

DEMOCRATIC ALLIANCE KWA ZULU NATAL PROVINCIAL CONSTITUTION

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CHAPTER ONE

FOUNDING PROVISIONS AND POLITICAL PRINCIPLES

1.1. NAME

- 1.1.1. The name of the Party is the Democratic Alliance.
- 1.1.2. The Democratic Alliance is a political party that will register for and participate in elections and in political activities in the national, provincial and local spheres of government in the Republic of South Africa.
- 1.1.3. The Democratic Alliance is a Federal Party and this Constitution, subject to the Federal Constitution, governs the activities of the Party in the Kwa Zulu Natal Province.
- 1.1.4. Should any provision of this Constitution conflict or be inconsistent with any provision of the Federal Constitution, the provisions of the Federal Constitution shall prevail to the extent of such conflict or inconsistency.

1.2. VALUES, PRINCIPLES, MISSION STATEMENT AND PROGRAMME OF ACTION

- 1.2.1. The Party's values, principles, mission statement and programme of action are set out in the Federal Constitution.
- 1.2.2. The Party's values, principles, mission statement and programme of action are amended only in accordance with the Federal Constitution.
- 1.2.3. The Democratic Alliance in the Kwa Zulu Natal may from time to time formulate its own programme of action, consistent with the Party's values, principles, mission statement and programme of action as

set out in the Federal Constitution.

1.3. LEGAL PERSONALITY AND POWER

- 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, sell, hire, lease, mortgage, pledge or in any other way acquire, alienate or deal with movable and immovable property and may perform all legal activities authorised 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 a person or persons authorised in advance, by a resolution of a competent formation of the Party in the Province in terms of this Constitution or the Federal Constitution as the case may be or by the Chairperson of the Federal Council or a person or Party formation delegated by him or her in writing.
- 1.3.4. The Federal Executive or an office bearer in the Province duly authorised in advance and carrying the mandate of the Federal Executive may act on behalf of and legally bind the Party in the Province in all matters and represents the Party in all legal proceedings by or against the Party in the Province.
- 1.3.5. No other member or formation of the Party may act on behalf of and legally bind the Party. Any person or persons who purport to do so in contravention of the provisions of this Constitution and/or the Federal Constitution, shall be personally liable therefor.
- 1.3.6. All monies and goods received and collected in the name of the Party vest in the Party itself.

1.3.7. Income and assets of the Party are not distributable to members or office bearers, except as reasonable compensation for services rendered.

CHAPTER TWO
GENERAL ORGANISATIONAL PRINCIPLES
OF THE PARTY IN THE PROVINCE

2.1. GENERAL STRUCTURE OF THE PARTY

- 2.1.1. The Party consists of members who are organised in and function democratically through the organisational formations of the Party in the Province.
- 2.1.2. The organisational formations of the Party are set out in the Federal Constitution. They consist of formations at federal, provincial, regional, constituency and local level.
- 2.1.3. At local level the Party must establish branches with democratically elected branch committees and/or branch executive committees, and strive to establish a branch in every ward within the Province.
- 2.1.4. Branches are the basic organisational formations of the Party and every member of the Party must be a member of a branch and must exercise his or her rights and privileges as a member through his or her branch and its elected representatives and delegates.
- 2.1.5. The Party must establish constituencies as organisational formations. These may include contiguous municipal wards or any specific interest group, defined institution(s) or societal sector(s). In the case of geographic constituencies, such constituencies must be delimited taking local circumstances into account and must cover all of the wards within the geographical area concerned.

- 2.1.6. Where constituencies have been delimited and allocated by the provincial structures concerned, a democratically elected constituency committee and/or constituency executive committee assumes responsibilities as provided for in the Provincial Constitution.
- 2.1.7. The Provincial Executive Committee may establish regions which shall consist of either the geographical area of metropolitan councils or district councils or may be a combination of metropolitan councils and district councils and may change the boundaries of such regions.
- 2.1.8. The Party establishes a Provincial Congress, a Provincial Council and Provincial Executive Committee and other committees as required by this Constitution.
- 2.1.9. The Party is assisted and supported by the Democratic Alliance Women's Network, the Democratic Alliance Youth, the Association of Democratic Alliance Councillors in the Province as well as other bodies which function in terms of their respective Regulations, provided that such Regulations do not contradict this Constitution or the Federal Constitution.
- 2.1.10. The Federal Congress is the highest level at which the democratically expressed will of the members is stated and the Federal Congress is thus the highest authority in respect of all matters in the Party, subject to the provisions of the Federal Constitution.
- 2.1.11. Formations in the Party have the authority, powers and functions set out in this Constitution subject to the Federal Constitution.
- 2.1.12. Wherever a formation of the Party in the Province is entitled to representation on higher formations, it will only be entitled to that

representation if it is validly constituted in terms of this Constitution subject to the Federal Constitution and any validly adopted Rules. Such representation will be determined by a formula adopted by the Provincial Council or its delegates.

2.2. NOMINATION AND SELECTION OF CANDIDATES

- 2.2.1. The Federal Council must adopt regulations for the nomination and selection of candidates to be public representatives of the Party.
- 2.2.2. Those regulations may make provision for provincial and local variations to suit the circumstances of the provinces. Detailed written grounds must be supplied motivating variations by the province and/or local formation concerned.
- 2.2.3. Regulations for the nomination and selection of candidates for the National Assembly must provide for provincial lists and may also provide for a national list.
- 2.2.4. Members of the Party wishing to make themselves available for election as an office-bearer in any structure in the Party or as a public representative, must be members in good standing with the Party.

2.3. VOTING

- 2.3.1. In terms of the provisions of this Constitution, subject to the Federal Constitution, voting at meetings of all provincial bodies of the Party is by a show of hands, unless secret ballot is required by the person presiding or by one-tenth of the members present.
- 2.3.2. Decisions at all meetings referred to in 2.3.1 above are taken by a majority of members present and voting, provided that:
 - 2.3.2.1. a teleconference shall only be regarded as a meeting if a

- quorum of the participants is present and if notice of such a teleconference has been given to the members; and further provided that, where a secret ballot is requested, voting shall take place at a special meeting called thereafter; and
- 2.3.2.2. the presiding officer at a meeting has a casting as well as a deliberative vote, provided that he/she is a voting member of that body.
- 2.3.2.3. The Federal Council must prescribe procedures for early and/or distance voting for any meeting where voting is to take place and where early/distance voting has been approved by the Federal Executive.
- 2.3.3. All elections to office within the Province involving the election of more than two people to an office must be by a voting system approved by the Federal Council, provided that where this is practically impossible, permission may be granted by the Provincial Executive to deviate from this on good cause shown.
- 2.3.3.1. Ballots for office bearers' election must be kept by the Party for at least 30 days: except where an appeal has been lodged in which case the ballots will be kept until the appeal has been disposed of.
- 2.3.3.2. Objections to the outcome of office bearers' elections must be lodged within 48 hours after the announcement of results.
- 2.3.4. A staff member who is a member of a structure of the Party in that capacity, shall not have voting rights on that structure unless provided in this Constitution; provided that in respect of matters involving

candidate selection or election of office-bearers on any party structure, no staff member shall have voting rights.

2.4. POLICY

2.4.1. The Provincial Congress may adopt policy on matters that are within the competence of the Province, subject to the Federal Constitution and the policies of the Federal Congress and the Federal Council.

