



# ACTAS ONE

**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.

In spite of 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 still persists.

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, as 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 fundamental purpose – to serve us.

As a family-oriented, enterprising and proud nation, we will not be held back any longer. We will work together to unseat those who have failed us and put in place a new alternative that will take South Africa forward. We will bring the solutions that are needed in our country and we will work, side by side, together, in our righteous efforts.

Together, 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.

**INDEX**

**Chapter One**

**1. FOUNDATIONAL PRINCIPLES**

- 1.1 Name
- 1.2 Founding Principles
- 1.3 Legal Personality

**Chapter Two**

**2. LEADERSHIP**

- 2.1 President
- 2.2 The Chairperson
- 2.3 The Convention Treasurer
- 2.4 The Fundraising Chairperson
- 2.5 Regional Chairpersons
- 2.6 Constituency Chairpersons
- 2.7 Branch Chairpersons

**Chapter Three**

**3. PARTY STRUCTURES**

- 3.1 The People's Convention
- 3.2 The Senate
- 3.3 The Convention Council
- 3.4 The Convention Finance Committee
- 3.5 Provincial Structures
- 3.6 Regions
- 3.7 Constituencies
- 3.8 Branches
- 3.9 Membership
- 3.10 Refusal of Membership
- 3.11 Termination of Membership
- 3.12 Caucuses

3.13 Failure of Structures

3.14 Voting

**Chapter Four**

**4. DISCIPLINARY MATTERS**

4.1 Code of Conduct for Members and Public Representatives

4.2 Disciplinary Body and Procedures

**Chapter Five**

**5. GENERAL**

**Chapter Six**

**6. TRANSITIONAL ARRANGEMENTS**

## CHAPTER ONE

### 1. FOUNDATIONAL PRINCIPLES

#### 1.1 NAME

1.1.1 The name of the Party is ActionSA, without abbreviation.

#### 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

A job for every South African, a home for every family and a future for every child 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 a job in every home, a home for every family and a future for every child 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 of 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 26 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 partners in our efforts to create jobs and reduce inequality.
- The role of government is not 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 who cannot help themselves.
- Social grants are necessary to protect the most vulnerable in our society, but we must work hard to give those on social welfare, and 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 act 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 the greatest obstacle 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 undermines 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 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.
- We must act as one against all forms of prejudice and injustice and actively work to build an inclusive society.
- Land reform must be accelerated. Land must be redistributed in a fair manner. We stand against Expropriation Without Compensation and amending the Constitution. 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 representation in the Legislative arm of government at the expense of direct accountability. 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 in the economy.
- Classrooms should never be seen political playgrounds. We must act as one against the politicization of the education system and break the stranglehold of unions.

### 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. Appointments should be based on merit, competence and a commitment to ethical service.

## 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 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 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 organisation and the administrative head of the professional staff body.
- 2.2.3 The Chairperson is tasked with the day-to-day organizational matters of the Party and the implementation of approved strategies arising from relevant structures.
- 2.2.4 The Chairperson presides over meetings of the People's Convention as well as meetings of the Senate.
- 2.2.5 The Chairperson is the custodian of the Party's policies 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.
- 2.2.6 The Chairperson may, after consultation and in concurrence with the President, legally bind the Party.
- 2.2.7 The Chairperson shall carry the delegated organisational functions of the Party and may, after consultation and in concurrence with the President, sub-delegate delegate powers.
- 2.2.8 The Chairperson is an *ex officio* member of any and all structures of the Party.

2.2.9 Should any irreconcilable differences of strategy or opinion 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 **PROVINCIAL CHAIRPERSONS**

2.3.1 Each province shall elect a Provincial Chairperson for a 5 (five) year term at the People's Convention.

2.3.2 The Provincial Chairperson will act as the Party's official spokesperson on all matters affecting the province in which the Provincial Chairperson represents.

