



# independent DEMOCRATS

## CONSTITUTION

### NAME

1. The Party shall be the Independent DEMOCRATS and it shall also be known by its abbreviated form “the ID” (herein after referred to as the Party).

### REGISTERED OFFICE

2. The Registered Office and National Office of the Party shall be in Cape Town at:  
  
Marks Building  
Parliament  
Plein Street  
Cape Town
3. The National Executive Committee (herein referred to as the NEC) may from time to time designate an alternate Registered or National Office.

### AIMS

4. The Party shall strive to protect the constitutional rights of all South Africans and promote racial harmony amongst all the people of South Africa by bridging the divides. It shall promote a social democratic transformation of society to ensure that all South Africans live a better life and are considered equal in all respects.

### OBJECTIVES

5. To achieve these objectives the Party shall:
  - 5.1. Maintain its registration as a political party under the laws of the Republic of South Africa;
  - 5.2. Adhere to and promote the values contained in the Constitution of the Republic of South Africa, and in this document;
  - 5.3. Engage in non-violent conflict resolution;
  - 5.4. Implement the policies which the National Conference (hereinafter referred to as the Conference) may from time to time, decide to adopt.

## **STATUS, LEGAL PERSONALITY AND POWERS**

6. The Party is a body corporate with perpetual succession and shall be capable of suing and being sued.
7. The Party Leader may, after consultation with the NMC, appoint, nominate and or authorize any person, whether legal practitioner or a Party Member, in writing, to act on it's behalf in all litigations and take steps and do all things as he/she may deem necessary in this regard.
8. The abovementioned authority may be delegated to any member of the Party or legal representative in writing.

## **POLICY**

9. The highest policy decision making body shall be the National Conference in session.

## **MEMBERSHIP**

10. Membership shall be open to all South African citizens who are 16 years or over, and shall:
  - 10.1. Subscribe to the aims and principles contained in the Constitution of the Republic of South Africa;
  - 10.2. Subscribe to the aims, principles and policies of the Party;
  - 10.3. Undertake to abide by the Constitution of the Party;
  - 10.4. Not be a member of any other Party;
  - 10.5. Apply to being a member of the Party;
  - 10.6. Membership shall be valid for a period of one year.

## **APPLICATIONS FOR MEMBERSHIP**

11. Persons wanting to become members of the Party shall:
  - 11.1. Apply in a prescribed manner to a Branch;
  - 11.2. Pay a joining fee of R10, 00 as consideration for such application;
  - 11.3. Pay an annual contribution fee of R30, 00;
  - 11.4. Such monies shall be deposited in an account as indicated by NMC;
  - 11.5. No member who qualifies in terms of clause 12 shall have his/her membership refused because he/she cannot afford to pay his/her fees;

## **NOTIFICATION OF ACCEPTANCE**

12. Successful applicants may be notified of his/her acceptance by the National Management Committee, (hereinafter referred to as BEC.)
13. Membership cards will be issued upon acceptance of membership, subject to clause 11.5.
14. Each Branch shall keep and maintain a record of members and shall forward such particulars to the Registered Office where a National consolidated list of members shall be kept.

## **TERMINATION OF MEMBERSHIP**

15. A member who repudiates the Constitution of the Party, joins another party, canvasses for, or who assists or associates with the establishment of another party automatically terminates his membership with the Party.

Or when:

- 15.1. He/She resigns in writing or verbally, addressed to the BEC or any structure of the Party.
- 15.2. His/her membership has been terminated in terms of any provisions of this Constitution.
- 15.3. Stands or accepts nomination against an official candidate of the Party in any public election.
- 15.4. Canvasses Party Members to resign from the Party.
- 15.5. Canvasses Party Members to join or support another Party.

## **SUSPENSION OF MEMBERSHIP**

16. The Party Leader or Provincial Executive Committee (hereinafter referred to as the PEC), may at any time suspend the membership of any person who is charged with having transgressed the provisions of clause 15 or is in breach of any rule in the Code of Conduct.

## **MEMBERS**

17. Only Party members can serve on the representative and other structures of the Party and be public representatives of the Party.
18. If the membership of a public representative is terminated, he/she ceases to be a member of the Party and the relevant authorities must be notified of the vacancy which has arisen.
19. Party members may as far as possible hold only one leadership position in the structures.

## **STRUCTURES**

### **BRANCHES**

20. A Branch is the basic organizational unit.
21. The Branch shall have a minimum of 20 members.
22. There can only be one Branch in a Municipal Ward and that the establishment of branches shall as far as possible strive to conform to the municipal boundaries applicable to Local Government Elections.

23. At the inaugural meeting of the branch where no less than 20 members are present, a Branch Executive Committee (hereafter referred to as the BEC) shall be elected. The re-election of the BEC will be held at the AGM.
24. A branch shall, at an AGM, elect a BEC consisting of:
  - 23.1. Chairperson;
  - 23.2. Deputy Chairperson
  - 23.3. Secretary
  - 23.4. Deputy Secretary
  - 23.5. Treasurer
  - 23.6. Policy Convener
  - 23.7. Branch organizer and
  - 23.8. 3 (three) to 5 (five) additional members, depending on the size of the Branch.
25. BEC responsibilities are as follows:
  - 25.1. Monthly Branch meetings and conducting the general business of the Party and Branch
  - 25.2. Administer all Branch activities
  - 25.3. Provide members with relevant information
  - 25.4. Keep record of all financial transactions and deliver audited statements to members
  - 25.5. Implement the policies and principles of the Party
  - 25.6. Attend regular campaigns where Party principles and policies shall be explained and members of the public encouraged to join the Party
  - 25.7. Forward monthly minutes and financial reports to Branch members and the Local Executive Committee (hereinafter referred to as the LEC)
  - 25.8. Ensure the successful implementation of the roles and functions as contemplated in clause 38.
26. The highest authority in a Branch is an AGM of all its members.
27. The quorum for branch executive meetings shall be 50% + 1 of the number of members elected to serve on the BEC.
28. A Branch shall elect a chairperson who shall officiate all Branch meetings
29. Branches shall nominate election candidates for all three spheres of government and forward to the PEC who shall in turn forward to the NMC for ratification.
30. The branch executive shall meet at least once in every six months to plan and/or implement the programs of the party as directed by its LEC, DEC or PEC.
31. The LEC, DEC or PEC shall have the right to call for a re-organization of the Branch if it fails to meet the requirements of clause 30.
32. A copy of all minutes of the branch meetings shall be forwarded to the Secretary of the LEC to which it belongs.
33. Branches shall keep accurate records of:

- 33.1. Their members; and
- 33.2. Their financial transactions.
  
