1.9 Two Provincial Chairpersons selected by the President;
 - 3.4.1.10 Any other persons, to a maximum of three, co-opted by the President.
- 3.4.3 The Convention Council may take any decision that is required by the Party, the decision in question must be reported to the next meeting of the Senate.

3.5 Ancillary Units

- 3.5.1. The Party constitutes the following Ancillary Units in recognition of the need for the party to speak to these groupings of South Africans:
 - 3.5.1.1 The Youth Forum;
 - 3.5.1.2 The Student Forum;
 - 3.5.1.3 The Women's Forum;
 - 3.5.1.4 The People Living with Disabilities Forum.
- 3.5.2 The forums in 3.5.1 will be led by a Senator appointed by the President who, in turn, will ensure campaign structures are established nationally and in the 9 provinces.
- 3.5.3 The exclusive purpose of these forums will be to operate as campaign units of the Party, campaigning to deliver ActionSA's offer.

3.6 The Convention Finance Committee

- 3.6.1 The Convention Finance Committee is tasked with overseeing the management of the Party's finances and is chaired by the Convention Treasurer.
- 3.6.2 The Convention Finance Committee is an oversight body and is limited to making recommendations on the overall financial sustainability of the party, to the Senate. The Convention Finance Committee must conduct their activities in accordance with the financial policies of the Party, as determined by the Senate.
- 3.6.3 The Convention Finance Committee is comprised of the following persons:
 - 3.6.3.1 The Convention Treasurer;
 - 3.6.3.2 Party President;
 - 3.6.3.3 The Chairperson;
 - 3.6.3.4 The Deputy President
 - 3.6.3.5 The Fundraising Chairperson;
 - 3.6.3.6 The Provincial Treasurers.
- 3.6.4 The committee must:
 - 3.6.4.1 Review the Party's finances and ensure that they are utilised in a fiscally responsible manner.

- 3.6.4.2 Ensure that the Party's finances are audited annually, and audited financial statements are tabled within 6 months of the financial year end.
- 3.6.4.3 Ensure that the provincial structures are audited annually and that audited financial statements are tabled within 6 months of the financial year end.
- 3.6.4.4 Monitor the implementation of the financial policies of the Party.
- 3.6.4.5 Ensure that all audited financial statements are presented to the Senate.
- 3.6.4.6 Review the annual and medium-term income and expenditure budget for the Party, said budget must be tabled and approved by the Senate.
- 3.6.4.7 Review on a quarterly basis the income and expenditure statements of the Party and raise any matter of concern with the Senate.
- 3.6.4.8 Resolve financial disputes between the Party structures.
- 3.6.4.9 Meet quarterly or more frequently as determined by the Chairperson.
- 3.6.5 The Convention Treasurer must report to every meeting of the Senate.

3.7 Convention Budget Committee

- 3.7.1 The Convention Budget Committee is tasked with the formulation of the annual budget in a manner that sustainably advances the objectives of ActionSA.
- 3.7.2 The Convention Budget Committee is compromised by the following persons:
 - 3.7.2.1 The President, or his or her nominee, who shall chair the meetings;
 - 3.7.2.2 National Chairperson;
 - 3.7.2.3 Chairperson of Finance Committee;
 - 3.7.2.4 Director of Operations;
 - 3.7.2.5 Chief Strategist;
 - 3.7.2.6 Fundraising Chairperson;
 - 3.7.2.7 Provincial Chairpersons;
 - 3.7.2.8 The Provincial Treasurers;

3.7.2.9 The Party's National Spokesperson.

3.8 Provincial Structures

3.8.1. The Provincial Executive Committee.

3.8.1.1 Each province within the Republic shall have a Provincial Executive Committee.

3.8.1.2 The Provincial Executive Committee shall consist of:

3.8.1.2.1 The Provincial Chairperson;

3.8.1.2.2 The Regional Chairpersons;

3.8.1.2.3 Regional Secretaries;

3.8.1.3 Members appointed to fulfil each of the following functions within the PEC:

3.8.1.3.1 Provincial Fundraising Chairperson;

3.8.1.3.2 Provincial Treasurer;

3.8.1.3.3 Provincial Ethics and Discipline Officer subject to the ratification of the Chairperson of the Ethics and Disciplinary Committee;

3.8.1.3.4 Provincial Secretary;

3.8.1.3.5 Provincial Communications Manager;

3.8.1.3.6 Provincial Campaign Manager;

3.8.1.3.7 Provincial Heads of Ancillary Units

3.8.1.3.8 5 (five) ordinary members who are not public representatives, appointed by the Provincial Chairperson.

3.8.1.4 The Provincial Executive Committee shall be tasked with the management and co-ordination of provincial party activities.

3.8.1.5 The Provincial Executive Committee shall ensure that the Founding Principles of the Party are furthered within the province and ensure that they maintain the Party's reputation.

3.8.1.6 The Provincial Executive Committee must ensure that regions and constituencies are formed within the province and provide management of their functioning.

3.8.2. The Provincial Council

3.8.2.1. Each Province shall constitute a Provincial Council.

3.8.2.2. The Provincial Council will serve as a consultative body relating to the campaigns of the party.

3.8.2.3. The Provincial Council shall meet, at least, quarterly.

3.8.2.4. All meetings of the Provincial Council shall be chaired by the Provincial Chairperson or his or her nominee.

3.8.2.5. The Provincial Chairperson shall consist of the following members:

3.8.2.5.1. The Provincial Executive Committee;

3.8.2.5.2. The Constituency Chairpersons;

3.8.2.5.3. The Branch Chairpersons.

3.9. Regions

3.9.1. Each Province will consist of a number of regions, the number and geographical design of which will be adopted by the Senate on recommendations made by the Provincial Executive Committee of each Province.