2.4.2. When the Provincial Congress is not in session, the Provincial Council may formulate policy in matters where no policy has been stated or where the stated policy is not clear or needs to be specifically applied, expressed, amended or expanded in accordance with the Values and the Principles of the Party.

2.5. STANDARDS OF CONDUCT OF PARTY MEMBERS

2.5.1. All Party members are subject to the discipline of the Party and submit to the provisions of the Federal Constitution in regard to rules on conduct and to the disciplinary procedures set out in Chapter 10 of the Federal Constitution.

2.5.2. All Party members including public representatives submit to the right of the Party to terminate their membership, to remove them from office in any executive or legislative sphere of government or office within the Party, or to be moved to a position deemed to be suitable by the Party, on the grounds of incapacity owing to poor performance and/or ill health, which includes but is not limited to incompetence and/or inefficiency and/or incapability, but only in terms of processes and procedures prescribed by the Federal Council.

2.5.3. Action against any public representative on the grounds of incapacity,

which could result in that person's membership being terminated or his or her privileges being curtailed, can only be taken in terms of the processes and procedures as prescribed by the Federal Council.

2.5.4. Any member, including a public representative, is guilty of misconduct if he or she:

2.5.4.1. publicly opposes the Party's Values and Principles or repeatedly opposes published Party policies, except in or through the appropriate Party structures;

2.5.4.2. acts in a way which impacts negatively on the image or performance of the Party;

2.5.4.3. acts in any manner whatsoever which results in him or her being found guilty of a serious criminal offence by a court of first instance;

2.5.4.4. fails to carry out his or her duties and/or responsibilities according to standards set by the Federal Council of the Party or of the Provincial Council, or to standards required by any statutory rules of conduct required by the public office he or she holds;

2.5.4.5. acts in any manner whatsoever which brings the good name of the Party into disrepute or harms the interests of the Party;

2.5.4.6. acts in any manner whatsoever that is unreasonable and detrimental to internal co-operation within the Party;

2.5.4.7. unreasonably fails to comply with or rejects decisions of the official formations of the Party;

2.5.4.8. submits or attempts to submit false membership forms or

- commits or attempts to commit membership fraud in any way;
- 2.5.4.9. contravenes any of the explicit Party decisions or regulations for the appropriation of Party finances;
- 2.5.4.10. collects money on behalf of or in the name of the Party or any of its structures or for any political activity without depositing such money in a bank account opened and operated in terms of procedures approved by the Federal Finance Committee and/or operates a bank account in which Party money is deposited without the approval of the Federal Finance Committee or a structure of the Party authorized by it;
- 2.5.4.11. in any election for office, or in opposing any proposed or existent Party policy or process, mobilises or attempts to mobilise opposition to the policy or process, or opposition to or discrimination against any person on the grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth;
- 2.5.4.12. publicly alleges or implies that he or she, or any group of members, have been unfairly prejudiced, or any member or group of members unjustifiably preferred, as a consequence of that member's or those members' race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience,

belief, culture, language or birth;

2.5.4.13. being a public representative, in any meeting of any legislative body, disparages, belittles or insults the Party or any member of the Party, or another Party or any member of another Party with which the Party is in a coalition in that legislative body;

2.5.4.14. in any way intimidates or sexually harasses in any manner, any member of the Party or staff members;

2.5.4.15. discloses in any way any sensitive and/or confidential information discussed in a closed meeting with anybody outside that meeting other than a person authorised to receive it in terms of a policy adopted by the Federal Council.

CHAPTER THREE

MEMBERSHIP AND BRANCHES

3.1. MEMBERSHIP

3.1.1. Every person wishing to become a member of the Democratic Alliance must:

- 3.1.1.1. be 16 years of age or older: provided that all members 16 years or older until they attain the age of 31, may opt in to become members of the Democratic Alliance Youth unless they indicate to the contrary;
- 3.1.1.2. be a citizen or a permanent resident of South Africa;
- 3.1.1.3. subscribe to the Values, Principles and the Programme of Action of the Party;
- 3.1.1.4. agree to abide by the Constitution of the Party;
- 3.1.1.5. apply to become a member of the Party, by signing the prescribed membership application form, or by making application electronically online or in other ways approved by the Federal Council;
- 3.1.1.6. comply with any condition set by the Federal Council or Federal Executive from time to time; and
- 3.1.1.7. personally pay the membership subscription applicable to the period of membership applied for. What constitutes personal payment will be regulated by the Federal Executive from time to time.

3.1.2. Membership takes effect when a person complies with the

requirements for membership as set out in Section 3.1.1, and pays the membership fee in accordance with regulations approved by the Federal Council from time to time.

- 3.1.3. A person may enrol as a member at any time during the year. A member of the Party who is a member on the audit date, is entitled to vote at all meetings of the Party subsequent to that date until the next audit date, unless their membership is formally terminated or suspended. Members who join the Party shall be entitled to vote at all meetings 30 days after the date of joining until the next audit date: provided that the Provincial Executive, as provided in the Provincial Constitution, may determine an appropriate cut-off date for voting by members at inaugural or annual general meetings of branches.
- 3.1.4. The membership of the Party is audited on 31 March or such other date as Federal Council from time to time decides, for the purposes of:
 - 3.1.4.1. monitoring the integrity of the membership of the Party; and
 - 3.1.4.2. establishing a cut-off upon which representation to structures of the Party in the forthcoming year can be determined.
- 3.1.5. A province, constituency or branch that fails to pass its membership audit may lose its right to participate fully in federal or provincial congresses or regional or branch annual general meetings.
- 3.1.6. Any member who fails to renew his or her membership on or before the due date resumes membership only from the date upon which he or she pays the prescribed membership subscription and is subject to the 30 day requirement and other provisions referred to in Section 3.1.

- 3.1.7. Anyone who applies for membership or renews their membership via the online website application shall not be required to sign a membership form.
- 3.1.8. A donor to the Party whose donation in that period exceeds the prescribed membership subscription, and who wishes to become a member, of the Party, must comply with all requirements of Section 3.1.1, save that the membership subscription will be deemed to be included in the donation.
- 3.1.9. A donor who is already a member, and whose donation in that period exceeds the prescribed membership subscription, continues as a member and the donation is deemed to include the membership subscription.
- 3.1.10. A public representative whose compulsory contribution to the Party in that period exceeds the membership subscription, continues as a member and the membership subscription is deemed to be included in their compulsory contribution.
- 3.1.11. The Party may provide for honorary life membership of the Party, given at the discretion of the Federal Council.

3.2. REFUSAL OF MEMBERSHIP

- 3.2.1. The Provincial Executive may itself or at the recommendation of a branch or constituency refuse to accept the application for membership of any person other than a public representative, who joined the Party in terms of Section 3.1.1 within 60 days of the payment of the membership subscription by such a person at the provincial office.
- 3.2.2. No person (other than a public representative) may be readmitted to

membership if he or she has been charged for misconduct by a disciplinary committee established in terms of Chapter 10, until the disciplinary committee has made its finding and any appeals have been disposed of, or if his or her membership has previously ceased to be terminated in terms of this constitution, unless permission is given by the Federal Executive acting on the advice of the Provincial Executive or Constituency Executive.

