

# **AFRICAN CHRISTIAN DEMOCRATIC PARTY (ACDP) CONSTITUTION**

As amended and adopted at the National Convention of the African Christian Democratic Party (ACDP) in Henley-on-Klip on 2 November, 2007.

Drafted by the ACDP National Constitutional Committee

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# AFRICAN CHRISTIAN DEMOCRATIC PARTY CONSTITUTION

## **1. NAME**

The name of the Party shall be:

THE AFRICAN CHRISTIAN DEMOCRATIC PARTY (hereinafter referred to as “the Party”)

## **2 FOUNDING STATEMENT**

- 2.1 The Party believes that South Africa is a Nation under the Almighty God.
- 2.2 The Party represents:
  - 2.2.1 A fresh start for a new South Africa. It is a party uncontaminated by the past;
  - 2.2.2 A multiracial leadership emanating from diverse political backgrounds, united behind common principles to bring hope to the nation;
  - 2.2.3 A genuine federal framework of government with original constitutional powers at the lowest possible level;
  - 2.2.4 Development through the empowerment of grassroots communities and the individual;
  - 2.2.5 Christian values and norms; the proper foundation for Personal Freedom, National Unity, Reconciliation, Justice, Peace and Security;
  - 2.2.6 A determination to address the critical issues such as poverty, security, the economy, housing, education, health care, and land ownership, etc. based on proven successful policies;
  - 2.2.7 A vibrant open market economy, creating opportunities for all to prosper.
- 2.3 The Party stands for Christian principles, freedom of religion, an open market economy, family values, community empowerment and human rights in a federal system.

## **3 PRINCIPLES**

- 3.1 We believe there is one Creator God, eternally existent in three persons, Father, Son, and Holy Spirit. We believe in the Lordship of Jesus Christ.
- 3.2 We believe the Holy Bible to be the inspired, inerrant written word of God and the final authority above all Man’s laws and government.
- 3.3 We believe civil government is under the authority of God.

- 3.4 We believe that biblical principles provide the proper foundations for civil government's role to ensure personal freedom, family values, justice, peace, security, national unity and reconciliation for the nation and its citizens.

#### **4. AIM OF THE PARTY**

The aim of the Party is:

- 4.1 To promote, uphold and defend Christian Family Values;
- 4.2 To provide strong Christian leadership and to defend, promote and uphold Biblical principles in legislation;
- 4.3 To contend for, and attain the leadership of the government of the Republic of South Africa through the continuing democratic process;
- 4.4 To participate in the political arena and government in South Africa with a policy based on the principles set out in clause 3;
- 4.5 To strive for the development of a broad front for peaceful co-operation, relations, joint-strategies and alliances with organizations which, and persons who are pursuing similar objectives.

#### **5. LEGAL PERSONALITY AND POWERS**

- 5.1 The Party shall be a body corporate with perpetual succession.
- 5.2 The Party may own, purchase, sell, hire, lease, mortgage, pledge or in any other way alienate or deal with both movable and immovable property and, furthermore, perform all such legal activities authorized by this Constitution or such activities as may be necessary for the party to function effectively.
- 5.3 All moneys received and collected in the name of the Party shall vest in the Party itself.

#### **6. MEMBERSHIP**

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

- 6.1.1 Have attained the legally acceptable age;
- 6.1.2 Subscribe to the Constitution of the Party;
- 6.1.3 Have signed the Membership Application form;
- 6.1.4 Have paid the annual membership fee;
- 6.1.5 Agree to be bound by the Party's procedures and to be subject to the authority of the party officials;

6.1.6 Do not belong to any other political parties or organizations, as defined by the rules or by-laws of the Party.

6.1.7 A member may resign from the party by handing in a written resignation to his/her immediate chairman. Such resignation will have immediate effect, but will not interrupt any processes in terms of clause 7, including dispute resolution in terms of the rules.