3.9.2. Each Region will have a Regional Executive Committee ("REC").

3.9.3. The REC will consist of a Regional Chairperson, Regional Secretary, representatives of the Ancillary Units, Constituency Chairpersons and Constituency Secretaries of the Constituencies within the Region, Council Caucus Leaders or their nominees and other members appointed by the Regional Chairperson.

3.9.4. The other members referred to in clause 3.9.3 shall be appointed by the Regional Chairperson, after consultation with the Provincial Chairperson, to manage the activities, canvassing, recruitment, and training of the Region.

3.9.5. The function of Region is to oversee and support the work of Constituencies in their task to grow the Party through the implementation of a programme of activities, canvassing, recruitment and training.

3.9.6. The Regional Chairperson will coordinate the activities and management of the Constituencies through the Constituency Chairpersons.

3.10. Constituencies

- 3.10.1. Each Provincial Executive Committee shall, after consultation with the Senate, demarcate constituency boundaries.
- 3.10.2. The function of a Constituency is to oversee and support work of branches in their task to grow the Party through the implementation of a programme of activities that communicates the Party's offer to residents within its jurisdiction.
- 3.10.3. A constituency shall be a geographical area capable of being administered as a unit and must consist of one or more contiguous local municipalities or in the case of a metropolitan municipality or large municipality, of adjacent wards forming one geographical area.
- 3.10.4. Every constituency shall have a Constituency Executive Committee ("CEC") which CEC shall be consist of a Constituency Chairperson, Constituency Secretary, Branch Chairpersons and Branch Secretaries of the branches within the Constituency and other members appointed by the Consistency Chairperson.
- 3.10.5. The Constituency Chairperson shall be appointed by the Provincial Chairperson on the recommendation of the REC and with the ratification of the Provincial Executive Committee.
- 3.10.6. The other members referred to in clause 3.8.4 shall be appointed by the Constituency Chairperson, after consultation with the Regional Chairperson, to manage the secretariat, activities, canvassing, recruitment, and training of the Constituency.

3.11. Branches

- 3.11.1. The Party shall endeavour to create branches in every ward within the Republic of South Africa.
- 3.11.2. The sole functions of the branch are to:
 - 3.11.2.1. Grow the Party through the implementation of a programme of activities that communicate its offer to its residents;
 - 3.11.2.2. Implement the campaign strategies determined by higher formations;
 - 3.11.2.3. Recruit volunteers and members;
 - 3.11.2.4. Canvassing of residents to identify ActionSA supporters;
 - 3.11.2.5. Training of members and volunteers.

- 3.11.3. Every Branch shall have a Branch Executive Committee ("BEC") which BEC shall consist of a Branch Chairperson, Branch Secretary, representatives of the Ancillary Units, Voting District Captains and other members.
- 3.11.4. The Branch Chairperson shall be elected from and by members of the Branch.
- 3.11.5. The Branch Chairperson shall appoint the Branch Secretary, Representatives of the Ancillary Units and the Voting District Captains upon ratification by the Constituency Executive Committee.
- 3.11.6. The other members referred to in clause 3.9.3 above shall be appointed by the Branch Chairperson and shall be tasked with the Branch activities, canvassing, recruitment and training.
- 3.11.7. Membership of Branches:
 - 3.11.7.1. Each member of the Party shall be a member of a branch on the area in ward in which they reside, and shall exercise their voting rights, as members, in such a branch or through a representative of the branch.
 - 3.11.7.2. A member may apply to the Provincial Executive Committee if they wish to be a member in a branch other than the branch in which they are resident.
 - 3.11.7.3. In the event that no branch has been established in a specific ward then the members who reside in the said ward shall be allocated to an adjacent branch by the Provincial Executive Committee. This must be a temporary while measure recruitment activities are undertaken to ensure branches are established in both wards.
 - 3.11.7.4. Each member and/or public representative may only be a member of one branch.
 - 3.11.7.5. Public representatives may speak at branches meetings of branches they are not members of, however, they may only vote at branch meetings of the branch they are a member of.
- 3.11.8. Branch meetings:
 - 3.11.8.1. A branch shall hold an annual general meeting (AGM) where all members of the branch must be invited to constitute the branch.
 - 3.11.8.2. For a branch to be constituted it must have a minimum of 26 members and a quorum of 50% plus one of all members is required.
 - 3.11.8.3. The branch AGM must be chaired by a person assigned by either the REC or the CEC.

- 3.11.8.4. Branches shall meet at least once a month to direct the activities of the branch and to assess their progress and performance.