- 34. Branches are not authorized to:
  - 34.1. Incur debt; or
  - 34.2. Open a banking account without prior written authorization from the CEO / PEC.
  
- 35. All funds received by a Branch shall be properly receipted and accounted for.
  
- 36. For the purposes of contracting, each Branch shall be a separate entity, distinct from the Party.
  
- 37. Any dispute regarding the existence or the formation of a Branch shall be referred to the LEC. If the dispute is not resolved it shall then be referred to the PEC, then to the NMC for a final decision.
  
- 38. The Role and Functions of Branches
  - 38.1. Plan and implement the political programs of the Party as directed by the LEC, DEC or PEC.
  - 38.2. Actively promote the aims and objectives of the Party as contained in its constitution.
  - 38.3. Regularly undertake membership campaigns within its geographical boundaries.
  - 38.4. Contribute and compliment the political activities and programs of all structures of the Party.
  - 38.5. Manage the affairs of the Party within its geographical boundaries.
  - 38.6. Identify community related problems and undertake corrective measures.
  - 38.7. Develop relationships with like-minded community organizations inter alia, youth, woman, disabled and senior citizen organizations within its geographical boundaries.
  - 38.8. Increase and maintain the visibility of the Party within its geographical boundaries.
  - 38.9. All YiD and Women's Agenda members shall be members of an iD branch structure.

**LOCAL EXECUTIVE COMMITTEE (LEC)**

- 39. Every Branch must affiliate itself to a LEC which shall consist of a representative from all branches within a specific Local Municipality. Local Municipal Councillors serve as ex officio members on the LEC of their respective municipality.
  
- 40. A LEC shall only be deemed to have been properly constituted if a quorum of the Branches in a specific Local Municipality have been properly formed and constituted. A quorum will be 50% (fifty percent) plus 1 branch. The LEC shall be constituted at the Annual Local Conference of the delegated Branch members in that relevant Municipality.

41. The elected LEC shall comprise of:
  - 41.1. Chairperson
  - 41.2. Deputy Chairperson
  - 41.3. Secretary
  - 41.4. Deputy Secretary
  - 41.5. Treasurer
  - 41.6. Policy Convener
  - 41.7. Local Organizer
  - 41.8. 3 (three) to 5 (five) additional members
  
42. The Role and Functions of LEC's:
  - 42.1. Manage the affairs of the Branches within its district.
  - 42.2. Implement a development program which shall strive to ensure an active Branch in every ward within its geographical boundaries.
  - 42.3. Facilitate effective communication of Party related matters from DEC's to Branches within its geographical boundaries.
  - 42.4. Instill discipline of all Branches within its geographical boundaries.
  - 42.5. Facilitate dispute resolution procedures of all Branches within its geographical boundaries and in consultation with the DEC and PEC.
  - 42.6. Ensure the implementation of all Party related programs.
  - 42.7. Undertake performance audit of all Branches in respect of its roles and functions and report such audit results to the DEC to which it belongs.
  - 42.8. Recommend and implement corrective action in the case of negative performance audits.
  - 42.9. Monitor and evaluate all political programs and Party related activity.
  - 42.10. Submit regular reports of all Branch activity within its geographical boundaries to the DEC to which it belongs.
  - 42.11. Develop and implement fundraising plans for all Branches within its geographical location.
  - 42.12. Increase party visibility within its geographical boundaries.
  - 42.13. Develop relationships with like-minded community based organizations within its geographical boundaries.
  - 42.14. Communicate with local media on local matters involving the community within its geographical boundaries and in consultation with the DEC and PEC.
  - 42.15. Implement the decisions and directives of the DEC and PEC to which it belongs.
  - 42.16. Re-organize in-active Branches within its geographical boundaries as contemplated in section 31 and in consultation with the DEC and PEC to which it belongs. Such re-organization shall only be undertaken after giving written notice to the Chairperson of the said Branch calling on him / her to rectify the breach as contemplated in clause 30, within a period not exceeding 14 days.

43. Members of the LEC shall be responsible for:
  - 43.1. Implementation of the policies, principles of the Party and all Party affairs at Local Municipal level.
  - 43.2. Hold regular public meetings, explaining policies and principles of the Party and ensure membership growth.
  - 43.3. Appoint from time to time sub-committees, as it may deem fit;
  - 43.4. Issue directives to, and receive monthly reports from Branches;
  - 43.5. Forward bi-monthly general reports and financial reports to Branches and the DEC and PEC.

#### **DISTRICT EXECUTIVE COMMITTEES (DEC)**

44. Every LEC must affiliate itself to a DEC which shall consist of a representative of all the LECs within a specific district municipality. District Councillors will serve as ex-officio members on the DEC of their respective municipalities.
45. A DEC shall only be deemed to have been properly constituted if a quorum of the LEC in a specific District Municipality have been properly formed and constituted
46. The highest authority in a District shall be a General Meeting of representatives of all its Branches, determined according to the standards set by the NEC.
47. The DEC shall be constituted every second year, or as the need for the filling of a vacant position arise annually, at the Annual District Conference of delegated Branch members in that relevant District.
48. The elected DEC shall comprise of;
  - 48.1. A Chairperson
  - 48.2. Deputy Chairperson
  - 48.3. Secretary
  - 48.4. Deputy Secretary
  - 48.5. Treasurer
  - 48.6. Policy convener
  - 48.7. District Organizer and
  - 48.8. 3 (three) to 5 (five) additional members
49. No district structure shall be formed without the prior approval of the PEC, who after consultation shall make a decision which will be final.
50. A delegated member of the DEC should attend meetings of the PEC.