2.3.3 The Provincial Chairperson shall advance the Party's Founding Principles and is tasked with leading the organisation, advancing the Party's image and reputation within the jurisdiction of the province they lead.

2.3.4 The Provincial Chairperson will represent their province in The Senate, and will be responsible for communicating and implementing the decisions taken by The Senate.

2.3.5 The Provincial Chairperson will make recommendations to the Senate on the appointment of the:

2.3.5.1 Provincial Secretary;

2.3.5.2 Provincial Fundraising Coordinator;

2.3.5.3 Provincial Treasurer;

2.3.5.4 Regional Campaign Manager within the Province.

2.3.6 The Provincial Chairpersons will report jointly to the President and the National Chairperson.

### 2.4 **THE CONVENTION TREASURER**

2.4.1 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.

2.4.2 The Convention Treasurer shall call and chair meetings of the Convention Finance Committee.

2.4.3 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.

2.4.4 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.

### 2.5 THE FUNDRAISING CHAIRPERSON

2.5.1 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.

2.5.2 The Fundraising Chairperson is tasked with initiating and co-ordinating the Party's fundraising activities.

2.5.3 The Fundraising Chairperson will coordinate the activities of the Provincial Fundraising Coordinators.

### 2.6 REGIONAL CAMPAIGN MANAGER

2.6.1 Each Region will be led by a Regional Campaign Manager, appointed by the Senate on advice from the Provincial Chairpersons.

2.6.2 Each Regional Campaign Manager, shall be appointed for a period of 5 (five) years.

2.6.3 Regional Campaign Managers 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.

2.6.4 Regional Campaign Managers will account to the Provincial Chairpersons and the Director of Operations.

### 2.7 CONSTITUENCY CAMPAIGN MANAGERS

2.7.1 Each Constituency will be led by a Constituency Campaign Manager, appointed by the Provincial Chairperson, on the advice of the Regional Campaign Managers.

2.7.2 Each Constituency Campaign Manager shall be appointed for a period of 5 (five) years.

2.7.3 Constituency Campaign Managers will account to the Regional Campaign Manager and the Provincial Chairperson.

### 2.8 BRANCH CAMPAIGN MANAGER

2.8.1 Each Branch will be led by a Branch Campaign Manager.

2.8.2 The Branch Campaign Manager will be the candidate for the ward, selected by the candidate selection process adopted by the Senate.

2.8.3 Each Branch Campaign Manager shall be appointed for a period of 5 (five) years.

### **CHAPTER THREE**

## **3. PARTY STRUCTURES**

### **3.1 THE PEOPLE'S CONVENTION**

3.1.1 The People's Convention is the parties highest decision-making structure and meets every 5 (five) years within 6 months of a local govt election.

3.1.2 The composition to The People's Convention, all of whom possessing voting rights, will consist of:

3.1.2.1 The President;

3.1.2.2 The Chairperson;

3.1.2.3 All Members of The Senate;

3.1.2.4 All Members of the Provincial Executive Committees;

3.1.2.5 Delegations from the branches of the provinces, as per an appropriate formula adopted by The Senate with due consideration for representation and logistics;

3.1.2.6 Any invited guests, as proposed by The Senate, who will not have voting rights.

3.1.3 The People's Convention shall elect the following office bearers:

3.1.3.1 The President;

3.1.3.2 The Provincial Chairpersons;

3.1.4 Each office bearer mentioned in clause 2.2.2 shall be elected through an electoral system adopted by The Senate.

3.1.5 The People's Convention shall be tasked with the review and adoption of all of the Party's policies.

### **3.2 THE SENATE**

3.2.1 The Senate is the Party's highest decision-making body, when The People's Convention is not convened, and makes all necessary decisions.