3.12. Membership

- 3.12.1. All membership shall be vested solely in the Party unless dual membership is permitted by resolution of the Senate.
- 3.12.2. Membership shall cost R10 for an annual membership and R20 for a biannual membership.
- 3.12.3. Membership shall expire on 31 March each year, after which an audit of all members shall commence. Any member who signs membership of the Party from 1 January to 31 March in the membership cycle shall hold membership of the Party until 31 March of the following year.
- 3.12.4. The membership audit shall have the authority to remove members who do not comply with provisions required in 3.12.5.
- 3.12.5. The membership audit shall produce a report inviting branches that exceed the threshold of 50 members to hold an AGM and elect representation to higher formations in manner prescribed by the Senate.
- 3.12.6. Any person can become a member of the Party as long as they comply with the following:
 - 3.12.6.1. They are a South African citizen registered on the national voters roll or a permanent resident;
 - 3.12.6.2. They are over the age of 16 years;
 - 3.12.6.3. They believe in and adhere to the Founding Principles of the Party (Chapter 1);
 - 3.12.6.4. They considered themselves bound by the provisions of this Constitution and any binding documents issued by the Senate, including but not limited to the Code of Conduct and Disciplinary Procedure;
 - 3.12.6.5. They apply, through the prescribed process, to become a member of the Party.
 - 3.12.6.6. They are not a member of another political party unless otherwise provided for in terms of 3.12.1
 - 3.12.6.7. Notwithstanding the requirement set out in clause 3.12.3.6 the Senate may by resolution suspend the requirement as outlined in clause 3.12.3.6, on a case-by-case basis, and upon the terms, conditions and circumstances as determined by the Senate.

- 3.12.6.8. They pay for their own membership, or it is paid by a spouse or a direct family member with the explicit knowledge and consent of the member.
- 3.12.6.9. They provide such minimum information as the Senate deems necessary for a membership to be valid.
- 3.12.7. A member's membership takes effect upon completion of the application and is valid until its expiry or in the event that a member's membership is terminated by the Party or the member terminates his/ her membership.
- 3.12.8. A member who signs up without being a registered voter shall have their membership held in abeyance on a provisional list until they are registered to vote. Should the prospective member not register to vote within 90 days of their membership application, their application shall be declined.
- 3.12.9. Public representatives and office bearers of the Party are deemed to be members as long as they serve competently in either capacity.
- 3.12.10. By virtue of being a member entrusted and elevated by other members to occupy public office, the membership of a public representative is dependent upon their effective and competent performance as a public representative. In the event of non-performance, membership will be automatically terminated
- 3.12.11. Members are encouraged to participate in the ActionSA Political Academy.
- 3.12.12. Members may only seek internal office within the Party, including *inter alia* nominations as voting delegates, candidates or leading any structures of the party, if they have been accredited to have completed the Political Academy.
- 3.12.13. A member may terminate their membership with immediate effect upon issuing written notice to the relevant Provincial Executive Committee.
- 3.12.14. Only a member of the Party may stand for election as a public representative and/or serve as a public representative for the Party.

3.13. Refusal Of Membership

- 3.13.1. The Provincial Executive Committee may refuse to accept the membership of any person wishing to join the Party within 60 days of their application.
- 3.13.2. The Senate may refuse to accept the membership of any person wishing to join the Party within 120 days of their application.
- 3.13.3. The re-application, by any prospective member re-applying for membership after having previously been found guilty of misconduct, must be approved by the relevant PEC.

- 3.13.4. Either body referred to in clause 3.13.1 and 3.13.2 may refuse membership of the Party to any person on the basis that the person in question is unsuitable to be a member of the Party or that previous offences against the Party warrant their continued exclusion from the Party.

3.14. Termination Of Membership

- 3.14.1. A members' membership may be automatically terminated on the occurrence of the following events:
- 3.14.1.1. A member is found guilty of breaching the code of conduct by the Ethics and Disciplinary Committee;
 - 3.14.1.2. A member is found guilty of non-performance as a public representative after undergoing a performance management and performance review process.
 - 3.14.1.3. A member publicly announces their intention to resign from the Party;
 - 3.14.1.4. A member submits his or her resignation in writing to the Party;
 - 3.14.1.5. A member encourages member/s of the Party and/ or the general public to join, support and/ or vote for another political party;
 - 3.14.1.6. A candidate or aspirant candidate who provides false or misleading information in their candidate application;
 - 3.14.1.7. A member encourages other members of the Party to resign from the Party;
 - 3.14.1.8. A member, either acting individually or as a group, deliberately disrupts or destabilises the Party, its structures or its activities or fails to publicly disassociate from such disruptive or destabilising actions undertaken in their name;
 - 3.14.1.9. A member egregiously brings the Party into disrepute;
 - 3.14.1.10. A member knowingly and intentionally votes against or does not vote in line with a caucus decision, subject to the provisions of clause 3.16.13;
 - 3.14.1.11. A member of the Party who stands against the official Party candidate in an external public election or encourages the support of another Party or candidate;
 - 3.14.1.12. A public representative of the Party, be it a member of the National Assembly, a provincial legislature or a municipal council, who votes

against the caucus decision or instruction in any vote on a matter before the body in question;

3.14.1.13. A public representative of the Party who fails to pay their compulsory contributions despite being given three formal notices to do so.

3.14.1.14. A member is found to be involved in the generation of artificial membership or has paid for the membership of other members other than a spouse of close family member.

3.14.1.15. A member of the Party is found guilty of any offence as outlined in Schedule 1,2,5,6 or 7 of the Criminal Procedure Act No. 51 of 1977.

3.14.1.16. A member of the Party has lodged a complaint, as contemplated in 1.2.1 of Annexure B The Rules and Procedures for the Handling of Disciplinary Matters, which complaint is found to have been frivolous, vexatious and without merit.

3.14.2. The relevant PEC may terminate any members membership.

3.14.3. Any member of the Party who is also a public representative shall automatically lose their position as a public representative and as an office bearer in any Government, if their membership is terminated.

3.14.4. A member's, membership may be suspended by the relevant PEC while the member is subjected to an investigation and/ or hearing by the Ethics and Disciplinary Committee.