51. Members of the DEC shall be responsible for:
  - 51.1. Convening regular committee meetings, at least once every second month.
  - 51.2. Holding district conferences every second year.
  - 51.3. Implementing policies and principles of the party, administer party affairs at District Municipal level.
  - 51.4. Rendering political support and issue directives to the LECs
  - 51.5. Receiving bi-monthly general and financial reports from the LECs.
  - 51.6. Forwarding reports to the PEC.

### **PROVINCIAL EXECUTIVE COMMITTEES (PEC)**

52. The PEC represent the Branches, LEC's and DEC's which have a sufficient sense of territorial identity to be able to work together to achieve the aims and objectives of the Party, and which are situated within the Provincial geographical boundaries provided for in the Constitution of the Republic of South Africa.
53. The PEC shall be re-elected every fourth year at the Provincial Conference of delegated Branch members in that relevant Province.
54. The highest authority in a Province shall be a general meeting of representatives of all its branches, determined according to the standards set by the NEC.
55. A PEC shall only be deemed to have been properly constituted if 50% + 1 of the DEC's in a specific Province have been properly formed and constituted.
56. For the purposes of contracting, each PEC shall be a separate entity, distinct from the Party. The PEC may conclude transactions on behalf of the Party in consultation with the NMC.
57. Any dispute regarding the existence or the formation of a PEC shall be referred to the Party Leader. If the dispute is still not settled it shall be dealt with by the NMC whose decision shall be final.

58. The main functions of the PEC shall be:
- 58.1. To co-ordinate the activities of all relevant Party structures in that particular Province.
  - 58.2. To approve and finalize the recommended list of candidates for elections and by-elections within their relevant Provinces and submit to the NMC for final ratification.
  - 58.3. To register the Party and it's candidates with the IEC for election purposes.
  - 58.4. The organization and administration of the Party in the Province, and also for strategic planning and mobilization.
  - 58.5. Opening, maintaining and administrating a bank account in the name of the Party after approval by the NMC.
  - 58.6. Discussing resolutions for submission to the Conference.
  - 58.7. Marketing the Party within the Province.
  - 58.8. Dealing with media on a Provincial level in consultation with the NMC.
  - 58.9. For convening regular meetings, at least once every second month.
  - 58.10. To co-opt members as the need arise.
  - 58.11. To appoint from time to time such sub-committees as it may deem fit.
  - 58.12. To determine the areas of jurisdiction of Branch and District structures within the relevant Province.
  - 58.13. To delegate any duty to any person or structure within that relevant Province, in the interest of the Party.
  - 58.14. To engage in/and monitor and supervise employees of Constituency offices; determine their remuneration and to define their duties in consultation with the National Organizer and the CEO.
  - 58.15. Undertake performance audits of all constituency offices throughout the Province and submit the results thereof to the National Organizer or CEO.
  - 58.16. Issue and send directives and instructions to all structures within that relevant Province.
  - 58.17. Receive reports from structures within the relevant Province, and issue quarterly reports on the PEC's activities, to structures within the relevant Province.
  - 58.18. Forward quarterly general and financial reports to Branches in the Province and to the NMC.
59. The creation of provincial organizations must be approved by the Party Leader or the NMC. In the case of a dispute as to which areas should be in which Province, the matter shall be determined by the Party Leader or such person or persons as he/she may appoint in order to perform this task.

60. Every PEC shall elect the following office bearers:
  - 60.1. A Provincial Leader who shall Chair the meetings of the PEC.
  - 60.2. A Deputy Provincial Leader.
  - 60.3. A Provincial Secretary.
  - 60.4. A Deputy Provincial Secretary.
  - 60.5. A Provincial Treasurer.
  - 60.6. A Policy Convener.
  - 60.7. A Provincial Organizer.
  - 60.8. A YID representative.
  - 60.9. A Women's Agenda representative.
  - 60.10. Six additional members.

**NATIONAL CONFERENCE (herein referred to as Conference)**

61. The Conference shall be considered the supreme body and set the political direction of the Party.
62. The Conference shall include 2 (two) representatives of each and every audited Branch of the Party and all elected political office bearers i.e. councilors, MPL's and MP's
63. The Conference shall include all Branch Representatives and shall be held within two months of the end of the financial year, and shall be held at such time and place as may be designated by the NEC.
64. The time and place of the Conference shall be notified to all Branches not less than two calendar months before such meeting being held.
65. The Conference will:
  - 65.1. Elect officers only every fourth year, or as the need for the filling of vacant positions arise, as provided for by this Constitution;
  - 65.2. Receive the financial reports of the Party for the previous financial year; and
  - 65.3. Consider all items which are placed on the Agenda.
66. A quorum shall be 50% (fifty percent) + 1 of those entitled to vote at the Conference and who are in attendance on that day.

## **NATIONAL EXECUTIVE COMMITTEE (NEC)**

67. The NEC shall be considered the Party's administrative body, and shall be responsible for:
  - 67.1. The day to day conduct of the business of the Party;
  - 67.2. Extraordinary items which cannot be dealt with by the Conference shall be dealt with on an interim basis, and submitted to the relevant body for approval in due course.
  - 67.3. Ensure that the Provincial structures of the Party function optimally and effectively in accordance with the Party's Programs
  
68. The NEC shall consist of:
  - 68.1. The Leader of the Party
  - 68.2. The National Chairperson
  - 68.3. 2 (Two) Deputy Leaders of the Party
  - 68.4. The Secretary-General
  - 68.5. The Deputy Secretary-General
  - 68.6. The National Organizer
  - 68.7. The National Treasurer
  - 68.8. The National Policy Convener.
  - 68.9. The Chairperson of each province, its Provincial Secretary, its 1 (one) YID representatives; 1 (one) Representatives from the Women's Agenda; 2 (two) representatives of the Councillor's Forum, and the Chief Whip of the National Assembly
  - 68.10. 6 (six) additional portfolio members.
  - 68.11. Members of Parliament and the CEO of the Party will serve as ex-officio members on the NEC
  - 68.12. Chairperson of the National Councillors Forum.
  
69. The NEC will constitute a management committee to run the day to day affairs of the Party known as The National Management Committee (hereinafter referred to as the NMC).
  