3.2.2 The Senate may review, amend or adopt policies.

3.2.3 The Senate is comprised of the following persons:

- 3.2.3.1 The President;
  - 3.2.3.2 The Chairperson;
  - 3.2.3.3 The Provincial Chairpersons;
  - 3.2.3.4 The Convention Treasurer;
  - 3.2.3.5 The Fundraising Chairperson;
  - 3.2.3.6 The Chief Strategist;
  - 3.2.3.7 The Director of Operations;
  - 3.2.3.8 Members of the Party co-opted by the President, not exceeding 10.
- 3.2.4 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 further and maintain the Party's reputation, during the period between meetings of The People's Convention.
- 3.2.5 Only the Senate may financially indebted the Party. No other member may financially indebted the Party, unless said person has been given such authority in writing. Furthermore, the delegation of authority may only allow the delegee to indebted the Party insofar as is allowed in the delegation.
- 3.2.6 The Party's candidate selection committees and procedures shall be determined by the Senate.
- 3.2.7 The Senate shall meet once a month, or as frequently as required, in order to take decisions outlined in clause 3.2.4.
- 3.2.8 The National Chairperson will report to each ordinary meeting of the Senate regarding the state of the Party.

### 3.3 THE CONVENTION COUNCIL

- 3.3.1 The Convention Council is tasked with the day to day management of the Party.
- 3.3.2 The Convention Council is comprised of the following persons:
- 3.3.2.1 The President;
  - 3.3.2.2 The Chairperson;
  - 3.3.2.3 The Chief Strategist;

- 3.3.2.4 The Director of Operations;
  - 3.3.2.5 The Convention Treasurer ;
  - 3.3.2.6 The Fundraising Chairperson;
  - 3.3.2.7 Any other person co-opted by the President, not exceeding 10.
- 3.3.3 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.

#### **3.4 THE CONVENTION FINANCE COMMITTEE**

- 3.4.1 The Convention Finance Committee is tasked with overseeing the management of the Party's finances and is chaired by the Convention Treasurer.
- 3.4.2 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.
- 3.4.3 The Convention Finance Committee is comprised of the following persons:
- 3.4.3.1 The Convention Treasurer;
  - 3.4.3.2 The Chairperson;
  - 3.4.3.3 The Fundraising Chairperson;
  - 3.4.3.4 The Provincial Treasurers.
- 3.4.4 The committee must:
- 3.4.4.1 Review the Party's finances and ensure that they are utilised in a fiscally responsible manner.
  - 3.4.4.2 Ensure that the Party's finances are audited annually and audited financial statements are tabled within 6 months of the financial year end.
  - 3.4.4.3 Ensure that the provincial structures are audited annually and that audited financial statements are tabled within 6 months of the financial year end.
- 3.4.5 Monitor the implementation of the financial policies of the Party.
- 3.4.5.1 Ensure that all audited financial statements are presented to the Senate.

- 3.4.5.1.1 Review the annual and medium-term income and expenditure budget for the Party, said budget must be tabled and approved by the Senate.
- 3.4.5.1.2 Review on a quarterly basis the income and expenditure statements of the Party and raise any matter of concern with the Senate.
- 3.4.5.2       Resolve financial disputes between the Party structures.
- 3.4.5.3       Meet quarterly or more frequently as determined by the Chairperson.
- 3.4.6 The Convention Treasurer must report to every meeting of the Senate.

### **3.5   PROVINCIAL STRUCTURES**

- 3.5.1 Each province within the Republic shall have a Provincial Executive Committee.
- 3.5.2 The Provincial Executive Committee shall consist of:
  - 3.5.2.1       The Provincial Chairperson;
  - 3.5.2.2       The Regional Campaign Managers;
  - 3.5.2.3       The following support functions elected from within the ranks of the PEC:
    - 3.5.2.3.1 Provincial Fundraising Chairperson
    - 3.5.2.3.2 Provincial Treasurer;
    - 3.5.2.3.3 Provincial Secretary;
    - 3.5.2.3.4 4 (four) ordinary members who are not public representatives, appointed by the Provincial Chairperson.
- 3.5.3 The Provincial Executive Committee shall be tasked with the management and co-ordination of provincial party activities.
- 3.5.4 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.
- 3.5.5 The Provincial Executive Committee must ensure that regions and constituencies are formed within the province, and provide management of their functioning.