## 6.2 VALIDATION AND RENEWAL

6.2.1 New membership may, upon recommendation by the Branch Executive Committee, be granted by the Regional Executive Committee (REC) or where no Regional Executive Committee is in place, by the Provincial Executive Committee (PEC).

6.2.2 Membership fees are payable annually from 1 January to 31 December and audited on or before the first of March of the preceding financial year of the Party.

## **7. DISCIPLINE, APPEAL AND ARBITRATION**

7.1 Grounds for disciplinary action shall be:

7.1.1 Failure to conform to Party Policy laid down by the National Convention, or contravention of any provision of this Constitution, the rules made under it, or a decision competently taken at any properly constituted meeting of the party, at national, provincial, regional, or branch level;

7.1.2 Making of public statements which are in conflict with Party Policy;

7.1.3 Conduct which brings, threatens to bring or is deemed to bring the Party into disrepute; which conduct shall include, but not be limited to, that mentioned in the rules;

7.1.4 Any other unlawful conduct relating to the affairs of the Party.

7.3 A disciplinary panel, arbitrator or appeal panel may impose the sanctions as set out in the rules.

7.4 Any sanction referred to in clause 7.3 and the rules may be suspended wholly or in part upon such conditions as the disciplinary panel, arbitrator or appeal panel may deem appropriate.

7.5 A sentence thus imposed shall remain in force and effective notwithstanding any pending appeal.

7.6 A dispute resolution procedure as set out in the rules can be requested by any member, office-bearer or Party structure.

8. Deleted.

## **9. THE GUARDIAN COMMITTEE**

- 9.1 GUARDIAN COMMITTEES at National, Provincial, Regional and Branch levels shall monitor the integrity of Party policies and leaders.
- 9.2 The President, in consultation with the Deputy-President, Party Chairman and Church Liaison Officer, shall appoint a National Guardian Committee (hereafter abbreviated NGC) of no more than nine, and no less than seven born-again, spiritually mature Christians of good standing in the community, of whom the majority shall not be members of the Party, who shall have the duty to perform an eldership role to ensure:
  - 9.2.1 That the policies of the Party remain true to the Gospel of Jesus Christ and that they are Biblically sound;
  - 9.2.2 That Party office bearers and political leaders are born again, spiritually mature Christians of integrity;
  - 9.2.3 That the Guardian Committees function in accordance with procedures and rules as laid down by the NEC in consultation with National Guardian Committee (NGC).
- 9.3 Guardian Committee members may also act as mediators and arbitrators in the event of disputes between parties and shall endeavour, after disciplinary hearings, to reconcile parties.
- 9.4 The Provincial Executive Committee shall appoint a Provincial Guardian Committee (PGC) and the Regional Executive Committee shall appoint a Regional Guardian Committee (RGC) consisting of at least three members of which the majority shall not be members of the Party, to perform an eldership role as aforementioned at Provincial and Regional Levels respectively.
- 9.5 The Branch Executive Committee shall appoint a Local Guardian Committee consisting of at least three members of which the majority shall not be members of the Party from amongst persons nominated by the Regional Executive Committee or where no region is in place, the Provincial Executive Committee, to perform an eldership role as aforementioned, at Branch Level.
- 9.6 Such Guardian Committees shall hold office until reconstituted, which reconstitution may be done at any time to be determined by the President or the relevant Executive Committee in their sole discretion.
- 9.7 No member of the Party shall be elected or appointed to any office in the Party or any government structure at any level, unless approved by the appropriate Guardian Committee: Provided that such approval shall not be valid for more than five years.
- 9.8 A Member who is not satisfied with any decision of a Local Guardian Committee shall have the right to be re-screened by the Provincial Guardian Committee, whose ruling shall be final. There shall however be no right to be re-screened following any decision of any Provincial or National Guardian Committee. The Guardian Committees on various levels must furnish reasons for their decisions after screenings when requested to do so by the screened members.

9.9 The afore-mentioned Guardian Committee members shall operate in good faith to uphold the good name and standing of the Party, and in accordance with the Rules and Procedure document.