3.2.3. A person whose membership application has been refused in terms of Section 3.2.1 may appeal that decision to the Provincial Executive, or, if the decision was taken by the Provincial Executive, to the Federal Executive. The decision of the Provincial or Federal Executive, as the case may be, is final.

3.2.4 An individual whose membership has ended is perpetually inadmissible for membership if such membership ended under the following circumstances and no person may be readmitted for membership nor be eligible for nomination as a public representative under the following circumstances, without the express approval of the Federal Executive after consultation with the relevant Provincial Executive:

3.2.4.1 An individual whose membership has ceased in terms of 3.5 of this Constitution, save that this does not apply to members whose membership has expired in terms of 3.5.1.1;

3.2.4.2 An individual whose membership was terminated in terms of 10.12 of the Federal Constitution;

- 3.2.4.3 An individual who voluntarily resigned from the Party to join or support another party;
- 3.2.4.4 An individual who, being charged with misconduct in terms of this Constitution, resigns prior to the completion of the necessary disciplinary processes and appeals as defined in this Constitution;
- 3.2.5 Any individual who is perpetually inadmissible for membership in terms of clause 3.2.2 is deemed to not be a valid member even where such person submits a valid membership application form to the party or applies for membership online, the submission of which does not constitute readmission of membership.
- 3.2.6 Public representatives from other parties may only be accepted as members of the Party with the prior approval of the Federal Executive or a person designated by the Federal Executive, after consultation with the provincial or Regional Executive concerned: provided that the Branch Executive must also be consulted in respect of a local government representative.

3.3. MEMBERSHIP SUBSCRIPTIONS

- 3.3.1. The Federal Council determines from time to time the minimum membership subscription of the Party and the date for payment. That minimum will be uniform for all members.
- 3.3.2. A branch may request members to pay a voluntary contribution in addition to the prescribed membership subscription, in which case the amount in excess of the prescribed fee shall be deemed to be a donation and will be allocated to the branch in accordance with the

Policy of the Federal Finance Committee.

- 3.3.3. A member may pay the membership fee for his or her spouse(s), partner, child, parent or dependant(s) living at the same address. Sponsored membership in any form or for any person or class of persons other than in terms of this section or of Section 3.1.1.6 is not allowed.

3.4. DUAL MEMBERSHIP

A member or category of members of the Party may also be a member or members of another party or parties approved by the Federal Council for the period and on conditions determined by the Federal Council.

3.5. CESSATION OF MEMBERSHIP

3.5.1. A member ceases to be a member of the Party when he or she:

- 3.5.1.1. fails to renew his or her membership on or before the date stipulated in s 3.1.4;
- 3.5.1.2. publicly declares his or her intention to resign and / or publicly declares his or her resignation from the Party;
- 3.5.1.3. publicly declares his or her intention to join another party and / or publicly declares that he or she has joined another party;
- 3.5.1.4. becomes or remains a member of another party other than one approved under this Constitution;
- 3.5.1.5. has his or her membership application refused in terms of s 3.2.1 and any appeal in terms of s 3.2.3 has been dismissed or the time period for lodging an appeal has expired;
- 3.5.1.6. canvasses other Party members to resign from the Party;
- 3.5.1.7. canvasses other Party members to join or support another

Party;

- 3.5.1.8. stands or accepts nomination against an official candidate of the Party in any public election;
- 3.5.1.9. after having been warned to desist, publicly and unreasonably disparages the Party or decisions taken by its structures;
- 3.5.1.10. fails to resign his or her position after the procedures stipulated in s 6.2.6.3 of the Federal Constitution have been followed;
- 3.5.1.11. is found guilty of any offence listed in Schedule 1, 2, 5, 6 or 7 of the Criminal Procedure Act;
- 3.5.1.12. is in default with the payment of any compulsory public representative contribution for a period of 2 (two) months after having been notified in writing that he or she is in arrears and fails to make satisfactory arrangements or fails to comply with such arrangements for payment of the arrears;
- 3.5.1.13. being a public representative of the Party in a legislative body, in any meeting of that legislative body, votes in a manner other than in accordance with a Party caucus decision which is consistent with Party policy, in that legislative body, or being a single public representative in a caucus votes in a manner inconsistent with the instructions of higher Party structures or Party policy: save in the case where the Party allows a free vote on the issue being voted

on, or the caucus has given permission for that member to vote in a particular manner;

3.5.1.14. being a public representative of the Party in a legislative body, moves, seconds, votes in favour of or in any other manner supports a motion of no confidence in any government controlled by the Party, or in which the party is in coalition, or office-bearer in such a government, except with the leave of the Federal Executive;

3.5.1.15. being a public representative of the Party in a legislative body, in any meeting of that legislative body, leaves the meeting at a time a vote is to be taken on a matter that has been agreed by the caucus, in a situation in which leaving the meeting prevents the decision from being taken, or which causes or results in a decision being taken that is contrary to the agreed caucus position.

3.5.2. A member, who ceases to be a member of the Party, loses all privileges of Party membership and, if that member is a public representative, he or she also loses the office which he or she occupies by virtue of his or her membership, with immediate effect.

3.5.3. The process or processes to be followed in the case of cessation under this section will be determined by the Rules of the Federal Legal Commission.

3.6. ONLY MEMBERS CAN SERVE

- 3.6.1. Only Party members can serve on the representative and other structures of the Party and be public representatives of the Party.
- 3.6.2. If the membership of a public representative is terminated in terms of Section 10.12 or if a public representative ceases to be a member of the Party by virtue of Section 3.5.1, the Provincial Managing Director must notify the relevant authorities of the vacancy which has arisen.
- 3.6.3. Only members in good standing for at least 30 days are eligible to serve in any elected position in the Party.

3.7. BRANCHES

- 3.7.1. The essential organisational units of the Party are the branches. The Party will strive to establish and maintain a branch or branches for every local government ward in South Africa, composed of the key stakeholders of the Party, namely its members. Members play an important role in decision and policy making and the implementation of the Party's Programme of Action. The basic organisational units of the party are the branches. The Party will strive to establish and maintain a branch or branches for every local government ward in South Africa.
- 3.7.2. Branches are established to manage and direct the affairs of the Party, to communicate the principles and policy of the Party to the public, to recruit activists and volunteers for the Party, to mobilise the public in support of the programme of action of the Party, to participate in the process of democratic selection of candidates for the Party and to serve as the vehicle for the articulation of the interests of members of the Party and voters in their areas of jurisdiction

3.8. MEMBERSHIP OF BRANCHES

- 3.8.1. Members of the Party belong to branches and exercise their voting rights as members in branches, or through representatives elected by branches.
- 3.8.2. Members belong to the branch establishment for the ward or voting district in which they live: provided that –
 - 3.8.2.1. if a member is a member of the branch and ceases to live within that branch area by virtue of ward demarcation, he or she may remain a member of the branch to which he or she was a member prior to the demarcation until the next audit date;
 - 3.8.2.2. where no branch has been established in the ward in which a member lives, the Provincial executive must, after consulting with him or her, allocate him or her to the closes established branch, for him or her to be included as a member;
 - 3.8.2.3. where a branch in which a member lives has ceased to exist because it has fewer than 25 members as certified by the membership audit, the Provincial Executive, after consulting with him or her, must allocate him or her to the closest established branch for him or her to be included as a member;
 - 3.8.2.4. a public representative may join any branch within the constituency or ward for which he or she is responsible, even if he or she does not live within that area. If he or she

exercises this choice, he or she must inform the Provincial Managing Director accordingly;

3.8.2.5. any other member may apply to the Provincial Executive to join a branch other than the branch within the area in which he or she lives. The Provincial Executive may approve the application.