### **3.6   REGIONS**

- 3.6.1 Each Province will consist of a number of regions, the number and geographical design of which will be adopted by The Senate after consultation with the provinces.
- 3.6.2 Each Region will consist of a Regional Campaign Manager.
- 3.6.3 The function of Region is to oversee work of Constituencies in their task to grow the Party through the implementation of a programme of activities that communicate its offer to its residents.
- 3.6.4 The Regional Campaign Manager will coordinate the activities and management of the Constituencies through the Constituency Campaign Managers.

### **3.7 CONSTITUENCIES**

- 3.7.1 Each Provincial Executive Committee shall, after consultation with the Senate, demarcate constituency boundaries.
- 3.7.2 The function of a Constituency is to oversee work of branches in their task to grow the Party through the implementation of a programme of activities that communicate its offer to its residents.
- 3.7.3 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.
- 3.7.4 Every constituency must have a Constituency Campaign Team, the composition thereof shall consist of:
  - 3.7.4.1 The appointed Constituency Campaign Manager.
  - 3.7.4.2 All Councillors of The Party, elected or appointed to serve in the constituent wards.
  - 3.7.4.3 The Branch Campaign Manager for each of the constituent wards.

### **3.8 BRANCH CAMPAIGN TEAM**

- 3.8.1 The Party shall endeavour to create branches in every ward within the Republic of South Africa.
- 3.8.2 The sole functions of the branch are to:
  - 3.8.2.1 Grow the Party through the implementation of a programme of activities that communicate its offer to its residents.
  - 3.8.2.2 Implement the campaign strategies determined by higher formations.

3.8.2.3 Recruit volunteers.

3.8.2.4 Recruit members.

3.8.3 Branches must establish a Campaign Team, for the purpose of managing their campaign and recruitment objectives.

3.8.4 Each Branch Campaign Team will consist of the:

3.8.4.1 A Branch Campaign Manager

3.8.4.2 The Voting Station Captains appointed by the Branch Campaign Manager, in consultation with the Constituency Campaign Manager.

### 3.8.5 **Membership of Branches**

3.8.5.1 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.

3.8.5.2 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.

3.8.5.3 In the event that no branch has been established in a specific ward then the members who reside in said ward shall be allocated to an adjacent branch by the Provincial Executive Committee.

3.8.5.4 Each member and/or public representative may only be a member of one branch.

3.8.5.5 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.

### 3.8.6 **Branch meetings**

3.8.6.1 A branch shall hold an annual general meeting (AGM) where all members of the branch must be invited to constitute the branch.