## **10. NATIONAL CONVENTION**

### **10.1 FREQUENCY**

10.1.1 A NATIONAL CONVENTION shall be held at least every three years. The National Convention must decide when the next National Convention will be held failing which it will be held every two years..

10.1.2 PROVINCIAL, REGIONAL and BRANCH CONVENTIONS must be held in the same year that a NATIONAL CONVENTION will be held. However, they can also be held more frequently should the Provincial or Regional Council respectively so determine.

### **10.2 POWERS**

10.2.1 The NATIONAL CONVENTION shall be the supreme policy making body of the party.

10.2.2 The NATIONAL CONVENTION explicitly reserves the power to:

10.2.2.1 Elect the President and Deputy President of the Party;

10.2.2.2 Ratify or elect the FEDERAL COUNCIL OF PROVINCES of the Party;

10.2.2.3 Ratify or amend Party Policy;

10.2.2.4 Determine the annual Membership Fee;

10.2.2.5 Amend this Constitution except for Party PRINCIPLES;

10.2.2.6 Vote on resolutions presented by Branches;

10.2.2.7 Appoint auditors.

### **10.3 CALLING A NATIONAL CONVENTION**

10.3.1 The calling of a NATIONAL CONVENTION shall be by letter, transmitted by post, fax or e-mail from the secretary-general of the Party, to all branches of the Party, not less than 60 days prior to the date set for the NATIONAL CONVENTION.

10.3.2 Branch delegates to the NATIONAL CONVENTION and their alternates shall be elected at a branch meeting.

10.3.3 Proper delegate credentials shall be presented at the National Convention, after having been duly signed by the Branch Chairman and Secretary.

10.3.4 A special NATIONAL CONVENTION may be called at the discretion of the National Executive Committee by not less than 21 clear days written notice to the Provincial, Regional, and Branch Chairmen.

10.3.5 The notice calling any regular or special NATIONAL CONVENTION to amend this Constitution, shall expressly stipulate the proposed amendments.

#### 10.4 DELEGATES

10.4.1 The following Party members shall be eligible to attend and vote as delegates to the NATIONAL CONVENTION:

10.4.1.1 Members of the FEDERAL COUNCIL OF PROVINCES, NATIONAL, PROVINCIAL and REGIONAL EXECUTIVE COMMITTEES;

10.4.1.2 Members of the NATIONAL and PROVINCIAL parliaments as well as all Councillors;

10.4.1.3 Not more than the number of branch delegates or their alternates as determined by the size of the branch as specified in the Rules.

10.4.1.4 Elected members of the National, Provincial and Regional Executive Committees of the Women of Destiny and Youth Foundation, where such structures are properly constituted and active as defined in the Rules and Procedures.

10.4.2 The NATIONAL CONVENTION shall be open to members as non-speaking and non-voting observers.

#### 10.5 AMENDMENT OF THIS CONSTITUTION

10.5.1 This constitution shall not be amended other than by a two-thirds majority of delegates present and voting at the National Convention. No amendments to this Constitution shall be debated and decided upon unless written notice has been given in terms of this Constitution. Notwithstanding the provisions of this clause, a four-fifths majority of all those present and voting at the National Convention may agree to debate and decide upon proposals to amend this Constitution.

10.5.2 The term National Convention shall refer to both a special National Convention and a regular National Convention.

### **11. NATIONAL ORGANISATION**

#### 11.1 FEDERAL COUNCIL OF PROVINCES (FCOP)

11.1.1 The Federal Council of Provinces shall comprise of all Members of Parliament, six representatives from each active Province as submitted, and one representative from each of the Women of Destiny and Youth Foundation plus all voting members of the

NEC, who are not part of the FCOP (as ex-officio members with voting rights). The Federal Council of Provinces shall, from amongst themselves, elect a Chairman, Deputy-Chairman, and Secretary.