70. The NMC shall consist of:
  - 70.1. The President
  - 70.2. The National Chairperson
  - 70.3. 2 (Two) Deputy Presidents of the Party
  - 70.4. Secretary-General
  - 70.5. Deputy Secretary-General
  - 70.6. Treasurer
  - 70.7. Policy Convener
  - 70.8. YID Representative
  - 70.9. Women's Agenda Representative
  - 70.10. National Organizer
  - 70.11. Chief Whip of the National Assembly and
  - 70.12. CEO of the Party

## **71. Roles and Functions:**

### **71.1. The Leader of the Party shall:**

- 71.1.1. Assist in building the Party Nationally with the National Organizer.
- 71.1.2. Assist with fundraising;
- 71.1.3. Seek international links with like minded organizations in order to build the Party profile.
- 71.1.4. Represent the Party in the media on national issues, in response to other national leaders and on matters that have a national effect on the Party;
- 71.1.5. Refer complaints regarding any matters to the structures of the Party for resolution;
- 71.1.6. Develop a succession Plan for the Party;
- 71.1.7. Develop Woman and Youth leaders
- 71.1.8. Prepares regular reports for the NEC;

### **71.2. The National Chairperson shall:**

- 71.2.1. In consultation with the National Organizer, be responsible for convening and organizing the Conference;
- 71.2.2. Co-ordinate NEC meetings;
- 71.2.3. In conjunction with the Secretary General draw up the agenda and minutes of the NEC meetings;
- 71.2.4. At every NEC meeting, ensure that a quorum is present, motions are cleared before voting begins, matters are dealt with in strict order, that the will of the majority is express, and that right of members to express their opinion is protected.
- 71.2.5. Rule a motion out or amendment out of order if contrary to procedure;
- 71.2.6. Ensure that there is no digression from the subject under discussion.
- 71.2.7. Assist with Party building.
- 71.2.8. Assist with Policy development and implementation.

### **71.3. Deputy Leaders shall:**

- 71.3.1. Assist with party building;
- 71.3.2. Assist in policy development and implementation;
- 71.3.3. Share appointments for public appearance;
- 71.3.4. Assist youth, women and disabled programs / campaigns;
- 71.3.5. Act in the absence of the Leader
- 71.3.6. Assist with fundraising initiatives;
- 71.3.7. Assist in handling grievances and disciplinary matters;
- 71.3.8. Attend launch of Provinces;

- 71.3.9. Assist in forming relationships with civic structures and international bodies;
- 71.3.10. Prepare regular reports for the NEC;
- 71.4. Secretary General shall:
  - 71.4.1. Be responsible for the political and administrative function of the Party;
  - 71.4.2. Be responsible for Political Education of all structures;
  - 71.4.3. Facilitate the implementation of decisions taken by the NEC and the Conference;
  - 71.4.4. Assist in building of Party Structure;
  - 71.4.5. Assist the Chairperson in preparing for the Conference, and NEC meetings;
  - 71.4.6. Prepare regular reports to the NEC;
  - 71.4.7. Keeping the minutes of the Conference and the NEC, as well as other relevant records of the Party;
  - 71.4.8. Conduct the correspondence of the NEC and sent out notices of all conferences and meetings held at national level;
  - 71.4.9. Prepare regular reports for the NEC.
  
- 71.5. Deputy Secretary General shall:
  - 71.5.1. In the Secretary General's absence, the Deputy will assume all roles and responsibilities of the Secretary General;
  - 71.5.2. The Secretary General and Deputy Secretary General may divide their roles and responsibilities as see fit. Facilitate the implementation of decisions taken by the NEC and the National Conference;
  - 71.5.3. Assist in building of Party Structure;
  - 71.5.4. Assist the Chairperson in preparing for the Annual National Conference, and NEC meetings;
  - 71.5.5. Prepare regular reports to the NEC;
  - 71.5.6. Keeping the minutes of the Conference and the NEC, as well as other relevant records of the Party;
  - 71.5.7. Conduct the correspondence of the NEC and sent out notices of all conferences and meetings held at national level;
  - 71.5.8. Prepare regular reports for the NEC.
  
- 71.6. National Treasurer shall:
  - 71.6.1. Be responsible for the co-ordination and administration of the budget;
  - 71.6.2. Be informed about the latest financial and political developments in the Party, and shall align the financial management accordingly;
  - 71.6.3. Prepare regular audited financial reports to the NEC;

71.6.4. Plan and implement national fundraising strategies.

71.7. National Organizer shall:

- 71.7.1. Ensure that all structures of the Party implement the political programs;
- 71.7.2. Assist in party development / growth;
- 71.7.3. Drives the process of organizational development;
- 71.7.4. Report possible threats to the Party Leader viz legal challenges, etc.
- 71.7.5. Manage the Party membership database;
- 71.7.6. Identify and develop target areas for party growth across all population groups;
- 71.7.7. Assess and verify party structures;
- 71.7.8. Assess growth of the party;
- 71.7.9. Supervise Provincial organizers;
- 71.7.10. Arrange program of visits to all Provinces for the National Leader;
- 71.7.11. Assist in the development of branches in every municipality
- 71.7.12. Prepare regular reports for the NEC.

71.8. National Policy Convener Shall:

- 71.8.1. Collect, organize and disseminate policy issues to different Provinces;
- 71.8.2. Work closely with national researchers to establish new policy and verify existing policy;
- 71.8.3. Compile policy booklet for distribution to Provinces;
- 71.8.4. Organize and oversee policy workshops in conjunction with the Secretary General;
- 71.8.5. Ensure that Party policies are implemented in National, Provincial and Local governments
- 71.8.6. Prepares regular reports for the NEC;

71.9. YID shall:

- 71.9.1. Provide a platform for young South Africans to defend their rights, issues and perspectives;
- 71.9.2. Ensure that government prioritizes the interests of the youth;
- 71.9.3. Unlock resources for young South Africans to realize their full potential;
- 71.9.4. Place young South Africans at the forefront of shaping the vision and destiny of our country;
- 71.9.5. Prepares regular progress reports for the NEC;

71.10. Women's Agenda Shall:

- 71.10.1. Provide a platform for Women to defend their rights, issues and perspectives
- 71.10.2. Ensure that government prioritizes the interests of Women
- 71.10.3. Unlock resources for Women to realize their full potential
- 71.10.4. Place Women at the forefront of shaping the vision and destiny of our country
- 71.10.5. Prepares regular progress reports for the NEC

71.11. NMC Shall:

- 71.11.1. Implement any decisions taken at the NEC meetings;
- 71.11.2. Prepare regular reports for the NEC;
- 71.11.3. Assist generally with the day to day affairs of the Party on National level.
- 71.11.4. Keep minutes of meetings held.
- 71.11.5. All decisions taken by the NMC must be reported to the subsequent NEC meeting.