3.8.6.2 For a branch to be constituted it must have a minimum of 50 members.

3.8.6.3 Branches shall meet at least once a month to direct the activities of the branch.

## 3.9 **MEMBERSHIP**

3.9.1 Any person can become a member of the Party as long as they comply with the following:

- 3.9.1.1 They are a South African citizen or permanent resident;
  - 3.9.1.2 They are over the age of 16yrs;
  - 3.9.1.3 They believe in and adhere to the Founding Principles of the Party; (Ch 1)
  - 3.9.1.4 They considered themselves bound by the provisions of this Constitution and any binding documents issued by the Senate;
  - 3.9.1.5 They apply, through the prescribed process, to become a member of the Party.
  - 3.9.1.6 They are not a member of another political party.
- 3.9.2 A member's membership takes effect upon completion of the application, and is valid in perpetuity unless a member's membership is terminated by the Party or the member terminates his/ her membership.
- 3.9.3 Public representatives and office bearers of the Party are deemed to be members as long as they serve in either capacity.
- 3.9.4 A member may terminate their membership with immediate effect upon written notice to the Senate. (lower structure)
- 3.9.5 Only a member of the Party may stand for election as a public representative and/or serve as a public representative for the Party.
- 3.10 REFUSAL OF MEMBERSHIP**
- 3.10.1 The Provincial Executive Committee may refuse to accept the membership of any person wishing to join the Party within 60 days of their application.
- 3.10.2 The Senate may refuse to accept the membership of any person wishing to join the Party within 120 days of their application.
- 3.10.3 Either body referred to in clause 3.10.1 and 3.11.2 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 as they do not subscribe to the values and principles of the Party.
- 3.11 TERMINATION OF MEMBERSHIP**
- 3.11.1 A members' membership may be automatically terminated on the occurrence of the following events:
- 3.11.1.1 A member is found guilty, of breaching the code of conduct, by the Ethics and

Disciplinary Committee;

- 3.11.1.2 A member publicly announces their intention to resign from the Party;
- 3.11.1.3 A member submits his or her resignation in writing to the Party;
- 3.11.1.4 A member encourages member/s of the Party and/ or the general public to join, support and/ or vote for another political party;
- 3.11.1.5 A member encourages other members of the Party to resign from the Party;
- 3.11.1.6 A member of the Party who stands against the official Party candidate in an external public election.
- 3.11.1.7 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.
- 3.11.1.8 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.
- 3.11.2 The Senate may terminate any members membership on recommendation of the Ethics and Disciplinary Committee.
- 3.11.3 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 on recommendation of the Ethics and Disciplinary Committee.
- 3.11.4 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 in terms of clause 3.5.1.
- 3.11.5 A member's, staff and/or public representative's membership may be suspended by the Senate while the member is subjected to an investigation and/ or hearing by the Ethics and Disciplinary Committee.
- 3.12 **CAUCUSES**
  - 3.12.1 All members of the Party who are elected to the National Assembly shall form part of the Parliamentary Caucus.
  - 3.12.2 All members of the Party who are elected to provincial legislatures shall form part of the respective provincial legislatures' caucus.

- 3.12.3 All members of the Party who are elected to municipal councils shall form part of the respective municipal councils' caucus.
- 3.12.4 The President shall be the leader of the Parliamentary caucus. 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 an Executive Mayor/ Mayor of a municipal council shall automatically be the leader of the caucus in the municipal council in question.
- 3.12.5 Subject to clause 3.7.4 above, each caucus shall elect a leader from amongst its ranks.
- 3.12.6 Each caucus shall elect/appoint a chief whip and deputy chief whip from amongst its ranks.
- 3.12.7 Each caucus member shall attend every caucus meeting, save for when a leave of absence has been granted by the chief whip.
- 3.12.8 All caucus meetings are confidential and all discussions and decisions are taken with absolute confidentiality.
- 3.12.9 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.
- 3.12.10 All members of the caucus shall perform their duties with the utmost professionalism and dedication.
- 3.12.11 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.
- 3.12.12 No member of a caucus may support a motion of no confidence in an elected leader if the motion of no confidence has not been approved by the Senate.

**3.13 FAILURE OF STRUCTURES**

- 3.13.1 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 outlined in clause 3.9.2.1, this includes but is not limited to dissolving the structure, and imposing an administrator until new leadership is elected or appointed.

**3.14 VOTING**

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

**CHAPTER FOUR**

**4 DISCIPLINARY MATTERS**

**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 determined 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 investigate and conduct any hearings with relation to any alleged breach of the Party's code of conduct and a breach of clause 3.1.1 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 Chairperson, in consultation with The Senate and the Chairperson of the Ethics and Disciplinary Committee, shall appoint other qualified persons to sit on the Ethics and Disciplinary Committee.