- 11.1.2 Deleted (November 2004).
- 11.1.3 The Federal Council of Provinces shall meet at least twice a year and at the National Convention of the Party.
- 11.1.4 The Federal Council of Provinces shall be the principal organ for the formulation of internal and external policies of the Party when the National Convention is not in session.
- 11.1.5 The Federal Council of Provinces shall have the power to order the submission of any report, document, material, money, or to call for proper accounting from any member or office bearer of the Party, or any organ of the Party, for the purposes of exercising its powers in this Constitution.
- 11.1.6 The Federal Council of Provinces shall have the power to refer any matter to an ad hoc sub-committee for examination or investigation.
- 11.1.7 The Federal Council of Provinces may review any resolution, recommendation or decision of the NEC, or any subsidiary council, committee or office-bearer of the Party.
- 11.1.8 A quorum at meetings of the Federal Council of Provinces shall be 50% plus one of the voting members of the Council.
- 11.1.9 The Federal Council of Provinces may determine rules to govern the holding of its meeting and the carrying on of the business of the Council.
- 11.1.10 Subject to clause 11.2.6.8, the NEC and the FCOP will jointly list candidates for National Elections.

## 11.2 THE NATIONAL EXECUTIVE COMMITTEE

- 11.2.1 The National Executive Committee shall elect from amongst its own members, at least the following thirteen office-bearers:

- The Party Chairman
- The Party Deputy Chairman
- The Party Secretary-General
- The National Elections Manager
- The Party Organizer
- The Party Treasurer
- The Party Policy Co-ordinator
- The Party Media Officer
- The Public Relations Officer
- The Party Whip
- The Party Legal Advisor
- The Party Projects Director

## The Church Liaison Officer

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

- 11.2.2 The members of the National Executive Committee, save for the Party President, the Deputy-President, the Women of Destiny and Youth League representatives, shall be appointed by the President at the National Convention from names forwarded by the PEC's. The names of candidates will be elected by the PC's onto a candidate's list. Additional persons with specific expertise may be appointed from outside the candidates list but such persons shall be non-voting.
- 11.2.3 The National Executive Committee shall meet on a regular basis to conduct the business of the Party.
- 11.2.4 The National Executive Committee may determine the areas of jurisdiction of Provinces of the Party.
- 11.2.5 The quorum at meetings of the National Executive Committee shall be fifty percent plus one of the voting members.
- 11.2.6 The National Executive Committee shall, subject to the provisions of this Constitution also have the power:
  - 11.2.6.1 To engage and dismiss employees of the Party, to determine their remuneration and to define their duties;
  - 11.2.6.2 To appoint from time to time such Commissions of Enquiry , mediators and arbitrators and sub-committees as it may deem fit;
  - 11.2.6.3 To institute or defend legal proceedings by or against the Party, as the case may be;
  - 11.2.6.4 To open and operate a banking account in the name of the Party;
  - 11.2.6.5 To delegate any duty or power to any person or organ of the Party in the interests of the Party;
  - 11.2.6.6 To promulgate rules, and by-laws relating to any matter reasonably ancillary to the Constitution which it considers necessary to achieve the aims and further the objectives of the Party. These rules and by-laws may determine and assign functions, duties, and authority; Provided that they may be amended to contain further grounds for disciplinary action and further penalties in the event of a transgression. The reasons for any rules to be added, amended or deleted by the NEC must be furnished to the FCOP in the form of a memorandum;
  - 11.2.6.7 To attend meetings of the Federal Council of Provinces for the purpose of formulating Party Policy;

