

BABSAs National Constitution

PRELIMINARY

- 1. Definitions**
- 2. Legal Status of National Constitution**

PART I

- 3 – 7 Name & Purpose**

PART II -RULES

- 8. Head Office**

- 9. Composition**

- 10 -14 Structure of Party Organisation**

- 15 – 23 Powers and Duties of the National Executive**

- 24 – 27 National Executive Committee**

- 28 – 32 National President and National Vice-President**

- 33. Affirmative Action**

- 34. National BABSAs Women’s League Network (NBWLN) Membership**

- 35. Role of the NBWLN**

- 36. NBWLN Executive**

- 37. Provincial/Regional Women’s Groups and Interaction**

- 38. National Conference Decisions**

- 39. Finance**

PART III

- 40. Values, Aims and Objectives**

- 41. Principles**

- 42. Immediate Aims**

PART IV

- 43 – 45 Legal Personality and Powers**

PART V

46. Membership

PART VI

47 – 48 Validation and Renewal

PART VII

49. Discipline, Appeal and Arbitration

PART VIII

50 – 51 BABSA Code of Conduct for Fundraising

52. Organisation of Fundraising

53. Conditions of the Code

PART IX

54. National Convention

55. Powers

56. Calling a National Convention

57. Delegates

58. Amendment of this Constitution

PART X

59. National Organisation

60. The National Executive Committee

61. The National Parliamentary Caucus

PART XI

62 – 67 Provincial Organisation

68. Senior Office Bearers

69. Electoral College

PART XII

70 – 74 Regional Organisation

PART XIII

75 – 80 Branch Organisation

PART XIV

81 -83 Presidential Powers

PART XV

84 – 85 BABSA Tree

PART XVI

86 – 90 Finance

PART XVII

91 -92 Publicity

PART XVIII

93 – 95 Indemnity Against Legal Claim for Damages

PART XIX

96. Indemnity From Legal Liability

Definitions

1 (a) In this National Constitution, unless the contrary intention appears:

- (i) “BABSA”, means the Party named in Part 1, clause 5;
- (ii) “financial”, in relation to membership, includes: (A) life members and other members deemed to be financial under provincial and regional branch rules, and (B) members who have not yet renewed their membership, but who will retain continuity of financial membership under provincial and regional branch rules if they renew their membership by the date specified in those rules;

Legal status of National Constitution

2 (a) It is intended that the National Constitution and everything done in connection with it, all arrangements relating to it (whether express or implied) and any agreement or business entered into or payment made or under the National Constitution, will not bring about any legal relationship, rights, duties or outcome of any kind, or be enforceable by law, or be the subject of legal proceedings. Instead, all such arrangements, agreements and business are only binding in honour.

(b) Without limiting clause 2(a), it is further expressly intended that all disputes within the Party, or between one member and another that relate to the Party be resolved in accordance with the National Constitution and the rules of the provincial and regional branches and not through legal proceedings.

(c) By joining the Party and remaining members, all members of the Party consent to be bound by this clause.

PART I

NAME & PURPOSE.

- 3. This is the Constitution of a political party known as “Building A Better South Africa” (referred to in this Constitution as “the Party”), hereinafter referred to as BABSA. The logo and the colours of BABSA are as described in the attached A3 document
- 4. Its purpose is to sustain and promote within the South African Nation the objectives and values of the BABSA Party.
- 5. BABSA is a political party that will register for and participate in elections and in political activities in the national, regional, provincial and local spheres of government in the Republic of South Africa.
- 6. BABSA will provide among others the following functions:
 - a. Representation (The act of representing; standing in for someone (or some group) and speaking with authority on their behalf)
 - b. Political elite formation and recruitment
 - c. Goal/policy formulation

- d. Interest articulation and aggregation
 - e. Providing alternative policy and political options and choices to citizens for enhancing plurality in the political system
 - f. Civic education, political socialisation, and mobilisation
 - g. Organisation of government and opposition within the rules of the political game. BABSA will strive for the consolidation of social cohesion and state integrity
 - h. Conflict mediation (A negotiation to resolve differences that is conducted by some impartial party)
7. This constitution shall be cited as the BABSA National Constitution and shall have binding force on all members and officials operating by virtue of its provisions.

PART II

RULES

Head office

8. The head office of the Party shall be known as the **National Secretariat** and shall be established at the place determined by the National BABSA President from time to time.

Composition

9. The Party shall consist of branches in each region and/or province.

Structure of Party organisation

10. The Party shall function upon the following basis:
- (i) National Conference,
 - (ii) National Executive,
 - (iii) BABSA Women's League, and
 - (iv) BABSA Youth League.
11. The National Conference shall be the supreme governing authority of the Party and its decisions shall be binding upon every member and every section of the Party. It shall consist of the National BABSA President, the National BABSA Vice-Presidents and a number of other delegates as BABSA sees fit.
12. The National Executive shall be the chief administrative authority of the Party, subject only to the National Conference. It shall consist of the National President and National Vice-Presidents, who are directly elected by the Party Members.
13. The BABSA Women's League shall function in accordance with the rules that may be approved from time to time by the National Executive and subject to its control and jurisdiction.
14. The BABSA Youth League shall function in accordance with the rules that may be approved from time to time by the National Executive and subject to its control and jurisdiction.