**4.2.2 Powers of the Ethics and Disciplinary Committee**

4.2.2.1 The Ethics and Disciplinary Committee is empowered to investigate any complaint of a breach of the Party's code of conduct and an alleged breach of clause 3.1.1 of the Interim Constitution.

4.2.2.2 The Ethics and Disciplinary Committee shall evaluate every complaint regarding a breach of the code of conduct and/or an alleged breach of clause 3.1.1 of the Interim Constitution and determine as to whether a hearing is required, if not, the Ethics and Disciplinary Committee may dismiss a complaint without holding a hearing.

4.2.2.3 If the Ethics and Disciplinary Committee deems it necessary, the complaint in question may be referred to a full hearing.

4.2.2.4 Upon the determination that a full hearing is required the Ethics and Disciplinary Committee shall co-opt two further senior members of the Party to sit on the Panel.

4.2.2.5 The rules and internal procedures of the Ethics and Disciplinary Committee shall be determined and prescribed by The Senate.

**4.3 MEDIATION PANEL**

- 4.3.1 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.
- 4.3.2 The composition and procedures of the mediation panel shall be prescribed by the Senate.

**CHAPTER FIVE**

**5 GENERAL**

- 5.1 This interim constitution may only be amended by the People's Convention.
- 5.2 The Party may only be merged with another party or dissolved by a majority of votes cast of a meeting of the People's Convention.
- 5.3 A majority of members must be present, during any meeting of the People's Convention, before a vote may be taken on any matter.
- 5.4 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.
- 5.5 A vote on any matter, during any meeting of the People's Convention, will only pass if supported by a majority of votes cast.
- 5.6 The Senate shall determine which international organisations the Party may collaborate with and/or associate it.
- 5.7 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.
- 5.8 The Senate may determine an organisational organogram, staff structure and staff roles and responsibilities for the Party in its entirety.
- 5.9 The Senate may determine, including but not limited to, the following policies:
  - 5.9.1 Human resource policy;
  - 5.9.2 Finance policy;
  - 5.9.3 Fundraising policy;

- 5.9.4 Candidate selection policy;
- 5.9.5 Voting procedures policy.
- 5.10 All members of the Party are bound by the policies of the Party.
- 5.11 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 TRANSITIONAL ARRANGEMENTS**

- 6.1 The Party shall be led by the President of the Party, Herman Mashaba, until such time as the Party hold its inaugural People's Convention.
- 6.2 The President may co-opt members of the Party to sit on its Advisory Council until such time as the initial People's Convention is held.
- 6.3 The Advisory Council will function with the full powers of the Senate, until such time as the inaugural People's Convention has been held.
- 6.4 The Advisory Council shall be made up of the following individual:
  - 6.4.1 The Founder;
  - 6.4.2 The Chairperson;
  - 6.4.3 The Chief Strategist;
  - 6.4.4 The Director of Operations;
  - 6.4.5 The Fundraising Chairperson;
  - 6.4.6 Any other individual co-opted by the President to serve on the Advisory Council.
- 6.5 The Advisory Council, may make any decision deemed necessary to promote the Party, the Party's Founding Principles, and maintain the image and reputation of the Party.
- 6.6 The Advisory Council, may bind the Party in any legal matters.
- 6.7 The Party's finances shall be managed by the Advisory Council and the Advisory Council 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.

- 6.8 The Advisory Council shall have the power to amend the Interim Constitution until the inaugural People's Convention.
- 6.9 The Advisory Council shall be empowered to investigate any allegations of a contravention of the Party's code of conduct as outlined in clause 4.1 above.
- 6.10 The Advisory Council shall appoint a panel of legally qualified members to conduct a disciplinary hearing into, if in their opinion, there is merit to the allegation of a contravention of the Party's code of conduct.
- 6.11 The Advisory Council shall be empowered to fill an organisational leadership position, on an interim basis, prior to the inaugural People's Convention.
- 6.12 The disciplinary hearing, in terms of clause 6.8 above shall be conducted in accordance with the rules and procedures prescribed by the Advisory Council.
- 6.13 Meetings of the Advisory Council may be called on 24 (twenty four) hours written notice.
- 6.14 Meetings of the Advisory Council may be held virtually. Moreover, approval of documents may be conducted by round robin electronic transmission by members of the Advisory Council.
- 6.15 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.