**Removals and Replacements on the NEC:**

- 72. The NEC may remove people from National Executive positions on an interim basis until the next Conference, provided that 50% (fifty percent) of the NEC members agree to do so.
- 73. The NEC, calling for nominations from Provinces, may fill any vacancy on the NEC.
- 74. The Leader may Co-opt a member to the NEC when necessary.
- 75. The NEC shall subject to the direction of the Party in Conference be the administrative body in all matters connected with the affairs of the Party excluding policies, and shall pursue the objectives and protect the interests of the Party and without limiting the scope of its powers shall have the authority to:
  - 75.1. Borrow or raise money from time to time with or without security and upon such terms as, by priorities or otherwise, the NEC thinks fit;
  - 75.2. Exercise any other lawful powers not inconsistent with this Constitution or the decisions of Conference as made from time to time; and
  - 75.3. Appoint such working committees from the membership, as it considers necessary for the efficient administration of the Party's affairs;

76. In performing its functions the NEC shall in writing delegate any of its powers and duties to the NMC. The said committee may without confirmation by the NEC exercise or perform the delegated powers or duties in the same way and with the same effect as the NEC could itself have done.
77. The NEC may from time to time, appoint such Commissions of Enquiry, mediators and arbitrators as it may deem fit.
78. Any committee or person to whom the Party has delegated powers or duties to, will be bound by the Constitution of the Party and any terms or conditions of the delegation set by the NEC
79. The Party may revoke such delegation at will, and no such delegation shall prevent the exercise of any power or the performance of any duty by the NEC.
80. The roles and responsibilities of all elected leaders must be formally adopted by the NEC.
81. The NEC shall meet whenever it is scheduled by the NEC or whenever a minimum of six Provincial Secretaries, in consultation with the Party Leader, agree to call a NEC meeting in which case the meeting will be held within 30 days of its being called. Notice of NEC meetings and telephone conferences shall be given to all NEC members.
82. All members of the NEC, including portfolio holders, will report in writing about all work done, and progress in her/his portfolio, to every NEC meeting.
83. The NEC shall have the right to call telephone conferences in cases of extreme emergency and the records and decisions of such telephone conferences shall be deemed to be properly constituted proceedings of the Party.
84. The NEC may declare a meeting closed to all persons other than NEC members where to do otherwise would put at risk the privacy of an individual or seriously prejudice the interests of the Party.
85. The quorum for NEC shall consist of 50% (fifty percent) + 1 representative in accordance of the provisions of clause 68.

## **CANDIDATE SELECTION FOR PUBLIC OFFICE**

86. The NMC shall be the electoral college and shall have the right to finalize all Party representative lists for the purposes of electing members to public office. In the event of a dispute the Leader shall appoint an appeal committee for a final decision.
87. Approved Party candidates for any public office must sign and agree to abide by a contract, made between themselves and the NEC the agreed basis by which they go forward as candidates.
88. This agreement shall contain (but without limiting the terms of the agreements):
  - 88.1. An agreement to uphold and abide by the Constitution of the Party;
  - 88.2. An agreement to promote and abide by the policy of the Party;
  - 88.3. The position concerning leaving the Party; and
  - 88.4. Grievance and disciplinary measures.
  - 88.5. An obligation to make financial contributions to the Party as determined by the NMC and / or NEC.
89. Prospective candidates may not improperly influence the candidate selection process failing which such a person shall automatically be liable for disciplinary action as spelt out in this constitution.

## **CONSENSUS DECISION-MAKING**

90. All decisions by any committee, working group or any other body overseen by the Party, may be made by consensus. The following procedure apply when reaching consensus:
  - 90.1. A Motion must be tabled in writing
  - 90.2. If consensus on a motion is not achieved after reasonable attempts, a vote can be taken. A motion shall be carried with a 50% + 1 majority of the votes cast. Those who do not agree with the decision may have their objections included in the minutes recorded but shall be bound by the decision taken.

## **NATIONAL POLICY COMMITTEE (NPC)**

91. The NPC shall be the Party's policy-making body, responsible for the development and recommendation of party policy and policy processes.

92. The NPC shall consist of:
- 92.1. The Policy Conveners of the Provinces;
  - 92.2. The Parliamentary Caucus representative;
  - 92.3. The National Policy Convener;
  - 92.4. Such other persons as the NPC may appoint as members or as provided for elsewhere in the Constitution.
93. The NPC may appoint any Working Committee or individual as it considers necessary for the efficient administration of the Party's policy affairs.
- 93.1. In doing so, it may delegate any of its powers and duties to any such committee or to any person. The committee or person may, without confirmation by the NPC, exercise or perform the delegated powers or duties in the same way, and with the same effect, as the NPC could itself have done.
  - 93.2. Any committee or person to whom the NPC has delegated powers or duties will be bound by the Constitution of the Party and any terms or conditions of the delegation set by the NPC.
  - 93.3. The NPC will be able to revoke such a delegation at will, and no such delegation will prevent the exercise of any power, or the performance of any duty, by the NPC.
  - 93.4. The NPC will act in a manner consistent with the Constitution of Party and with the directives of the Party, as expressed through Conference and the NEC.

## **CAUCUS**

94. The role of Parliamentary Caucus is to organize and co-ordinate the Party's parliamentary activities. The Caucus shall exist for the period that the Party has Members of Parliament
95. The Caucus shall comprise:
- 95.1. The Leader of the Party;
  - 95.2. All persons elected as Members of Parliament
  - 95.3. Any representative of the NPC or the NEC appointed by those bodies and agreed to by Parliamentary Caucus; and
  - 95.4. Such other persons as the National Caucus may appoint as members or as provided for in the Constitution.
96. The Caucus shall make such rules for its conduct as it sees fit, in accordance with the objectives of the Party.