- 11.2.6.8 To elect candidates for elections, having the discretion to finalise National and Provincial lists;
- 11.2.6.8A To finalise Provincial Lists only in the event of inactive Provinces or where provinces do not adhere to the methods, formulae and criteria accepted by the FCOP, in consultation with leadership of the Province concerned, using methods, formulae and criteria accepted by the FCOP.
- 11.2.6.9 To summarily suspend anyone without a hearing, whenever it is considered necessary in the interests of the Party, in its sole discretion, with immediate effect. Provided that such suspension shall not take place without prior communication with the member concerned, unless such communication is not possible, as determined by the NEC. A disciplinary hearing or mediation and arbitration process initiated by the National Party Whip or delegated official, and held in terms of this Constitution and rules, shall follow such suspension;
- 11.2.6.10 To ensure that the Provincial structures of the Party function democratically and effectively;
- 11.2.6.11 To issue and send directives and instructions to, and receive reports from, the Provinces, Women of Destiny and Youth;
- 11.2.6.12 In consultation with the FCOP, to suspend or dissolve a PEC where necessary and call for new elections to take place within three months. The NEC may appoint an interim administrator for the province pending new elections. The suspension or dissolution may not last for more than six months and must be considered by the FCOP at its next meeting;
- 11.2.6.13 To oversee the work of the Women of Destiny and the Youth League; and
- 11.2.6.14 Generally to do all things necessary to prosper the Party, yet without violating the federal nature of the Party.

### 11.3 THE NATIONAL PARLIAMENTARY CAUCUS

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

## **12. PROVINCIAL ORGANISATION**

- 12.1 A Provincial Council shall be constituted at the Provincial Convention of delegated members in the relevant province in the Republic of South Africa.
- 12.4 The procedure for calling meetings, determining the quorum and delegated members for a Provincial Council meeting is specified in the Rules and Procedures Manual.

- 12.5 The management of a Provincial Council shall vest in a Provincial Executive Committee (PEC), comprising not less than three persons elected at a meeting of the Provincial Council. The chairperson of the Provincial Council may also be Chairperson of the Provincial Executive Committee.
- 12.6 The duty of adapting national policies for provincial application shall vest in a Provincial caucus, elected by the Provincial Council subject to the Provincial Executive Committee having the right to appoint and permit the co-option of additional members or appointing ex officio, non-voting experts for specific input.
- 12.6.1 The Provincial Council shall have the following powers:
- 12.6.1.1 To interpret Party policy at Provincial level;
- 12.6.1.2 To ensure that Regional and Branch structures function democratically and effectively;
- 12.6.1.3 To order the production of any report, document, material, money, or to call for proper accounting from any member or office bearer of the Party insofar as it relates to the business of the Party within the Province whether on Provincial, Regional or Branch level.
- 12.6.1.4 To order the submission of any report, document, material, money, or to call for proper accounting from any provincial member or office bearer of the Party, or any organ of the Party, for the purposes of exercising its powers within the Province.
- 12.6.1.5 To refer any provincial matter to an ad hoc sub-committee for examination or investigation.
- 12.6.1.6 To review any resolution, recommendation or decision of the PEC, or any subsidiary council, committee or office-bearer of the Party.
- 12.8 The Provincial Executive Committee shall, subject to any rules, by-laws and procedures promulgated by the National Executive Committee, have the following powers and duties at a provincial level:
- 12.8.1 To appoint from time to time such sub-committees as it may deem fit;
- 12.8.2 To open and operate a banking account in the name of the Party;
- 12.8.3 To list candidates for elections;
- 12.8.4 To forward minutes and financial reports to the National Executive Committee after each meeting;
- 12.8.5 To determine the areas of jurisdiction of branch and regional structures of the Party;
- 12.8.6 To engage and dismiss employees of the Party, to determine their remuneration and to define their duties;