**CODE OF CONDUCT – ACTIONSA**

**6.16 CODE OF CONDUCT FOR MEMBERS, STAFF AND PUBLIC REPRESENTATIVES**

- 6.16.1 All members, staff and public representatives are bound by the Code of Conduct as espoused in clause 4.1.1 of the Interim Constitution.
- 6.16.2 All members, staff and public representatives must perform their functions in good faith, honestly and in a transparent manner.
- 6.16.3 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 in any such manner.
- 6.16.4 All members, staff and public representatives shall not bring the Party into disrepute.
- 6.16.5 Any member or public representative who publicly states that they intend on leaving the Party shall be deemed to have terminated their membership.
- 6.16.6 Conduct that is prohibited.
  - 6.16.6.1 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 sole intention of damaging the Party or elected leaderships reputation.
  - 6.16.6.2 All members, staff and public representatives may not make public statements that are contradictory to the policies and/ or decisions of the Party.
  - 6.16.6.3 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.
- 6.16.7 Any member, staff or public representative shall be guilty of misconduct if they:
  - 6.16.7.1 Publicly oppose or repeatedly oppose the Party's policies or principles.
  - 6.16.7.2 Deliberately act in a way that negatively impacts the Party in any manner or form.
  - 6.16.7.3 Are found guilty of any criminal offence by a court of law.
  - 6.16.7.4 Bring the Party into disrepute and/or act in a manner that damages the Party.
  - 6.16.7.5 Fail to carry out their responsibilities and/or duties.
  - 6.16.7.6 Act in any manner that causes disunity within the Party.

- 6.16.7.7 Act in any manner that misrepresents the true state of affairs regarding any documents submitted to the Party.
- 6.16.7.8 Sexually harasses any person.
- 6.16.7.9 Misappropriates any Party funds.
- 6.16.7.10 Contravene the Party's social media policy.
- 6.16.7.11 Act in a manner that is a disservice to the Party and/or the community they are required to represent and serve.
- 6.16.7.12 Puts their self interest above that of the Party and/or community they represent and serve.
- 6.16.7.13 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.
- 6.16.7.14 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.
- 6.16.7.15 No member, staff or public representative shall put himself or herself in a position which conflicts with his or her responsibilities to the Party or their role as a public representative.
- 6.16.7.16 No member, staff or public representative shall take any improper benefit, profit or advantage due to their capacity as a member, staff or public representative.
- 6.16.8 A public representative may be removed, by the Senate, from their position and/or office on the following grounds:
  - 6.16.8.1 Ill health.
  - 6.16.8.2 Incompetence.
  - 6.16.8.3 Incapacity.
  - 6.16.8.4 Poor performance.
  - 6.16.8.5 Misconduct.
  - 6.16.8.6 A member, staff or public representative must:

- 6.16.8.6.1 Promote the unity and well being of the Party.
- 6.16.8.6.2 Serve the Party in an unbiased and impartial manner in order to create confidence in the Party.
- 6.16.8.6.3 Commit themselves through timely service to the development of the Party.
- 6.16.8.6.4 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.

## RULES AND PROCEDURES OF THE ETHICS AND DISCIPLINARY COMMITTEE

Once a full hearing of the Ethics and Disciplinary Committee has been decided upon by the Ethics and Disciplinary Committee, in term of clause 4.2.2.4 of the Interim Constitution the following rules and procedures shall apply to full hearings of the Ethics and Disciplinary Committee.