3.8.3. A member of the Party can only be a member of one branch and may be a delegate or office bearer of only that branch. Public representatives may attend and speak at all branches in the area of jurisdiction which they represent or which has been allocated to them, but they are entitled to vote only in the branch of which they are a member.

3.8.4. Public representatives shall automatically be members of the Branch Executive of the branch of which they are a member.

3.9. AREA OF JURISDICTION OF BRANCHES

3.9.1. The area of jurisdiction of a branch must not be smaller than a municipal ward. Provided that a Provincial Executive may permit a branch to be established in an area smaller than a municipal ward on application by members in that branch for compelling reasons and supported by the relevant constituency executive.

3.9.2. The area of jurisdiction of a branch is:

3.9.2.1. The area referred to in terms of 3.9.1; or

3.9.2.2. As many voting districts as the Provincial Executive may direct if there is more than one branch in a ward; or

3.9.2.3. More than one ward if the Provincial Executive deems it not

possible to establish and maintain a branch for each ward in the immediate future.

3.10. REPRESENTATION OF BRANCHES

3.10.1. Where there is more than one branch in a ward, the representation to other structures of the Party will be allocated between the branches within the ward according to a formula determined by the Federal Council.

3.10.2. If the branches in a ward are jointly entitled to fewer representatives to higher bodies than the number of branches, or if that representation must be shared between branches, the representatives will be elected using a proportional voting system approved by the Federal Council by delegates from the branches involved at a combined branch meeting held at a date time and venue approved by the Constituency Committee. Each branch will be represented at that meeting by a number of delegates determined by the formula approved by the Federal Council.

3.10.3. The entitlement of a branch to representation to other structures of the Party is determined by the status of that branch as at the last audit date as provided in 3.1.4

3.11. FORMATION OF BRANCHES

3.11.1. A branch may only be formed with the prior approval of the Provincial Executive, and the branch area of jurisdiction must be determined at the same time. Approval for the formation of a branch must not be unreasonably withheld.

3.11.2. A branch may only be formed if the Provincial Executive certifies that

there are at least 25 members within the area of jurisdiction of the branch.

3.11.3. A branch ceases to exist if its members drop below 25 as certified by the membership audit, or if a general meeting of the branch, of which notice was given to all members of the branch, decides to dissolve the branch, or if the branch fails to hold an annual general meeting by a date determined by the Federal Executive in terms of section 6.3.5 of the Federal Constitution. The members of the branch must then be transferred to an adjoining branch as determined by the Provincial Executive.

3.12. BRANCH MEETINGS

3.12.1. The Provincial Executive or the Constituency Committee as the case may be, may require a Branch Executive, which has failed to carry out its mandate in terms of the constitution, to convene a meeting of members for the purposes of electing a new Branch Executive and, if it fails to do so within 30 days, the Provincial Executive may itself convene such a meeting.

3.12.2. When a new branch is about to be formed or an existing branch is to be hold an annual general meeting a notice indicating the date, time and venue of the meeting and the nature of the business to be transacted must be given to all of the members of the branch resident in the ward, to all public representatives of the Party responsible for the area, and to the office of the Provincial Executive as the case may be. At least 14 days' notice is required before such a meeting may be held: provided that the Federal Executive may condone a shorter notice

period on good cause shown.

3.12.3. The quorum for the holding of an inaugural meeting and for an annual general meeting will in all cases be thirteen (13) members.

3.12.4. The presiding officer at all inaugural and annual general meetings of branches must be a person designated by the Provincial Executive, as the case may be.

3.12.5. The Chairperson of a Branch Executive must call a general meeting of the branch within twenty-one days if one-fifth of the members of the branch so request in writing.

3.13. BRANCH EXECUTIVES

3.13.1. Branch Executives

3.13.1.1. will comprise the following positions, to be elected at the AGM/IGM of the branch as prescribed by 3.12.2 – 3.12.4:

3.13.1.1.1 Branch chairperson;

3.13.1.1.2 Deputy branch chairperson;

3.13.1.1.3 Branch secretary;

3.13.1.1.4 Branch DAWN representative;

3.13.1.1.5 Branch DAY representative.

3.13.1.2. may, by majority vote, co-opt other persons;

3.13.1.3. must meet on a regular basis, but not less than once a quarter, at times, dates and venues determined by the Chairperson;

3.13.1.4. in general manage and guide the activities of the Party within their area of jurisdiction and ensure that the programme of action of the Party is implemented as far as possible;

- 3.13.1.5. give effect to the decisions of higher formations of the Party;
 - 3.13.1.6. report to the Constituency Committee and, when so required, to other higher formations of the Party on activities and on local ideas and opinion;
 - 3.13.1.7. assist the public representatives of the Party in implementing the policy and the programme of action;
 - 3.13.1.8. communicate with members of the Party and the broader public in order to mobilise support for the Party.
- 3.13.2. The ward councillor, or PR councillor allocated to a ward, must give political leadership to the activists of the branch by guiding strategies and activities and participating in these as an identified leader of the Party.

3.14. FAILURE BY BRANCHES

- 3.14.1. If a branch:
- 3.14.1.1. fails to comply with the provisions of this Constitution; and/or
 - 3.14.1.2. cannot function properly due to internal strife or lack of leadership;
- the Constituency or Provincial Executive may take steps to rectify the situation, provided that the Executive taking such decision shall report to the next Constituency or Provincial Council meeting as to what steps it has taken.
- 3.14.2. The steps referred to above may include a directive that the administration of the branch or any aspects thereof may be taken over by a designated Party official or body.

CHAPTER FOUR

CONSTITUENCIES

4.1. DEMARCATION OF CONSTITUENCIES, COMPOSITION OF CONSTITUENCY COMMITTEES AND CONSTITUENCY EXECUTIVES

4.1.1. A Provincial Executive must, in consultation with the Chief Executive Officer of the Party and after due consultation with the relevant Constituency and Regional Executives where these exist demarcate constituency boundaries.

4.1.2. A constituency must be an area capable of being administered as a unit and must consist of one or more adjacent local municipalities, or, in the case of metropolitan areas or large municipalities, of adjacent wards, forming one geographical area. A constituency can also be a specific interest group, defined institution(s) or societal sector identified by the Federal Council or Federal Executive or as one needing focussed attention.