3.15. Suspension Of Membership

3.15.1. The PEC may suspend a member for one of two reasons:

3.15.1.1. As a precautionary measure prior to a disciplinary hearing to allow for the unimpeded collection of evidence or testimony of witnesses.

3.15.1.2. As a lesser sanction to a termination of membership following a guilty finding for a member who is not a public representative.

3.15.2. In the event that the PEC resolves to suspend a member for any of the above-mentioned reasons, the suspension must have a clear start and end date.

3.15.3. A public representative may only be suspended in terms of 3.15.1.1.

3.16. Caucuses

3.16.1. All members of the Party who are elected to the National Assembly shall form part of the Parliamentary Caucus.

- 3.16.2. All members of the Party who are elected to provincial legislatures shall form part of the respective provincial legislatures' caucus.
- 3.16.3. All members of the Party who are elected to municipal councils shall form part of the respective municipal councils' caucus.
- 3.16.4. The President shall be the leader of the Parliamentary caucus, unless he or she opts not to assume this position. Any member of the Party who is elected as a Premier of a Province shall automatically be the leader of the caucus in the provincial legislature in question. Any member of the Party who is elected as an Executive Mayor/ Mayor of a municipal council shall automatically be the leader of the caucus in the municipal council in question.
- 3.16.5. Subject to clause 3.16.4 above, each caucus shall elect a leader from amongst its ranks. Such an election must be chaired by the National Chairperson or, if he or she so delegates, the Provincial Chairperson.
- 3.16.6. Each caucus leader shall appoint a chief whip and deputy chief whip from amongst the members of the caucus.
- 3.16.7. Each caucus member shall attend every caucus meeting, save for when a leave of absence has been granted by the chief whip.
- 3.16.8. All caucus meetings are confidential, and all discussions and decisions are taken with absolute confidentiality.
- 3.16.9. All members of the relevant caucuses shall support the decisions of the caucus and may not make public pronouncements that differ with the decision of the caucus.
- 3.16.10. All members of the caucus shall perform their duties with the utmost professionalism and dedication.
- 3.16.11. Each caucus may draft their own rules and procedures in order to regulate their internal functioning. The rules and procedures must be approved by the Senate.
- 3.16.12. No member of a caucus may propose and (or) support a motion of no confidence in an elected leader if the motion of no confidence has not been approved by the Senate.
- 3.16.13. In the event that a member objects to a caucus decision regarding a vote to be taken in any legislative body or wishes to cast a vote of conscience counter to the caucus decision, said member must request permission from the Caucus Leader and National Chairperson and said permission must be furnished in writing in order for the member to vote against a caucus decision.

3.17. Failure Of Structures

- 3.17.1. In the event that a structure of the Party is failing in its responsibilities, obligations or performance, the Senate (in the case of the PEC) or the PEC (in the case of Constituencies or Branches) may take any and all necessary steps to rectify the non-compliance, this includes but is not limited to dissolving the structure, and imposing an administrator until new leadership is elected or appointed.

3.18. Voting

- 3.18.1. The voting procedures for the different structures of the Party will be determined by the Senate.

CHAPTER FOUR

4. PARTY STRUCTURES

4.1 CODE OF CONDUCT FOR MEMBERS, STAFF AND PUBLIC REPRESENTATIVES

- 4.1.1 All members, staff and public representatives are bound by the Party's code of conduct, which code of conduct shall be amended by the Senate, from time to time.

4.2 DISCIPLINARY BODY AND PROCEDURES

4.2.1 The Ethics and Disciplinary Committee

- 4.2.1.1 There shall be an Ethics and Disciplinary Committee that shall be empowered to monitor and offer guidance to the investigations and hearings with relation to any alleged breach of the Party's code of conduct and a breach of clause 3.13, 3.14, or Annexure A of the Interim Constitution by any member, staff or public representative.

- 4.2.1.2 The Chairperson, in consultation with the Senate, will appoint a qualified person to the position Chairperson of the Ethics and Disciplinary Committee.

- 4.2.1.3 The Ethics and Disciplinary Officer of each province will serve as members of the Ethics and Disciplinary Committee.

4.2.2 Powers of the Ethics and Disciplinary Chairperson

- 4.2.2.1 The Ethics and Disciplinary Chairperson is empowered to monitor and offer guidance to the work of PECs and the Appeals Body in relation to the handling of an alleged breach of clause 3.14, 3.16, or Annexure A of the Interim Constitution.

4.2.2.2 The Senate shall approve, as Annexure B to this Interim Constitution, the Rules and Procedures for the Handling of Disciplinary Matters.

4.2.2.3 The Ethics and Disciplinary Chairperson shall offer written advice to the Provincial Ethics and Disciplinary Officers, PECs and the Appeals Body.

4.2.3 Powers of the PECs

4.2.3.1 The PECs shall be responsible for the receipt, investigation and deliberation of any disciplinary matter unless that matter involves the Provincial Chairperson, Provincial Secretary of any national office bearer identified in this Interim Constitution.

4.2.3.2 The Senate shall approve, as Annexure B to this Interim Constitution, the Rules and Procedures for the Handling of Disciplinary Matters.

4.2.3.3 The PECs shall deliberate upon a disciplinary report that makes recommendations relating to the disciplinary matter in question and the PEC will make a finding and impose the appropriate sanctions where necessary.