97. The Leader of the Party and MPs shall be the voting members of Parliamentary Caucus.
98. Any Party member may attend a Caucus meeting, subject to the rules contained in the Party Caucus Agreement.
99. Members of Provincial Legislatures and Councillors of Metros, Districts and Local Municipalities of the Party shall also establish Caucuses and shall generally operate and be guided by the practices, policies and rules of the National Caucus.

## **AMENDMENTS TO THE CONSTITUTION**

100. The NEC shall have the right to amend the Constitution between Conferences which shall remain in effect until the next Conference.
101. Save for the provisions of clause 100, the Constitution shall not be amended, altered, or rescinded except at the Conference of the Party and by a resolution passed by a majority of not less than 50% (fifty percent) + 1 of the persons present and who have voting powers.
102. The NEC shall give notice to all branches of the proposed alteration, addition or rescission not less than thirty days prior to the Conference.

## **FINANCES**

103. The NEC may:
  - 103.1. Open a bank account in the name of the Party and shall have designated signing powers on all cheques and other bank documents.
  - 103.2. Receive monies on behalf of the Party; and
  - 103.3. Make payments, whether by cheque or by any other means.
104. The National Treasurer shall act at the direction of the NMC. At the first meeting of the NMC following each Conference, the NMC will decide by resolution on the following matters:
  - 104.1. How money will be received by the Party;
  - 104.2. Who will be entitled to produce receipts;
  - 104.3. How expenditure commitments will be budgeted for by the Party;
  - 104.4. What bank accounts will operate for the ensuing year, including the purposes of and access to accounts;

- 104.5. Who will be allowed to authorize the production of cheques and the identities of cheque signatories;
  - 104.6. Who will be allowed to authorize the ordering of goods and services;
  - 104.7. Investment of money by the Party, including what type of investment will be permitted; and
  - 104.8. The type and frequency of financial reporting required during the year.
  - 104.9. The NMC may invest surplus funds as it sees fit, if the investment does not conflict with the Party's objectives.
105. The NMC may delegate any of the Treasurer's functions to any person as it sees fit.
106. Treasurer's report must be prepared and all books and records kept must be completed and up-to-date for presentation at the Conference, according to acceptable accounting principles.

## **DISSOLUTION**

107. 75% of the members entitled to vote at the Conference of the Party may resolve that the Party be dissolved, and may also direct the method of disposing of the assets and property of the Party after its dissolution, and matters incidental thereto.
108. A notice of the resolution and its confirmation shall be sent to all parties and institutions required in law to be notified.
109. The property of the Party shall upon dissolution be transferred to such political parties or societies having objectives similar to those of the Party within South Africa.

## **110. CODE OF CONDUCT**

### **110.1. PREAMBLE**

- 110.1.1. In order to ensure that the representatives / members fulfill their obligations to the Party and that the Party realizes the principles which the electorate endorsed and that the Party thus serves its constituency, the following Code of Conduct is established.
- 110.1.2. The Party has and shall canvass for support and shall strive to procure the election of its representatives representing the Party and thus its representatives at various forums, including the National and Provincial Legislatures.
- 110.1.3. It is accordingly necessary to ensure that the Party has structured mechanisms of accountability to the electorate, and to fulfill the principles of the Party.
- 110.1.4. In fulfilling this representatives must be accountable to the Party and thus to their constituency.

### **110.2. DEFINITIONS**

- 110.2.1. "Forum" means any Local, National, Provincial or National Council of Provinces' office to which a representative may be appointed in order to represent the Party.
- 110.2.2. "Interest" means any business or other interest which any representative, or any spouse, partner or business associate of such representative, whether business or otherwise, may have in any matter which is relevant to the activities of the forum or the Party.
- 110.2.3. "Meeting" means any meeting of:
  - 110.2.3.1. The Party
  - 110.2.3.2. the forum and caucus to which such representative has been elected;
  - 110.2.3.3. Any committee or subcommittee of the Party or the forum.

- 110.2.4. "Representative" means any member of the Party delegated or nominated to represent the Party in a Public Office.
- 110.2.5. "NEC" means the National Executive Committee of the Party.
- 110.2.6. "Partner" means any spouse or any person who permanently lives with another person as if married.
- 110.2.7. "Party" means the Independent Democrats.
- 110.2.8. "Member" shall mean any person who has complied with the provisions of clauses 10, 11 and 12.
- 110.2.9. "Privileged or confidential information" includes any information:
- 110.2.9.1. Determined by the Party or the forum to be privileged or confidential;
  - 110.2.9.2. Discussed in closed session by the Party or the forum;
  - 110.2.9.3. Disclosure of which would violate any person's right to privacy; and/or
  - 110.2.9.4. Declared to be privileged, confidential or secret in terms of law.
- 110.2.10. "Gossip" shall have the following meaning:
- 110.2.10.1. The spreading of malicious reports about the behavior of representatives/or party members;
  - 110.2.10.2. The divulging of personal information about representatives/or party members;
  - 110.2.10.3. Participating in communications concerning other members and or representatives based on rumor, hearsay or scandalous information; and/or
  - 110.2.10.4. A person who habitually spreads intimate or private rumors or facts about representatives/or party members.
  - 110.2.10.5. The indulging into the private life of representatives or party members.

### **110.3. NOTIFICATION OF THESE PROVISIONS**

The NEC must ensure that each representative when taking office is given a copy of this Code which must be signed and accepted by the representative concerned, and that a copy of the Code may be made available in every room or place where the representatives meet.