### 1.1 Definitions

- 1.1.1 **“Code of Conduct”** shall mean the Code of Conduct determined by the Senate, from time to time.
- 1.1.2 **“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 3.1.1 of the IC;
- 1.1.3 **“Chairperson of the Ethics and Disciplinary Committee”** shall mean the person elected to that position in terms of clause 4.2.1.2 of the IC;
- 1.1.4 **“the EDC”** shall mean the Ethics and Disciplinary Committee as constituted in terms of clause 4.2.1.1 of the IC;
- 1.1.5 **“the IC”** shall mean the Interim Constitution of the ActionSA;
- 1.1.6 **“the Prosecutor”** shall mean the legally qualified person who is appointed by the EDC to prosecute the allegation/s of a breach of the Party’s Code of Conduct and/or a breach of clause 3.1.1 of the IC;

### 1.2 Preliminary Processes

- 1.2.1 Upon receipt and evaluation of a complaint, as envisaged in clause 4.2.2.2 of the Interim Constitution, the EDC must upon determination that a full hearing is required compile a charge sheet, as prescribed by the Senate, detailing the allegations of a breach of the Code of Conduct and/ or breach of clause 3.1.1 of the IC.
- 1.2.2 The ECD may send a copy of the complaint to the Contravener and request that written reasons detailing why a full hearing should not be held. In the event the reasons are compelling the ECD may elect to not proceed with the hearing. The ECD must report their decision to the Senate. In the event that the written reasons are not compelling the ECD may elect to proceed with an investigation and full hearing. The ECD must inform the Contravener of its decision to proceed with a full hearing.
- 1.2.3 The EDC may appoint a legally qualified person, who is a member of the Party to act as a Prosecutor during the full hearing of the EDC.
- 1.2.4 The Prosecutor shall have 7 (seven) days to investigate the complaint.

- 1.2.5 On completion of the investigation, if the Prosecutor is of the opinion that there is insufficient evidence or that the prospects of a successful prosecution are slim the Prosecutor may recommend to the EDC that the complaint be dismissed.
- 1.2.6 The charge sheet must be served on the Contravener and may be served by electronic mail, text message and WhatsApp.
- 1.2.7 A charge sheet shall be deemed to have been received by the Contravener within 24 (twenty four) hours of transmission if the charge sheet has been served by electronic mail, text message or WhatsApp.
- 1.2.8 The Contravener must be given 7 (seven) days, upon receipt of the charge sheet, to respond to the allegations contained in the charge sheet. The aforementioned response must be made by way of affidavit, deposed to under oath.
- 1.2.9 All responses must be filed with the Chairperson of the EDC.
- 1.2.10 The Chairperson of the EDC shall issue dates for the hearing, the Chairperson of the EDC shall set aside as many days as is required for the hearing.
- 1.2.11 A Contravener may not be entitled to external legal representation during the hearing; however, the Contravener may be represented by a member of the Party.
- 1.2.12 In the event a representative of the Party, in order to represent the Contravener, on the date of the hearing is to available such unavailability is not grounds for a postponement. It is the duty of the Contravener to ensure their representative is available for the hearing.
- 1.2.13 All heads of argument shall be filed with the Chairperson of the EDC, no later than 48 (forty-eight) hours prior to the hearing.

### **1.3 The Hearing**

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

#### **1.4 Judgement and Appeal**

- 1.4.1 The Chairperson of the EDC shall, in consultation and in concurrence with the other members of the EDC append a written judgement concerning the outcome of the hearing of the EDC. The Judgement and the recommendations of the ECD must be sent to the Senate.
- 1.4.2 The Senate may either confirm, reject, and/or amend the recommendations of the ECD.
- 1.4.3 The Senate may at its discretion impose a sanction against the Contravener, said sanction may be, including but not limited to, a written warning, suspension of membership or termination of membership.
- 1.4.4 The judgement of the EDC and sanction of the Senate shall be final and binding on the Contravener, there shall be no appeal processes other than to the High Court of South Africa.