4.1.3. Every Constituency must have a Constituency Committee composed of:

4.1.3.1 all public representatives serving in the Constituency;

4.1.3.2 all elected chairpersons of validly constituted branches;

4.1.3.3 between one and five additional persons elected by constituted branches to the Constituency Committee, based on a formula laid down by the Federal Council from time to time;

- 4.1.3.4 a DAWN representative from each constituted branch;
- 4.1.3.5 a DAY representative from each constituted branch.
- 4.1.4 The duly constituted Constituency Committee must elect a Constituency Executive at the Constituency IGM/AGM.
- 4.1.5 When a Constituency is to hold an inaugural or annual general meeting, a notice indicating the date, time and venue of the meeting and the nature of the business to be transacted must be given to the Constituency Committee and to the office of the Provincial Executive. At least 14 days' notice is required before such a meeting may be held, provided that the Federal Executive may condone a shorter notice period on good cause shown.
- 4.1.6 Any member of the Constituency may stand for election to the Constituency Executive and any member of the Constituency may nominate or second any other member of the Constituency to stand for election to the Constituency Executive.
- 4.1.7 Nominations for election to the Constituency Executive shall be conducted via a method approved by the Provincial Executive Committee.
- 4.1.8 The presiding officer at all inaugural and annual general meetings of branches must be a person designated by the Provincial Executive or Constituency Executive.
- 4.1.9 The duly constituted Constituency Committee shall, within 30 days of being constituted, elect, from amongst the members of the Constituency, a Constituency Executive composed of the following:
 - 4.1.9.1 a Chairperson;

- 4.1.9.2. a Deputy-Chairperson;
- 4.1.9.3. a Secretary;
- 4.1.9.4 a DAY Constituency representative;
- 4.1.9.5 a DAWN Constituency representative;
- 4.1.9.6 a Constituency Fundraising co-ordinator;
- 4.1.10 All public representatives and all chairpersons of validly constituted branches shall automatically be members of the constituency executive.
- 4.1.11 A constituency executive may, by majority vote, co-opt other persons.
- 4.1.12 A member of a constituency executive who fails to attend 3 consecutive meetings, without good reason, may be removed from their position on that executive by a majority decision of the executive, after giving such member the opportunity to motivate why he/she should not be removed. The member may appeal such decision to the relevant provincial executive, whose decision will be final.

4.2 POWERS AND FUNCTIONS OF CONSTITUENCY COMMITTEES

- 4.2.5 The Constituency Committee participates in drafting an annual programme for the constituency and all its branches.
- 4.2.6 The Constituency Committee assists the public representatives and operational structures of the Party in implementing the policies and the programme of action of the Party.
- 4.2.7 The Constituency Committee shall not deal with financial matters other than –
 - 4.2.7.1 Fundraising permitted by the Federal Finance, Fundraising and Procurement Policy; and

4.2.7.2 Ensuring that the constituency expenditure on political activities expends but does not exceed the political activity budget allocated to the constituency or any monies raised by the constituency.

4.3 ALLOCATION AND RESPONSIBILITIES OF CONSTITUENCY REPRESENTATIVES

The Provincial Executive must, after having demarcated as provided in this Constitution, and after consultation with the MPs and MPLs and any councillors, and in a manner which complies with due process and excludes any-pre-determination or compulsory rotation, which it contemplates allocating as constituency heads, and the constituency executives, allocate one or more Member/s of Parliament or the Provincial Legislature, to a constituency as the Constituency Head/s. The Provincial Executive may, with the approval of the Federal Executive, assign a councillor as a Constituency Head.

4.3.5 The Constituency Head/s is/are the political leader/s in that constituency and is/are directly responsible to the Provincial and Federal leadership for the proper political functioning of the constituency and the branches within the constituency.

4.3.6 The Constituency allocated to a representative or representatives is the area in which that representative or those representatives must be available to serve the voters and support Party activities in accordance with a job description determined by the Federal Council.

4.3.7 The Provincial Executive, shall, after consultation with the PR councillors and the Constituency Executive, allocate PR councillors to

wards and/or other specific responsibilities.

4.3.8 Ward Councillors shall take responsibility for the ward for which they were elected, and they and PR Councillors shall take such other responsibilities as the provincial organisation may allocate to them in consultation with the relevant caucus leader.

4.3.9 The Constituency Chairperson is administratively responsible for the Constituency.

4.3.10 Staff members assigned to a Constituency or a targeted community in a constituency or constituencies are responsible for executing the operations and political support in the Constituency.

4.4 FAILURE BY CONSTITUENCIES

4.4.5 If a constituency:

4.4.5.1 fails to comply with the provisions of any Party Constitution;
and/or

4.4.5.2 becomes unable to meet its financial commitments; and/or

4.4.5.3 cannot function properly due to internal strife or lack of leadership;

the Provincial or Federal Executive must take steps to rectify the situation, provided that the Executive taking such decision shall report to the next Provincial or Federal Council meeting as to what steps it has taken.

4.4.6 The steps referred to above may include a directive that the administration of the constituency or any aspect thereof may be taken over by a designated Party official or body.

CHAPTER FIVE
REGIONAL STRUCTURES

5.1 REGIONAL STRUCTURES

Each Region is required to draft a set of Regional Practice and Rules which must provide for a Regional Council and a Regional Executive, with all the appropriate and relevant provisions relating to those bodies. The Regional Practice and Rules may provide for the creation of sub-regional and any other structures that are appropriate for the Region concerned.

5.2 All Regional Practice and Rules must be submitted to the Provincial Executive for approval within 6 months of the adoption of the Provincial Constitution, or such further limited period as the Provincial Executive may permit. Such regional practice and rules must make clear the way in which the regional council is formed and must, in accordance with clause 4.2 of the Federal Constitution allow for constituency representation.

5.3 Each Regional Council shall, from the members of that council, elect representatives to represent the region on the Provincial Executive Committee. These elected representatives will be as follows:

5.3.1 The Regional Chairperson;

5.3.1 A Member of Parliament from the region;

5.3.2 A Member of the Provincial Legislature from the region;

5.3.3 A local government councillor from the region.

- 5.4 If a Region fails to comply with 5.1 or 5.2 the Provincial Executive may itself draw regulations that will apply in and to the Region until a Regional Practice and Rules has been adopted and approved.
- 5.5 Regional Practice and Rules are intended to provide for substantial local autonomy and variance to suit local conditions that may differ from Region to Region, but may not depart from the spirit of the Federal Constitution, the Provincial Constitution or from the specific provisions thereof without the approval of the Provincial Executive. In particular, Regional Practice and Rules must:
- 5.5.1 provide that elections to office must be by a proportional voting system approved by the Federal Council and must specify a system of representation from subordinate bodies to higher formations which must be consistent with Annexure 1 of this Constitution and must recognise the need for persons who are not public representatives to be active at all levels and the need for public representatives in all spheres to be present or be represented
- 5.5.2 require regular meetings of all structures within the region with the Regional Council meeting at least four (4) times per year and the Regional Executive meeting at least ten (10) times per year;
- 5.5.3 regular elections of office bearers with Regional Executives consisting of at least a chairperson, a deputy chairperson and a finance chairperson;
- 5.5.4 prescribe systems that will help to ensure democracy, transparency and good governance;

- 5.5.5 make it possible for the Provincial Congress, the Provincial Council and the Provincial Executive to provide the leadership in campaigns and;
 - 5.5.6 ensure that if a Region fails to carry out its obligations satisfactorily it will be possible for the Provincial Executive, after observing due process, to intervene in order to rectify the situation in the broader interest of the Party.
- 5.6 A Regional Council and its Regional Executive shall:
- 5.6.1 have financial control over the finances of the Party in that Region;
 - 5.6.2 co-ordinate, direct and supervise the activities of the Party within the Region;
 - 5.6.3 formulate submissions to the Provincial Executive, the Provincial Council and the Provincial Congress;
 - 5.6.3 have the power to adopt regulations and procedures applicable to the Region concerned, subject to the condition that these shall not contradict the provisions of this Constitution or the Federal Constitution.
- 5.7 The Regional council shall consist of the following delegates;
- 5.7.1 All the Public Representatives of the Region;
 - 5.7.2 Delegates from branches and constituency's as determined by the regional practices and rules.