4.2.4 The Senate

4.2.4.1 In the event that the member(s) who are the subject of a disciplinary action are the Provincial Chairperson, Provincial Secretary and (or) a national office bearer as contemplated in this Interim Constitution, the Senate shall be responsible for the receipt, investigation and deliberation of any disciplinary matter.

4.2.4.2 The Senate shall approve, as Annexure B to this Interim Constitution, the Rules and Procedures for the Handling of Disciplinary Matters.

4.2.4.3 In the event that the member(s) who are the subject of a disciplinary action are the Provincial Chairperson, Provincial Secretary and (or) a national office bearer as contemplated in this Interim Constitution the Senate shall deliberate upon a disciplinary report that makes recommendations relating to the disciplinary matter in question and the PEC will make a finding and impose the appropriate sanctions where necessary.

4.2.5 The Appeals Body

4.2.5.1 The President will appoint the Appeals Body of 5 members after consultation with the Senate.

4.2.5.2 Upon the conclusion of a disciplinary matter by the relevant PEC, either the Chairperson of the Ethics and Disciplinary Committee or the member

subject to the disciplinary outcome may appeal the decision of the PEC within 3 business days of the decision in question.

4.2.5.3 The Senate shall approve, as Annexure B to this Interim Constitution, the Rules and Procedures for the Handling of Disciplinary Matters.

4.2.5.4 The Appeals Body may uphold the appeal, impose a different sanction, dismiss the appeal or it may refer the matter back to the relevant PEC to correct any irregularities found by the Appeals Body.

4.2.6 Mediation Panel

4.2.6.1 In the event that there is a dispute between members of the party, public representatives and/or members and public representatives such dispute may be referred to a Mediation Panel for resolution.

4.2.6.2 Any complaint that does not constitute a breach of clause 3.12 of the Interim Constitution or the Code of Conduct for Members, Staff and Public representatives may be referred by the PEC for mediation.

4.2.6.3 The composition and procedures of the mediation panel shall be prescribed by the PEC of the province from which the members are members of the party.

4.2.6.4 The Mediation Panel must submit a report to the PEC with the outcomes of the mediation process and shall make recommendations for further steps where necessary.

CHAPTER FIVE

5.1 General

5.1.1 This interim constitution may only be amended by the People's Convention or in terms of the process outlined in chapter 6.

5.1.2 The Party may only be merged with another party or dissolved by a two-thirds majority of votes cast at a meeting of the People's Convention.

5.1.3 A majority of members must be present, during any meeting of the People's Convention, before a vote may be taken on any matter.

5.1.4 Meetings shall be deemed quorate if 50% (fifty per centum) plus 1 (one) of the members that constitute that structure, are present at the meeting.

5.1.5 A vote on any matter, during any meeting of the People's Convention, will only pass if supported by a majority of votes cast.

- 5.1.6 The Senate shall determine which international organisations the Party may collaborate with and/or associate it.
- 5.1.7 This Constitution, may only be amended by way of a majority of votes at a sitting of The People's Convention. Any amendments to chapter 1, would necessitate a threshold of two-thirds of voting members of The People's Convention.
- 5.1.8 The Senate may determine an organisational organogram, staff structure and staff roles and responsibilities for the Party in its entirety.
- 5.1.9 The Senate may determine, including but not limited to, the following policies:
 - 5.1.9.1 Human resource policy;
 - 5.1.9.2 Finance policy;
 - 5.1.9.3 Fundraising policy;
 - 5.1.9.4 Candidate selection policy;
 - 5.1.9.5 Voting procedures policy.
- 5.1.10 All members of the Party are bound by the policies of the Party, and are duty bound to read and understand the contents of the policies.
- 5.1.11 No lower structure and/or body of the Party may take any decision that is in conflict with a decision of a higher structure and/or body of the Party or the Senate.

CHAPTER SIX

6.1 Transitional Arrangements

- 6.1.1 The Party shall be led by the President of the Party, Herman Mashaba, until such time as the Party holds its inaugural People's Convention.
- 6.1.2 The day-to-day management of the Party shall be conducted by the Advisory Council.
- 6.1.3 The Advisory Council shall be made up of the following individuals:
 - 6.1.3.1 The President;
 - 6.1.3.2 The National Chairperson;
 - 6.1.3.3 The Deputy President;
 - 6.1.3.4 The Chief Strategist;
 - 6.1.3.5 The Director of Operations;

- 6.1.3.6 The Fundraising Chairperson;
- 6.1.3.7 The National Spokesperson.
- 6.1.4 The Advisory Council shall have the full powers of the Convention Council and may take any decision deemed necessary to further the objectives of the Party, this includes the power to bind the Party in any legal or financial matters.
- 6.1.5 All decisions of the Advisory Council must be ratified by the Interim Senate, if the decision in question relates to a power or function of the Senate.
- 6.1.6 The President may co-opt members of the Party to sit on its Interim Senate until such time as the initial People's Convention is held.
- 6.1.7 The Interim Senate will function with the full powers of the Senate, until such time as the inaugural People's Convention has been held.
- 6.1.8 The Interim Senate shall be made up of the following individual:
 - 6.1.8.1 The President;
 - 6.1.8.2 The Chairperson;
 - 6.1.8.3 The Deputy President;
 - 6.1.8.4 The Chief Strategist;
 - 6.1.8.5 The Director of Operations;
 - 6.1.8.6 The Fundraising Chairperson;
 - 6.1.8.7 The National Spokesperson;
 - 6.1.8.8 The Convention Treasurer;
 - 6.1.8.9 Provincial Chairpersons;
 - 6.1.8.10 Any other individual co-opted by the President to serve on the Interim Senate.
- 6.1.9 The Interim Senate, may make any decision deemed necessary to promote the Party, the Party's Founding Principles, and maintain the image and reputation of the Party.
- 6.1.10 The Interim Senate, may bind the Party in any legal matters.