### **110.4. GENERAL CONDUCT/ DISCIPLINE OF REPRESENTATIVES AND MEMBERS**

110.4.1. A representative/ member shall:

- 110.4.1.1. Act at all times in the best interest of the Party and in such a way that the credibility and integrity of the Party are not compromised;
- 110.4.1.2. Loyally execute the lawful policies of the Party;
- 110.4.1.3. Perform the functions of office in good faith, diligently, honestly and in a transparent manner;
- 110.4.1.4. Act in such a way that the spirit, purpose and objectives of the Party, including the decisions of the NEC and the Constitution of the Party are promoted;
- 110.4.1.5. Behave at all times in such a manner that his/her actions or conduct is not detrimental to the interest of the Party and does not bring the Party and/or its leadership into disrepute. Without derogating from the aforesaid, may not be a party to any form of gossip;
- 110.4.1.6. Fulfill her/his financial obligations with regards to her/his financial contribution, on a monthly basis. Failure to do so may result in severe penalty.
- 110.4.1.7. Assist relevant structures in Party building and the launching of branches
- 110.4.1.8. Act impartially and treat all people equally without favor or prejudice; and
- 110.4.1.9. Perform the functions of office having due regard and respect for the values and principles of non-racialism and non-sexism.
- 110.4.1.10. Forward monthly reports to the relevant structure where they serve.

## **110.5. COMMITMENT TO SERVING THE PUBLIC INTEREST**

- 110.5.1. A representative must:
  - 110.5.1.1. Foster a culture of commitment to serving the public.
  - 110.5.1.2. Promote and seek to implement the basic values and principles described in the Constitution of South Africa;
  - 110.5.1.3. Participate in the activities of the relevant caucus and respective committees and in so doing to promote the Party.

## **110.6. ATTENDANCE**

- 110.6.1. A representative / member must attend every meeting, except when:
  - 110.6.1.1. Leave of absence has been duly granted; or
  - 110.6.1.2. Required in terms of this Code to withdraw.

## **110.7. SANCTIONS FOR NON-ATTENDANCE**

- 110.7.1. The Party may impose a fine not exceeding R1000-00 on a representative for:
  - 110.7.1.1. Failing to attend any meeting; or
  - 110.7.1.2. Failing to remain in attendance at such a meeting.
- 110.7.2. A representative / member who is absent from three consecutive meetings may be removed from office as a representative and/or have his/her membership of the Party suspended or terminated.

## **110.8. DISCLOSURE OF INTERESTS**

- 110.8.1. A representative must:
  - 110.8.1.1. Make full and complete disclosure to the Party and/or any forum to which s/he is appointed of any direct or indirect personal or private financial interest; and
  - 110.8.1.2. Withdraw from the proceedings of the Party or the forum when that matter is considered, unless the Party or the forum decides that the

representative's direct or indirect interest in the matter is trivial or irrelevant.

- 110.8.2. This section shall also apply to an interest or benefit which a representative, or a spouse, partner, business associate or close family member, has or acquires in common with other members of the public in general.

## **110.9. PERSONAL GAIN**

- 110.9.1. A representative may not use the position or privileges of a representative, or confidential information obtained as a representative, for private gain or to improperly benefit himself or any other person.
- 110.9.2. Except with the prior consent of the Party and/or the forum, a representative may not:
- 110.9.2.1. Be a party to or beneficiary under a contract for the provision of goods or services to the Party or the forum; or perform any work for and/or on behalf of the Party or the forum.
  - 110.9.2.2. Obtain a financial interest in any business of the Party or the forum; or
  - 110.9.2.3. For a fee or other consideration appear on behalf of any other person before the forum.

## **110.10. DECLARATION OF INTERESTS**

- 110.10.1. When elected or appointed, a representative must within 30 days declare in writing on the prescribed form, to the NMC the following financial interests held by that representative:
- 110.10.1.1. Shares and securities in any company;
  - 110.10.1.2. Membership of any close corporation;
  - 110.10.1.3. Interest in any trust;
  - 110.10.1.4. Directorships;
  - 110.10.1.5. Partnerships;
  - 110.10.1.6. Other financial interests in any business undertaking;
  - 110.10.1.7. Employment and remuneration;
  - 110.10.1.8. Interest in property;
  - 110.10.1.9. Pension; and
  - 110.10.1.10. Subsidies, grants and sponsorships by any organization.

- 110.10.2. Any change in the nature or detail of the financial interests of a representative must be declared in writing to the NMC annually.
- 110.10.3. Gifts and hospitality from a source other than a family member or permanent companion received by a representative above the amount of R350.00 must also be declared to the NMC.
- 110.10.4. The NMC must determine which of the financial interests may be made public having regard to the need for confidentiality and the public interest for disclosure.

#### **110.11. FULL-TIME REPRESENTATIVES**

- 110.11.1. A representative who is according to the Legislation a full-time representative may not undertake any other paid work except with the consent of the NMC which consent shall not unreasonably be withheld.
- 110.11.2. Failure to comply with the provisions of clause 110.11.1. shall result in disciplinary measures against the representative / member concerned.

#### **110.12. REWARDS, GIFTS AND FAVORS**

- 110.12.1. A representative may not request, solicit or accept any reward, gift or favor for:
  - 110.12.1.1. Voting or not voting in a particular manner on any matter before the Party or a forum;
  - 110.12.1.2. Persuading the Party or the forum in regard to the exercise of any power, function or duty;
  - 110.12.1.3. Making any representation to the Party or a forum;  
or
  - 110.12.1.4. Disclosing privileged or confidential information of the Party and/or the forum.

#### **110.13. UNAUTHORISED DISCLOSURE OF INFORMATION**

A representative may not without the permission of the Party or the forum disclose any privileged or confidential information of the Party or the forum to any unauthorized person or members of the Media.

#### **110.14. INTERVENTION IN PARTY BUSINESS**

- 110.14.1. A representative may not, except as provided by law:
- 110.14.1.1. Interfere in the management or administration of any of the affairs of the Party unless duly mandated to do so;
  - 110.14.1.2. Give or purport to give any instruction to any employee of the Party except when authorized to do so;
  - 110.14.1.3. Obstruct or attempt to obstruct the implementation of any decision of the Party or a committee of the Party;
  - 110.14.1.4. Encourage or participate in any conduct which would cause or contribute to maladministration in the Party; or
  - 110.14.1.5. Hold any Press Conference or make any statement in the Press which has not been authorized by the Party without having first obtained approval from the NMC to do so.