CHAPTER SIX

PROVINCIAL STRUCTURES

6.1 PROVINCIAL CONGRESS

6.1.1 The supreme policy-making and governing body of the party in the Province is the Provincial congress in session.

6.1.2 The Provincial Congress generally meets at least once every three years but must be convened at any time by a two-thirds majority vote of the Provincial Executive, a two-thirds majority vote of the Provincial Council, or when requested by a petition signed by at least five hundred members of the Party in the Province.

6.1.3 The Provincial Congress comprises:

- 6.1.3.1 the Provincial Leader;
- 6.1.3.2 the Provincial Deputy- Leader;
- 6.1.3.3 the Provincial Chairperson;
- 6.1.3.4 the three Deputy Provincial Chairpersons;
- 6.1.3.5 the Provincial Finance Chairperson;
- 6.1.3.6 the Provincial Managing Director without voting rights;
- 6.1.3.7 the Provincial Campaign Director without voting rights;
- 6.1.3.8 all other members of the Provincial Executive Committee not mentioned in clauses 6.1.3.1 to 6.1.3.7;
- 6.1.3.9 all Members of Parliament and Members of the Provincial Legislature representing the Party in KwaZulu-Natal;

- 6.1.3.10 all local government councillors representing the Party in KwaZulu-Natal;
 - 6.1.3.11 the Provincial Leader of the Democratic Alliance Youth;
 - 6.1.3.12 the Provincial Leader of the Democratic Alliance Women's Network;
 - 6.1.3.13 Chairperson of each duly constituted branch in the Province together with delegates from each duly constituted branch based on a formula laid down by the Federal Council.
 - 6.1.3.14 Other persons invited by the Provincial Leader or the Provincial Chairperson, provided that such persons may not vote.
- 6.1.4 The Provincial Congress elects the Provincial Leader, the Deputy Provincial Leader, the Provincial Chairperson and the Deputy Provincial Chairpersons.
- 6.1.5 The Provincial Chairperson or one of the Deputy Chairpersons, assigned by the Provincial Chairperson, acts as the chairperson of the Provincial Congress.
- 6.1.6 The Provincial Executive Committee must take all decisions relevant to the organisation of the Provincial Congress including the date, venue and agenda.
- 6.1.7 The provincial congress takes decisions on all aspects of policy, organisation, finance and discipline within the province, and all such decisions are binding on the Party in the Province subject to the provisions of the Federal Constitution

6.2 PROVINCIAL COUNCIL

- 6.2.1 There must be a Provincial Council of the Party in KwaZulu-Natal.
- 6.2.2 When the Provincial Congress is not in session, the Provincial Council is the policy-making and governing body of the Party.
- 6.2.3 The Provincial Council comprises:
- 6.2.3.1 the Provincial Leader;
 - 6.2.3.2 the Provincial Deputy-Leader;
 - 6.2.3.3 the Provincial Chairperson, who chairs meetings;
 - 6.2.3.4 the three Deputy Provincial Chairpersons;
 - 6.2.3.5 the Provincial Finance Chairperson;
 - 6.2.3.6 the Provincial Fundraising Chairperson;
 - 6.2.3.7 the Chairperson of the Provincial Disciplinary Committee;
 - 6.2.3.8 the Chairpersons of Constituencies;
 - 6.2.3.9 the Provincial Leader of the Democratic Alliance Youth, or his or her nominee;
 - 6.2.3.10 the Provincial Leader of the Democratic Alliance Women's Network or her nominee;
 - 6.2.3.11 the Chairperson of the Association of Democratic Alliance Councillors, or his or her nominee;
 - 6.2.3.12 the Provincial Managing Director, without voting rights;
 - 6.2.3.13 the Provincial Campaign Director, without voting rights;
 - 6.2.3.14 all Members of Parliament representing the Party in the Province;
 - 6.2.3.15 all Members of the Provincial Legislature representing the Party in the Province;

- 6.2.3.16 local government councillors allocated to the Constituencies on the basis of a fixed ratio of 4:1, being four local government councillors to each Member of Parliament and Member of the Provincial Legislature in the province, allocated to the Constituencies proportionately on the basis of the votes cast at the most recent election of a national nature, and elected by the Constituency Committees by a proportional voting system approved by the Federal Council, but subject to the condition that each Constituency shall obtain at least one representative under this clause;
- 6.2.3.17 members of the Party who are not public representatives, allocated to the Constituencies on the basis of fixed ratio of 4:1 being members to each Member of Parliament and Member of the Provincial Legislature in the province, allocated to the Constituencies proportionately on the basis of the votes cast at the most recent election of a national nature, and elected by the Constituency Committees by a proportional voting system approved by the Federal Council, but subject to the condition that each Constituency shall obtain at least one representative under this clause;
- 6.2.3.18 all Constituency Officers appointed in the Province, without voting rights;
- 6.2.3.19 all members of the Provincial Executive who are not otherwise members of the Provincial Council.

6.2.4 Election of Provincial Council Office Bearers

6.2.4.1 The Provincial Council must at its first ordinary meeting held after a Provincial Congress elect a Provincial Chairperson of Finance, and a Provincial Chairperson of Fundraising, who automatically become members of the Provincial Council upon their election.

6.2.4.2 Existing Provincial Council office bearers as defined in 5.2.4.1 remain in office until the first ordinary meeting of the Provincial Council after a Provincial Congress.

6.2.4.3 Any casual vacancy which exists or which may arise before the holding of the first ordinary meeting of the Provincial Council may be filled on an interim basis by an election held by the Provincial Executive but any office bearers so elected must vacate office to enable an election to take place at the Provincial Council meeting.

6.2.5 Sub-committees

6.2.5.1 The Provincial Council may establish sub-committees and may assign to them functions, duties and powers consistent with this constitution.

6.2.6 Prescribing rules and regulations

6.2.6.1 Delegates to the Federal Council are elected in accordance with Clause 6.2.3.4 – 6.2.3.12 of the Federal Constitution, and in the case of delegates who are not public representatives, by the Provincial Council;

- 6.2.6.2 The Provincial Council must prescribe or approve provincial variations to the regulations for the selection of candidates for the National Assembly, Provincial Legislature, Local Government and for the National Council of Provinces;
- 6.2.6.3 The Provincial Council must meet annually at a time and place determined by the Chairperson, and is obliged to do so by decision of the Provincial Executive or when requested by a petition signed by no less than 30% of its members.
- 6.2.6.4 A majority of the members of the Provincial Council constitutes a quorum.

6.3 PROVINCIAL EXECUTIVE COMMITTEE

6.3.1 There must be a Provincial Executive Committee of the Party in KwaZulu-Natal which comprises:

- 6.3.1.1 the Provincial Leader;
- 6.3.1.2 the Provincial Deputy Leader;
- 6.3.1.3 the Provincial Chairperson, who chairs meetings of the Provincial Executive;
- 6.3.1.4 the three Deputy Provincial Chairpersons;
- 6.3.1.5 the Provincial Finance Chairperson;
- 6.3.1.6 the Provincial Fundraising Chairperson;
- 6.3.1.7 the Provincial Disciplinary Chairperson;
- 6.3.1.8 two persons elected by the Provincial Council to the Provincial Management Committee and any co-opted members of the PMC;

- 6.3.1.9 the Constituency Chairpersons and the MP or MPL assigned to each constituency, who shall each exercise a single vote.
- 6.3.1.10 Regional Chairpersons;
- 6.3.1.11 the Provincial Leader of the Democratic Alliance Youth, or his or her nominee;
- 6.3.1.12 the Provincial Leader of the Democratic Alliance Women's Network or her nominee;
- 6.3.1.13 the Chairperson of the Association of Democratic Alliance Councillors in the Province, or his or her nominee;
- 6.3.1.14 the Provincial Managing Director, without voting rights;
- 6.3.1.15 the Provincial Campaign Director, without voting rights.