- 6.1.11 The Party's finances shall be managed by the Interim Senate and the Interim Senate may bind and indebt the Party to the extent it is necessary for the functioning of the Party, including but not limited to, the hiring of staff, the purchase of party paraphernalia, the leasing of vehicles and venue's as well as the leasing of office space, the institution and/or defence of legal proceedings.
- 6.1.12 The Interim Senate shall have the power to amend the Interim Constitution until the inaugural People's Convention.
- 6.1.13 The Interim Senate shall be empowered to fill any organisational leadership position, on an interim basis, prior to the inaugural People's Convention.
- 6.1.14 Meetings of the Interim Senate may be called on 24 (twenty-four) hours written notice.
- 6.1.15 Meetings of the Interim Senate may be held virtually. Moreover, approval of documents may be conducted by round robin electronic transmission by members of the Interim Senate.
- 6.1.16 The Transitional Arrangements, more specifically this clause 6, shall fall away on conclusion of the initial People's Convention and shall no longer have any force or effect.

ANNEXURE A: CODE OF CONDUCT – ACTIONSA

1. CODE OF CONDUCT FOR MEMBERS, STAFF AND PUBLIC REPRESENTATIVES

- 1.1. All members, staff and public representatives are bound by the Code of Conduct as espoused in clause 4.1.1 of the Interim Constitution.
- 1.2. All members, staff and public representatives must perform their functions in good faith, honestly and in a transparent manner.
- 1.3. All members, staff and public representatives must at all times act in the best interests of the Party and in such a manner that the credibility and integrity of the Party are not compromised.
- 1.4. All members, staff and public representatives shall not bring the Party into disrepute.
- 1.5. Any member or public representative who publicly states that they intend on leaving the Party shall be deemed to have terminated their membership.
- 1.6. Conduct that is prohibited:
 - 1.6.1. All members, staff and public representatives may not publicly (this includes remarks made in person and via any media platform) make disparaging remarks pertaining to both the Party and the elected leadership of the Party, with the effect of damaging the Party or leadership's reputation.
 - 1.6.2. All members, staff and public representatives may not make public statements that are contradictory to the policies and/ or decisions of the Party.
 - 1.6.3. All staff and public representatives must perform their duties in an effective and competent manner and subject themselves to the approved performance management practices of the party.
 - 1.6.4. All members, staff and public representatives may not disseminate information that is contrary to the Party's policies or that would create confusion regarding the party's position on a matter than has already been publicly pronounced upon.
 - 1.6.5. Any other form of conduct that is outlined in 3.14.
- 1.7. Any member, staff or public representative shall be guilty of misconduct if they:
 - 1.7.1. Publicly oppose or repeatedly oppose the Party's policies or principles.
 - 1.7.2. Deliberately act in a way that negatively impacts the Party in any manner or form.
 - 1.7.3. Are found guilty of any criminal offence by a court of law.
 - 1.7.4. Bring the Party into disrepute and/or act in a manner that damages the Party.
 - 1.7.5. Unintentionally brings the Party into disrepute.

- 1.7.6. Encourages members of the Party or public to join or support or vote for another political party.
- 1.7.7. Provides false information in any application or nomination to the Party.
- 1.7.8. Fail to carry out their responsibilities and/or duties.
- 1.7.9. Act in any manner that causes disunity within the Party.
- 1.7.10. Act in any manner that misrepresents the true state of affairs regarding any documents submitted to the Party.
- 1.7.11. Sexually harasses any person.
- 1.7.12. Misappropriates any Party funds.
- 1.7.13. Contravene the Party's social media policy.
- 1.7.14. Act in a manner that is a disservice to the Party and/or the community they are required to represent and serve.
- 1.7.15. Puts their self-interest above that of the Party and/or community they represent and serve.
- 1.7.16. Fails to comply with a written lawful instruction from the Party and/or a duly authorised individual of the Party.
- 1.7.17. Fails to comply with any written lawful decision of the Party and/or a duly authorised individual of the Party.
- 1.7.18. Fails to subject themselves to the prescribed performance review process.
- 1.7.19. Has been charged by the relevant authority for any criminal offence.
- 1.7.20. Actively engages in factional conduct to the detriment of the Party.
- 1.7.21. Uses their position of authority and/or power for personal gain or self-interests.
- 1.7.22. Divulges confidential Party information.
- 1.7.23. Discriminate against any person on the basis of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- 1.7.24. Falsely allege that they have been discriminated against on the basis of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