#### **110.15. PARTY PROPERTY**

A representative may not use without prior permission, take, acquire or benefit from any property or asset owned, controlled or managed by the Party to which that representative has no right.

#### **110.16. REPRESENTATIVE IN ARREARS**

A representative may not be in arrears to the Party for monies due to the Party for a period longer than 3 months, and his membership shall automatically terminate if he/she does not comply with the provisions hereof

#### **110.17. DUTY OF REPRESENTATIVES**

If any representative, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, such person must forthwith report such breach to the NMC.

#### **110.18 SEXUAL HARRASSMENT**

- 110.18.1. The occurrence of Sexual Harassment intrudes on the fundamental human rights of a person and contravenes the South African Constitution; this in turn challenges the integrity of the independent Democrats.
- 110.18.2. Sexual Harassment is all forms of conduct, of a sexual nature, that is unwelcome and unsuitable, and can be seen to be offensive, humiliating or intimidating, with a possible negative effect on the working environment

Sexual Harassment can include physical, verbal or non-verbal actions and includes a vast range of circumstances, from offensive gestures to rape.

- 110.18.3. VERBAL FORMS: Querying a person's sex life, telephone calls, emails or SMS's with a sexual suggestion, incessant offensive or chauvinist jokes/comments, undesirable propositions for dates, comments concerning a persons figure, or anything of a similar nature.
- 110.18.4. NON-VERBAL FORMS: Gestures with a sexual connotation, goggling, repeated undesired flirtation, or anything of a similar nature.
- 110.18.5. VISUAL FORMS: Displaying pornographic photos, cartoons, objects, or anything of a similar nature that creates a hostile environment.
- 110.18.6. PHYSICAL FORMS: Unwelcome contact through patting, stroking, pinching, petting, kissing, pawing, assault, molesting and rape, or anything of a similar nature.
- 110.18.7. QUID PRO QUO FORMS: Sexual bribery such as, the promise of a promotion in return for sexual favors and sexual extortion such as, refusing to promote a person if they do not consent to sexual favors. This includes, but is not restricted to all persons using any of these methods to achieve promotion.
- 110.18.8. Equally men and women may be the victims of sexual harassment. Sexual harassment may happen in the same way between members of the same sex as between members of the opposite sex. The perpetrators may be senior, equal or junior in position.
- 110.18.9. All Members / Representatives / staff shall abide by the Sexual Harassment Policy / Code as adopted by the NEC. The policy shall define all forms of offensive conduct in respect of sexual harassment.
- 110.18.11. Failure to comply with the provisions of clause 110.18.1. through 110.18.9. shall result in disciplinary procedures as set out in clauses 112.1 and 112.2.

## **111. BREACHES OF THE CODE**

- 111.1. Any representative / member who commits any of the following acts shall be deemed to have committed a breach of the rules, provisions or policies of the Party:
  - 111.1.1. Committing any offence in respect of which criminal charges are laid against such person;
  - 111.1.2. Failing to obey or properly comply with any competent instruction from the Party or any of its officials authorized to give such order;

- 111.1.3. Conducting himself/herself in such a way as would be calculated or likely to lower the esteem of in which the Party is held by the public.
- 111.1.4. Collecting funds for the Party when not authorized to do so;
- 111.1.5. Instituting false charges against any Party member
- 111.1.6. Making unauthorized statements to the media.
- 111.1.7. Disclosing confidential information to opposition parties or unauthorized persons.
- 111.1.8. Conducting himself/herself in a manner unbecoming a member of the Party.
- 111.1.9. Failing to attend Party and caucus meetings without good cause.
- 111.1.10. Voting against an agreed party caucus position.
- 111.1.11. Committing an offence in terms of the Party's Sexual Harassment Policy as adopted by the NEC and / or in terms of clause 110.18.1 through 110.18. 4.

111.2. The Party Leader may allow an investigation into the alleged offence.

111.3. Any member who joins another political party or who is proved to have assisted in the formation of another political party may be summarily expelled from the Party by the Party Leader.

111.4. A complaint of breach of any of the rules, provisions or policies of the Party, shall be forwarded to the Secretary General who may:

- 111.4.1. Suspend the member concerned pending a disciplinary hearing;
- 111.4.2. convene a Disciplinary Committee; or
- 111.4.3. Delegate his/her functions under this paragraph in writing to any member of the party, or competent body, person or institution.

111.5. The NMC may have the right to call on the DC to:

- 111.5.1. Call for an investigation and make a finding on any alleged breach of a provision of this Code; or
- 111.5.2. To make appropriate recommendations to the NMC.
- 111.5.3. Issue a formal warning to the representative;
- 111.5.4. Reprimand the representative / member.
- 111.5.5. Request the Party to suspend the representative / member for any period;
- 111.5.6. Impose a fine not exceeding R1000-00 on the representative / member;
- 111.5.7. Request the expulsion of the member from the Party
- 111.5.8. Request the relevant authority of the forum to remove the representative from office.
- 111.5.9. The DC shall make recommendations to the NMC for a decision.

## **112. DISCIPLINARY PROCEDURE**

- 112.1. A Disciplinary Committee as established by the NEC or NMC shall adopt such procedure as it deems expedient in order to conduct a disciplinary enquiry, and shall keep an accurate record of its proceedings.
- 112.2. On completion of its functions the Disciplinary Committee must make a finding on whether the charges against the member have been substantiated and may recommend:
- 112.2.1. Expulsion from the Party;
  - 112.2.2. Suspension from the Party;
  - 112.2.3. Removal from any office held in the Party; or
  - 112.2.4. Any other corrective measure as it sees fit to recommend
  - 112.2.5. Impose a penalty of not more than R1500.00, wholly or partly suspend part thereof for a period not exceeding three years.

## **113. APPEAL PROCEDURE**

- 113.1. Any person who has been disciplined may, within 15 days of the sentence having been confirmed, appeal against the finding and/or sentence to the appeal authority appointed by the NMC.
- 113.2. The notice of appeal shall be in writing and shall state clearly the grounds of appeal.
- 113.2. The receipt of the appeal shall not be interpreted as a suspension of the sentence.
- 113.3. the appeal Committee as established by the NMC shall make recommendations to the NMC whose decision shall be final.