6.3.2 MEETINGS, POWERS AND FUNCTIONS OF PROVINCIAL EXECUTIVE COMMITTEE

- 6.3.2.1 The Provincial Executive Committee must meet at least ten (10) times per calendar year to deal with regular business or whenever the Provincial Leader or the Provincial Chairperson so determines, or when at least one half of its members request a meeting.
- 6.3.2.2 The majority of the members of the Provincial Executive Committee constitute a quorum.
- 6.3.2.3 The Provincial Executive Committee may invite one or more persons to attend, but not to vote at any of its meetings.

6.3.3 The Provincial Executive Committee

- 6.3.3.1 performs the functions and exercises the powers of the Provincial Council when the Council is not in session;

- 6.3.3.2 implements the decisions of the Provincial Council;
- 6.3.3.3 controls and directs activities of the Party;
- 6.3.3.4 subject to the Federal constitution and the Provincial constitution, takes decisions and makes regulations, binding on all party structures, concerning membership administration, organisation, finance, discipline and other matters affecting the welfare of the Party;
- 6.3.3.5 sets and monitors performance targets for the Province;
- 6.3.3.6 in consultation with the respective Constituencies, sets and monitors performance targets for the province and each Constituency.

6.3.4 If a Constituency Executive Committee fails to implement decisions of the Provincial Executive Committee, and further fails to comply with a notice to correct the default within 30 days, the Provincial Executive may take such corrective measures as are necessary to ensure the compliance by the constituency with the requirements of the Provincial Executive.

6.3.5 The Provincial Executive Committee (PEC) may delegate any of its powers to any person or committee and may establish sub-committees and assign to them such functions, duties and powers not inconsistent with this Constitution, as it may deem fit. The delegated powers, duties and functions must be recorded in writing and renewed, as and when required. Persons, committees and sub-committees so delegated must report to the Provincial Executive Committee on the outcomes of their

delegations as and when required by the Provincial Executive Committee to do so.

6.3.6 Every resolution taken by the Provincial Council or Provincial Executive Committee requiring implementation shall include timelines. All resolutions must be captured in a resolution register. All resolutions shall be reported on by the responsible member at every subsequent meeting of the structure.

6.4 PROVINCIAL MANAGEMENT COMMITTEE

6.4.1 The day-to-day management of the administration of the Party is entrusted to a Provincial Management Committee consisting of:

- 6.4.1.1 the Provincial Leader;
- 6.4.1.2 the Provincial Deputy Leader;
- 6.4.1.3 the Provincial Chairperson;
- 6.4.1.4 the 3 Deputy Provincial Chairpersons;
- 6.4.1.5 the Chairperson of the Provincial Finance Committee;
- 6.4.1.6 the Chairperson of the Provincial Fundraising Committee;
- 6.4.1.7 the Chairperson of the Provincial Disciplinary Committee;
- 6.4.1.8 the Provincial Managing Director, without voting rights;
- 6.4.1.9 the Provincial Campaign Director, without voting rights;
- 6.4.1.10 two persons as elected by the Provincial Council to assist;
- 6.4.1.11 such other persons as may be co-opted to assist.

6.4.2 Minutes of the meetings of the Provincial Management Committee must be submitted at the next meeting of the Provincial Executive Committee by the Provincial Chairperson.

CHAPTER SEVEN
POWERS, DUTIES & RESPONSIBILITIES OF SENIOR PROVINCIAL
OFFICER-BEARERS

7.1 THE PROVINCIAL LEADER:

- 7.1.1 Except when the Provincial Congress, Provincial Council or Provincial Executive are in session, and within the framework of the Vision, Principles and Programme of Action of the Party, interprets and makes the policy of the Party, provided that such policy-making is limited to decisions urgently required in respect of new matters or new situations and such decisions are reported to each immediately following meeting of the Provincial Executive Committee;
- 7.1.2 Is the spokesperson of the Party in the Province and is charged with ensuring that the image, the good name and the reputation of the Party is advanced and defended;
- 7.1.3 Initiates campaigns and programmes of action to implement the Vision, Principles Policy and Programme of Action of the Party in the Province;
- 7.1.4 Has a meaningful role to play in the selection of candidates for the party in the Province as set out above;
- 7.1.5 May from time to time, but at least annually, call a leadership group of all MPs, MPLs and caucus leaders and / or whips of large local government caucuses (ie those numbering at least 6) for the purpose of consulting on issues of political importance to the Party;

7.1.6 May appoint a person to act as leader during his or her temporary absence or incapacity, provided that for any period in excess of six weeks the approval of the Provincial Executive must be obtained.

7.2 THE PROVINCIAL DEPUTY LEADER:

7.2.1 Performs such other functions and duties and exercise such powers as may be assigned to him or her by the Provincial Leader.

7.2.2 Works in close liaison with the Provincial Leader, the Provincial Chairperson, the Provincial Chairpersons, the Constituency Chairpersons, and Chairpersons of other established committees.

7.3 THE PROVINCIAL CHAIRPERSON

7.3.1 Presides over the Provincial Congress; and

7.3.2 In consultation with the Provincial Leader:

7.3.2.1 actively supports the implementation of programmes of action designed to promote the Vision, Principles, Policy and Programme of Action of the Party in the Province; and

7.3.2.2 assists in the overall promotion of the Party and mobilisation of support for it in the Province;

7.3.2.3 is entrusted with and responsible for the organisation and the administration of the Party in the Province and with the development and maintenance of a high degree of efficiency in the organisation and administration of the Party in the Province;

7.3.2.4 is entrusted with oversight of all disciplinary matters in the Province;

7.3.2.5 ensures that the decisions and directives of the Provincial

Congress, the Provincial Council, the Provincial Executive and the Provincial Management Committee are implemented;

7.3.2.6 works in close liaison with the Provincial Leader, the Provincial Deputy-Leader, the Provincial Deputy-Chairpersons, the Constituency Chairpersons, and Chairpersons of other established committees;

7.3.2.7 determines and supervises the functions of the Provincial Managing Director and Provincial staff;

7.3.2.8 performs such other functions and duties and exercises such powers as may be assigned to him or her by the Provincial Leader, the Provincial Council, the Provincial Executive and the Provincial Management Committee.

7.4 SENIOR OFFICE BEARERS AND MEETINGS

The Provincial Leader, the Provincial Deputy-Leader and the Provincial Chairperson are members of any Congress, Council, Committee or sub committee established in terms of this Constitution, and are entitled to attend meetings of all or any of them as full members. The Leader shall further be a member of every Electoral College.