- 1.7.25. Put himself or herself in a position which conflicts with his or her responsibilities to the Party or their role as a public representative.
 - 1.7.26. Contravenes section 3.16 of this interim constitution or the caucus rules of the caucus in which they serve as a public representative.
 - 1.7.27. Fails to pay their compulsory contributions as a public representative notwithstanding three formal notices having been issued.
 - 1.7.28. Take any improper benefit, profit or advantage due to their capacity as a member, staff or public representative.
 - 1.7.29. Lodge complaints against another member which are deemed to be frivolous, vexatious and without merit.
 - 1.7.30. Makes demonstrably untrue statements with malicious intent (outside of the Annexure B The Rules and Procedures for the Handling of Disciplinary Matters) about another member that cannot be proven.
 - 1.7.31. Contravenes any approved internal policy of the party.
- 1.8. A public representative may have their membership terminated by the Senate and, consequently lose their seat, position and/or office on the following grounds:
- 1.8.1. Incompetence.
 - 1.8.2. Incapacity.
 - 1.8.3. Poor performance.
 - 1.8.4. Misconduct.
 - 1.8.5. A member, staff or public representative must:
 - 1.8.5.1. Promote the unity and wellbeing of the Party.
 - 1.8.5.2. Serve the Party in an unbiased and impartial manner in order to create confidence in the Party.
 - 1.8.5.3. Commit themselves through timely service to the development of the Party.
 - 1.8.5.4. Not unfairly discriminate against any member of the public or Party based on race, gender, sex, pregnancy, marital status, ethnic or social status, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

ANNEXURE B: RULES AND PROCEDURES FOR THE HANDLING OF DISCIPLINARY MATTERS

1 RULES AND PROCEDURES FOR THE HANDLING OF DISCIPLINARY MATTERS

Once a complaint has been received in relation to an alleged contravention of sections 3.14 or 3.16 of the Interim Constitution or Annexure A of the Interim Constitution, these Rules and Procedures will be followed:

1.1 Definitions

- 1.1.1 **"Appellant"** shall mean either a Contravener who has been found guilty of contravention of the Party's' Code of Conduct and/or clause 3.13 or 3.15 of the IC or the EDC Chairperson who exercise the right to appeal either the judgement or the sanction/s imposed by the PEC.
- 1.1.2 **"Code of Conduct"** shall mean the Code of Conduct for Members, Staff and Public Representatives as determined by the Senate, from time to time.
- 1.1.3 **"Complainant"** shall mean the person who has reported an alleged contravention of the Party's' Code of Conduct and/or clause 3.13 or 3.15 of the IC;
- 1.1.4 **"Conflicted Persons"** shall mean any members of the Party who are related to the Contravener or members who serve in the same caucus as the Contravener if the Contravener is a public representative.
- 1.1.5 **"Contravener"** shall mean a member of the Party or Public Representative of the Party who has been accused of contravening the Party's' Code of Conduct and/or clause 3.13 or 3.15 of the IC;
- 1.1.6 **"Days"** shall mean calendar days including weekends and public holidays unless otherwise specified.
- 1.1.7 **"EDC Chairperson"** shall mean the person elected to that position of Chairperson of the Ethics and Disciplinary Committee in terms of clause 4.2.1.2 of the IC;
- 1.1.8 **"Chair"** shall mean the member of the Disciplinary Committee appointed by the PEC to chair the Panel;
- 1.1.9 **"the EDC"** shall mean the Ethics and Disciplinary Committee as constituted in terms of clause 4.2.1.1 of the IC;
- 1.1.10 **"the IC"** shall mean the Interim Constitution of the ActionSA;

- 1.1.11 **“Panel”** shall mean a panel of 5 members appointed by the PEC to conduct a specific disciplinary hearing;
- 1.1.12 **“the Prosecutor”** shall mean the suitably qualified person who is appointed by the PEC to prosecute the allegation/s of a breach of the Party’s Code of Conduct and/or a breach of clause 3.14 and 3.15 of the IC;

1.2 Preliminary Processes

- 1.2.1 Any complaint of an alleged contravention of sections 3.14 or 3.16 or Code of Conduct must be made in writing to the relevant Provincial Ethics and Disciplinary Officer.
- 1.2.2 The Provincial Ethics and Disciplinary Officer must, within 48 hours of receipt, inform the Provincial Chairperson, Provincial Secretary and EDC Chairperson of the complaint.
- 1.2.3 Upon receipt of a complaint the Provincial Ethics and Disciplinary Officer shall conduct an investigation which includes the gathering of evidence from the complainant, the Contravener and any other persons as may be necessary to investigate the matter in question.
- 1.2.4 Upon completion of the investigation the Provincial Ethics and Disciplinary Officer must submit a written report to the EDC Chairperson, the Provincial Chairperson and the Provincial Secretary for a PEC meeting to be convened to:
 - 1.2.4.1 Consider the case for automatic termination of membership;
 - 1.2.4.2 Determine whether a disciplinary hearing is required;
 - 1.2.4.3 Refer the matter for mediation in terms of 4.9.6. of the IC;
 - 1.2.4.4 Dismiss the complaint;
- 1.2.5 In the case of an automatic termination of membership, the Contravener must be given at least 72 hours (seventy-two hours) to provide written reasons why their membership should not be terminated.
- 1.2.6 Prior to the convening of the PEC meeting to deliberate on the investigation report of the Provincial Ethics and Disciplinary Officer, the EDC Chairperson will issue written advice to the Provincial Chairperson, Provincial Secretary and Provincial Ethics and Disciplinary Officer opining on the recommendations of the investigation report.
- 1.2.7 In the event that a disciplinary hearing is required, the PEC shall appoint a Panel consisting of a minimum of 3 (three) and a maximum of 5 (five) members of the Party, who may not be members of the PEC, which panel shall be appointed to conduct a specific disciplinary hearing.
- 1.2.8 The PEC shall appoint a Chair for the Panel from amongst the members of the Panel.