- 12.8.7 To delegate any duty or power to any person or organ of the Party in the interests of the Party;
- 12.8.8 To attend meetings of the Provincial Council for the purpose of formulating Party policy;
- 12.8.9 To issue and send directives and instructions to, and receive reports from, regions and branches;
- 12.8.10 To summarily suspend anyone without a hearing, whenever it is considered necessary in the interests of the Party, in its sole discretion, with immediate effect. Provided that such suspension shall not take place without prior communication with the member concerned, unless such communication is not possible, as determined by the PEC. A disciplinary hearing or mediation and arbitration process initiated by the Provincial Party Whip or delegated official, and held in terms of this Constitution, shall be instituted within 21 days of such suspension; and
- 12.8.11 To draft Provincial Bylaws (Rules and Procedures), applicable to the appropriate Province, which are not inconsistent with the Party's Constitution or National Rules and Procedures.
- 12.9 Senior Office Bearers:
- 12.9.1 The Provincial Leader
- 12.9.1.1 Shall, in general, act as leader and spokesman of the Party in the Province. The Provincial Leader shall be a voting member of the Provincial Executive Committee.
- 12.9.1.2 May, save when the Provincial Council or Provincial Executive are in session, within the framework of the principles, aims and program of action of the Party, interpret the policy of the Party within the Province;
- 12.9.1.3 Ipso facto, be a member of any caucus, Committee or Standing Committee established in the Province, and shall be entitled to attend such meetings as a full member thereof;
- 12.9.2 The Provincial Chairman shall:
- 12.9.2.1 Be responsible for the convening and organisation of the Provincial Convention;
- 12.9.2.2 Be responsible for the organisation and administration of the Party in the Province and also be responsible for strategic planning and mobilisation;
- 12.9.2.3 Be responsible for all staff matters and functioning of the staff;

- 12.9.2.4 Ipso facto, be a member of any caucus, Committee or Standing Committee established in the Province, and shall be entitled to attend such meetings as a full member thereof;
- 12.9.2.5 Be responsible for convening regular meetings of the members of the Provincial Council.

#### ELECTORAL COLLEGE

- 12.10 Subject to clauses 11.2.6.8 and 12.8.3, the PEC and the PC will jointly list candidates for Provincial Elections.

### **13 REGIONAL ORGANISATION**

- 13.1 The Provincial Executive Committee may authorize the establishment of Regions in geographically defined areas of their respective provinces where it may deem fit as far as possible, in accordance with the geographical boundaries of the various types of municipalities found in that area.
- 13.2 A Regional Council shall comprise the chairman and secretary of each active branch, or their alternates, in the relevant region in the Province.
- 13.3 The procedure for calling meetings, determining the quorum and delegated members for a Regional Council meeting shall be laid down by the National Executive Committee.
- 13.4 The management of a Regional Council shall vest in a Regional Executive Committee, comprising not less than three persons elected at a meeting of the Regional Council.
- 13.5 Deleted
- 13.6 The Regional Executive Committee shall, subject to any by-laws, rules and procedures promulgated by the National Executive Committee or Provincial Executive Committee, have the following powers and duties in its respective region:
- 13.6.1 To appoint from time to time such sub-committees as it may deem fit and to stimulate branch activities and development;
- 13.6.2 To open and operate a banking account in the name of the Party;
- 13.6.3 Subject to clauses 11.2.6.8, 12.8.3, and 12.10 to list candidates for election;
- 13.6.4 To forward minutes and financial reports to the Provincial Executive Committee after each meeting.
- 13.6.5 To determine the areas of jurisdiction of branches of the Party in accordance with the demarcated ward boundaries;
- 13.6.6 To engage and dismiss employees of the Party, to determine their remuneration and to define their duties;

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

## **14 BRANCH ORGANISATION**

- 14.1 The respective Provincial Executive Committees, or the National Executive Committee, shall authorize the establishment and continued functioning of Branch Executive Committees at its discretion.
- 14.2 Members at local level shall be duty bound to hold regular public meetings where party principles and policies shall be explained and members of the public encouraged to join the Party.
- 14.3 Regular meetings shall also be held to conduct the general business of the Party.
- 14.4 Members at local level shall elect, at a Branch Convention, a Branch Executive Committee, which shall be responsible for the implementation of the policies and principles of the Party, and for the conducting of Party affairs at local level.
- 14.5 The Branch Executive Committee shall elect from its number a Chairman, Secretary, and Treasurer (and, at its discretion, may elect other persons who shall constitute a Branch Executive Committee).
- 14.6 The Branch Executive Committee shall, subject to any by-laws and procedures promulgated by the National Executive Committee (NEC), have the following powers and duties:
  - 14.6.1 To appoint from time to time such sub-committees as it may deem fit;
  - 14.6.2 To open and operate bank account in the name of the Party;
  - 14.6.3 Subject to clauses 11.2.6.8, 12.8.3, 12.10 and 13.6.3, to list candidates for election; and
  - 14.6.4 To forward minutes and financial reports to the Provincial Executive Committee after each meeting.