7.5 RESIGNATION, DEATH OR INCAPACITY

If any office bearer resigns, dies or becomes permanently incapacitated, a successor must be elected forthwith by the body which elected him or her, provided that if this is deemed impracticable by the executive committee of the body it may appoint a person to act until a successor can be elected.

CHAPTER EIGHT

PROVINCIAL FINANCE

8.1 PROVINCIAL FINANCE COMMITTEE

8.1.1 The Provincial Finance Committee comprises:

- 8.1.1.1 the Provincial Finance Chairperson, who chairs meetings;
- 8.1.1.2 the Provincial Leader;
- 8.1.1.3 the Provincial Chairperson;
- 8.1.1.4 the Provincial Managing Director
- 8.1.1.5 the Provincial Fundraising Committee Chair.

8.1.2 The Provincial Finance Committee:

- 8.1.2.1 co - ordinates the financial affairs of the Party in the Province, including fundraising in a prudent and responsible manner;
- 8.1.2.2 prescribes financial procedures to be followed by all formations of the Party in the Province, subject to the Federal Constitution.
- 8.1.2.3 Ensures that the Province conducts annual audits and tables audited statements within 6 months of the financial year end.
- 8.1.2.4 Reviews audited statements of the Province and reports to the Provincial Executive Committee on any matters of concern arising from the audited statements.
- 8.1.2.5 Draws up the annual and medium term income and expenditure budget for the activities of the Party in the

Province which must be tabled before and approved by the Provincial Council.

- 8.1.2.6 Reviews the annual and medium term income and expenditure statements of the Party in the Province and reports to the Provincial Executive Committee on any matters of concern from such reviews.
- 8.1.2.7 Resolves disputes of a financial nature which may arise between formations of the Party in the Province.
- 8.1.2.8 Deals with any matter referred to it by the Provincial Executive Committee relating to the financial affairs of formations of the Party in the Province.
- 8.1.2.9 Meets at least twice a year or more regularly as determined by the Chairperson.
- 8.1.2.10 Ensures that a Provincial Fundraising Committee is established to manage the Province's fundraising campaigns.
- 8.1.2.11 The Chairperson of the Provincial Finance Committee must report at every Provincial Congress, Council, Executive and Management Committee meeting.

CHAPTER NINE

GENERAL PROVISIONS

9.1 ESTABLISHMENT OF THE PROVINCIAL DISCIPLINARY COMMITTEE

- 9.1.1 The Provincial Executive must at its first meeting after every Provincial Congress appoint a Disciplinary Committee consisting of a Chairperson, a Deputy Chairperson and up to twenty (20) members of who at least five (5) must be persons who are admitted as Attorneys or Advocates.
- 9.1.2 Disciplinary Panels, for the purpose of dealing with disciplinary matters, shall be appointed, as required from time- to-time, by the Chairperson or Deputy Chairperson of the Provincial Disciplinary Committee, from amongst the members of the Provincial Disciplinary Committee, having due regard for racial and gender diversity. Except where the Federal Council allows otherwise, each Disciplinary Panel so appointed shall consist of not more than five (5) members, nor less than three (3). Each Disciplinary Panel shall be chaired by a person who is an admitted Attorney or Advocate.
- 9.1.3 All disciplinary matters in the Province are dealt with in accordance with Chapter 10 of the Federal Constitution and in accordance with the Rules prescribed by the Federal Legal Commission.

9.2 DEMOCRATIC ALLIANCE WOMEN'S NETWORK (DAWN) AND DEMOCRATIC ALLIANCE YOUTH (DAY)

8.2.1 The DAWN and DAY structures of the Party in the Province function in terms of the provisions of the Federal Constitution in relation to references to the Democratic Alliance Women's Network and the Democratic Alliance Youth respectively.

8.2.2 The Provincial Council may, after consultation with the provincial structures of DAWN and DAY, prescribe rules for the better functioning of the 2 (two) institutions, in accordance with such rules as may be adopted by the Federal Council.

9.3 CAUCUSES

All public representatives are members of their relevant caucuses and function in terms of Chapter 9 of the Federal Constitution.

9.4 QUORUMS AT MEETINGS

Any meeting which was quorate at the commencement of the meeting, shall be deemed to remain quorate unless proven otherwise, for which purpose to prove it otherwise the onus shall be on the person alleging the lack of a quorum.

9.5 STATUS OF CO-OPTED MEMBERS

Where co-option is provided for, any member who is co-opted to a structure of the Party shall have voting rights, unless this is specifically excluded in this Constitution.

9.6 DEFINITIONS

In this constitution, unless a different meaning appears from the context, the following words have the meanings ascribed to them:

“Disciplinary Committee” means a Disciplinary Committee provided for in terms of this Constitution, or a panel of the Federal Legal Commission established for the purpose of dealing with a matter of a disciplinary nature.

“good standing” means that, at the time of nomination, the member will truthfully declare all details that may be required by the Federal Executive, and that he or she has been a member for at least 30 days, and the he or she is not in arrears with any monies owing to the Party arising from whatever cause, excluding where proof is submitted of the arrears being the result of Party administrative negligence / problems. The fact that the Party may have entered into a payment arrangement for any arrears shall not render the person in good standing.

“notice” notice for any annual general meeting, inaugural general meeting, special general meeting or any other meeting where any form of election is to take place, means notice in writing and which notice is to be dispatched on the first day of the notice period, if any notice period is prescribed, or no less than 72 hours before the meeting in all other cases.

“presiding officer” means a person appointed by the Federal Executive to preside over the election of office-bearers at any congress of the Party.

“proportional system of voting” means a system of voting as prescribed by the Federal Council from time to time.

“validly constituted” means that the structure meets the requirements of this Constitution and any other constitution applicable to it, in respect of

membership, meetings, quorums and notices.

“**voting**” means all voting in the province in elective meetings or otherwise and will be conducted by a show of hands unless otherwise decided by the provincial executive. Where any delegate to any structure contemplated in this constitution holds more than one position in that structure with voting rights, that delegate may only exercise one vote.

“**votes cast for the Party**” means the votes cast for the party in the most recent election of a national nature, whether that was for the National Assembly and the provincial legislatures or for local government. If it was an election for the local sphere of government, it refers to both the votes cast on the proportional ballot for the category A or B municipalities as defined in Section 155 of the National Constitution. If it was an election for the provincial and national spheres of government, it refers to the votes cast on the national ballot.

“**writing**” means notice by ordinary post, registered post, fax, email or sms, proof of the notice having been sent being *prima facie* proof of delivery.

FLC Reference: B22/2021

In the Matter of: Certification of Amendments to the Democratic Alliance Kwa Zulu Natal
Provincial Constitution

Panel Members: Councillor (retired) John Mendelsohn

Councillor Andrew Marais

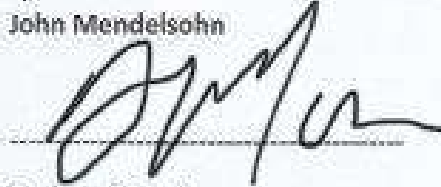
Panel Report

1. The Panel has considered the proposed amendments, having received a presentation from Timothy Brauteseth MP wherein all the said amendments were highlighted for ease of reference.
2. The Panel is satisfied that the said amendments are in line with the Federal Constitution of the Democratic Alliance.
3. The Panel recommends that the Federal Executive approve the said amendments.

Signed at Johannesburg on 10th July, 2021



John Mendelsohn



Andrew Marais