- 1.2.9 The PEC must appoint a suitably qualified person, who is a member of the Party to act as a Prosecutor during the disciplinary hearing who must begin by compiling a charge sheet.
- 1.2.10 No conflicted persons may form part of any of the PECs deliberations pertaining to a disciplinary matter and must be recused or recuse themselves from the discussion of the matter in any of the PEC meetings convened to address it.
- 1.2.11 The notice of the disciplinary hearing must be served on the Contravener 3 (three) days prior to the commencement of the disciplinary hearing and may be served by electronic mail, text message and WhatsApp.
- 1.2.12 The charge sheet and copy of the documents to be relied upon by the prosecution must be served on the Contravener 3 (three) days prior to commencement of the disciplinary hearing and may be served by electronic mail, text message and WhatsApp.
- 1.2.13 Save for an exceptional circumstance arising, no disciplinary hearing will be postponed and members, are expected to avail themselves and prioritise preparation for any attendance at the scheduled date and time of the disciplinary hearing.
- 1.2.14 All responses must be filed with the Chair of the Panel.
- 1.2.15 The Chair of the Panel shall issue dates for the hearing, the Chair of the Panel shall set aside as many days as is required for the hearing.
- 1.2.16 A Contravener is not entitled to external legal representation during the hearing; however, the Contravener may be represented by a member of the Party providing such a member was a member of the party prior to the receipt of the complaint.
- 1.2.17 In the event the Contravener or his or her representative is unavailable on the date of the hearing, such unavailability is not grounds for a postponement. It is the duty of the Contravener to ensure their availability and that of their representative for the hearing.
- 1.2.18 All heads of argument, if any, shall be filed with the Chair of the Panel, no later than 24 (twenty-four) hours prior to the hearing.

1.3 Alternative Processes

- 1.3.1 In the event that the Contravener is the Provincial Chairperson, Provincial Secretary or a national office bearer as contemplated in this IC, the processes outlined in 1.2 above will be followed with the Senate substituting the role of the PEC.
- 1.3.2 A PEC may, for any reason it deems necessary, resolve for the processes of a disciplinary matter outlined in 1.2 above, to be referred to the Senate.

1.4 The Hearing

- 1.4.1 The disciplinary hearing shall take place on the agreed date and at the time and venue determined by the Chair of the Panel.
- 1.4.2 Hearings may be held virtually, upon request from either party and at the discretion of the Chair of the Panel.
- 1.4.3 Each party shall have an opportunity to present their case to the Panel and each party shall be afforded an opportunity to respond to the version of events placed in front of the Panel by the opposing party.
- 1.4.4 Any further oral argument shall be at the request of the party doing so and shall be determined by the Chair of the Panel in consultation with the other members of the Panel.

1.5 Judgement And Appeal

- 1.5.1 The Chair of the Panel shall, in consultation and in concurrence with the other members of the Panel append a written judgement concerning the outcome of the hearing of the Panel. The Judgement and the recommendations of the Panel must be sent to the Provincial Chairperson, Provincial Secretary and EDC Chairperson.
- 1.5.2 Prior to the convening of the PEC meeting to deliberate on the disciplinary committee judgement, the EDC Chairperson will issue written advice to the Provincial Chairperson, Provincial Secretary and Provincial Ethics and Disciplinary Officer opining on the recommendations of the judgement.
- 1.5.3 The PEC may either confirm, reject, and/or amend the recommendations of the Panel.
- 1.5.4 The PEC may, at its discretion, impose a sanction against the Contravener, said sanctions are limited to:
 - 1.5.4.1 A public or internal apology;
 - 1.5.4.2 a written warning;
 - 1.5.4.3 a remedial course related to the offense;
 - 1.5.4.4 a reasonable monetary fine;
 - 1.5.4.5 removal from party office;
 - 1.5.4.6 the suspension of membership of a non-public representative; and (or)
 - 1.5.4.7 the termination of membership.
- 1.5.5 The judgement and sanction of the PEC shall be binding on the Contravener and must be communicated in writing within 48 (forty-eight) hours of the PEC decision, to both the Contravener and EDC Chairperson, conveying the right of both or either of the Contravener or EDC Chairperson to an appeal.

- 1.5.6 An Appellant may initiate an appeal by making written representations to the National Chairperson of the Party within 3 business days of the communication of the PEC decision to the Contravener.
- 1.5.7 For an appeal to be valid, an appeal must make a *prima facie* case for substantive or procedural unfairness of the PECs decision.
- 1.5.8 The Appeals Body may invite the Provincial Chairperson, Provincial Secretary, Provincial Ethics and Disciplinary Officer or EDC Chairperson to make representations in response to an appeal.
- 1.5.9 The Appeals Body shall adjudicate the matter on the papers.
- 1.5.10 The Appeals Body shall meet to consider the appeal and will be limited to assessing the substantive or procedural fairness of the PEC's decision.
- 1.5.11 The Appeals Body will be limited to upholding or dismissing an appeal, amending a sanction or referring the matter back to the PEC to address any procedural irregularity found.
- 1.5.12 The ruling of the Appeals Body must be issued in writing to the Provincial Chairperson, Provincial Secretary, Appellant and EDC Chairperson and shall be full and final with no other processes of review other than to the High Court of South Africa.

1.6 General Provisions

- 1.6.1 The provisions of this annexure are binding and must be applied consistently. Ignoring or bypassing these rules is prohibited.
- 1.6.2 The disciplinary procedures set out in this annexure must be followed in full. Under no circumstances may these processes be shortened, omitted, or altered, except where permitted by the IC.
- 1.6.3 This annexure may only be amended by resolution of the Senate.