## **15 PRESIDENTIAL POWERS**

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

## **16 WOMEN'S LEAGUE AND YOUTH LEAGUE**

- 16.1 A Women's League and a Youth League may be established to facilitate the Party in achieving its aims and objectives.
- 16.1.1 The Women's League, henceforth to be known as Women of Destiny, will function as an autonomous body within the overall structure of the Party, of which it will be an integral part, with its own Constitution, provided that that Constitution shall not be in conflict with the Party's Constitution and policies.
- 16.1.2 The Youth League will function as an autonomous body within the overall structure of the Party, of which it will be an integral part, with its own Constitution, provided that that Constitution shall not be in conflict with the Party's Constitution and policies.

## **17 FINANCE**

- 17.1 The Treasurers of every Committee of the Party shall be accountable for the receiving of monies and for expenditure incurred by the Party on behalf of the respective Committee.
- 17.2 The National Treasurer shall have the additional duty to consolidate the financial reports from the Provincial, Regional and Local Branch Committees.
- 17.3 The National Treasurer shall have the authority to lay down such financial policy and procedures as may be necessary for the proper accounting of the Party's financial transactions.
- 17.4 The National Treasurer shall be responsible for preparing an Annual Balance Sheet and Income and Expenditure Statement, which shall be subject to audit. This provision shall not require every set of financial statements for Local Branches, Regional and Provincial Committees to be audited, but this may be required at the discretion of the National Treasurer or the auditors of the Party.

- 17.5 The National Executive Committee, in its discretion shall be empowered from time to time, to conduct Fund Raising Campaigns and may delegate this function to lower structures at it's discretion.

## **18 PUBLICITY**

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

## **19. INDEMNITY AGAINST LEGAL CLAIM FOR DAMAGES**

- 19.1 Subject to the provisions of any relevant statute and to clause 20, each member of the party and all other office-bearers shall be indemnified by the Party, for all acts done by them in good faith on its behalf, and it shall be the duty of the Party to pay all costs and expenses which any such person incurs or becomes liable for as a result of any contract entered into, or act or deed done by him or her, in his or her said capacity, in the bona fide discharge of his or her duties on behalf of the Party.
- 19.2 Subject to the provisions of any relevant statute, no Party member or other office-bearer shall be personally liable for the acts, receipts, neglects or defaults of any other member or office-bearer; or for having joined in any receipt or other act for conformity; or for any loss or expense suffered by the party through the insufficiency or deficiency of title to any property by the party, or for the insufficiency or deficiency of any security in or on which the monies of the party may be invested; or for any loss or damage arising from the bankruptcy, insolvency or delictual act of any person with whom any monies, securities or effects are deposited; or for any loss or damage caused in any other way, which occurs in the execution of the duties of his or her office or in relation thereto.
- 19.3 Subject to the provisions set out herein or in the rules, no member shall institute any legal proceedings against the Party or any member thereof whether to recover any loss or damages (special or general) or otherwise as a result of any acts or neglects of any Party member, or any other office bearer done by them in good faith on behalf of the Party, save through a mediation and arbitration process in terms of the rules.<sup>2</sup>

## **20. INDEMNITY FROM LEGAL LIABILITY**

Only National, Provincial, Regional or Branch office-bearers shall have the authority to bind the Party at the appropriate level, in accordance with duties or powers conferred on them by this

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<sup>2</sup> This clause limits actions against the party to recover damages or otherwise where the party acts bona fide, subject to clause 7.3 if that option is followed..

Constitution or the relevant authority in the party, or to create any legal relationship. Any person purporting to bind the party must produce written evidence of their authority.