Powers and duties of the National Executive

15. Decisions of the National Executive are binding on all sections and members of BABSA subject only to appeal to National Conference.
16. Pending the hearing of any appeal, the decision of the National Executive continues to operate.
17. Subject only to National Conference, the National Executive may exercise all powers of the Party on its behalf without limitation, including in relation to the provincial and/or regional branches and other sections of the Party.
18. Without limiting the plenary powers of the National Executive under clauses 15, 16 & 17 the National Executive:
 - (i) is the administrative authority of the Party responsible for:
 - (A) carrying out the decisions of National Conference;
 - (B) interpreting the National Constitution, the national platform and decisions of National Conference; and
 - (C) directing national members;
 - (ii) must convene triennial National Conferences in accordance with the National Constitution;
 - (iii) may convene Special National Conferences for specified purposes;
 - (iv) must convene a Special National Conference for a specified purpose when requested by a majority of provincial and/or regional branches;
 - (v) must elect a National Executive Committee;
 - (vi) may elect such other committees as it may determine from time to time;
 - (vii) must consider any matter submitted to it by a provincial branch, regional branch, BABSA Women's League, or BABSA Youth League;
 - (viii) may hear and decide appeals from any affiliated organisation or individual member against a decision of a provincial branch and/or regional alleged to be inconsistent with any national decision or matter; and
 - (ix) may hear and decide appeals by any person seeking to be a candidate for a national election against a decision of a provincial and/or regional branch affecting that person's preselection.
19. Without limiting the plenary powers of the National Executive under clauses 15 - 18, if in the opinion of the National Executive any provincial branch and/or regional branch or section of the Party is acting or has acted in a manner contrary to the National Constitution, the national platform or a decision of National Conference, as interpreted by the National Executive, the National Executive may:
 - (i) overrule the provincial branch, regional branch or section;
 - (ii) intervene in the provincial branch, regional branch or section, and take over and direct the conduct of its affairs; and
 - (iii) conduct any preselection that would otherwise have been decided by the provincial branch, regional branch or section.

20. The National Executive must meet at least three times each year. Subject to the National Executive, the National Executive Committee is responsible for convening meetings of the National Executive.
21. The National Executive may meet by telephone and other electronic means provided each member who wishes to participate in the meeting is able to clearly and simultaneously communicate with every other such member.
22. A resolution agreed to in writing by all voting members of the National Executive has the same effect as a resolution passed at a meeting of the National Executive. In this clause “writing” includes emails, faxes and other electronic means of representing or reproducing words in a visible form.
23. The National Executive may conduct elections by postal vote.

National Executive Committee

24. The National Executive Committee (NEC) shall consist of the National Secretary and such other members of the National Executive as may be elected by the National Executive.
25. The NEC shall be responsible for the administration of the Party between meetings of the National Executive.
26. The NEC shall meet at least once between each meeting of the National Executive for the purpose of preparing the agenda and making recommendations to expedite the business of the National Executive.
27. Other than in urgent situations which preclude either a special meeting or a resolution without meeting of the National Executive, the NEC shall not have the power to make decisions on behalf of the National Executive. Any actions taken by the NEC between Executive meetings shall be reported to the next meeting of the Executive for endorsement.

National President and National Vice-Presidents

28. The National President and 2 National Vice-Presidents must be directly elected from and by Party members in the 12 months before each triennial National Conference in a single ballot by proportional representation with affirmative action in accordance with clause 31.
29. The candidate first elected is National President, the candidate second elected is National Senior Vice President, and the candidate third elected is National Junior Vice President.
30. The term of office for each position starts at the commencement of National Conference, and ends at the commencement of the next triennial National Conference.
31. The National President, when available, will chair National Conference and meetings of the National Executive, and conduct such meetings in accordance with the National Conference Standing Orders. The National President will carry out any other duties referred by the National Executive.
32. The National Vice-Presidents in order of seniority will take the chair in the absence of the National President, and carry out any other duties referred by the National Executive.

Affirmative action

33. BABSA is committed to men and women in the Party working in equal partnership. It is our objective to have 50% women at all levels in the Party organisation, and in public office positions the Party holds. To achieve this, the Party adopts the affirmative action model in this clause:

Minimum percentage

(a) In this clause, “minimum percentage” means 50%.

Party positions

(b) For all Party and office bearer positions (other than public office preselections and party employees), appointed or elected on a provincial, regional or national basis, where 3 or more positions are to be elected or appointed, at least the minimum percentage of the positions must be filled by women.

Public office preselections

(c) For all public office preselections, at least the minimum percentage of the candidates preselected for each of the groups of seats must be women.

National BABSA Women’s League Network (NBWLN)

Membership

34. There will be a National BABSA Women’s League Network.

- a. Every woman member of the Party is automatically a member of the National BABSA Women’s League Network.
- b. There will be no membership fee at the national level

Role of the NBWLN

35. The role of the National BABSA Women’s League Network is:

- a. to encourage women to join and participate in the BABSA Party;
- b. to increase the numbers of women in the Party;
- c. to maintain and expand e-communication between BABSA women;
- d. to devise and promote training programs to improve the skills, confidence and participation of BABSA women throughout the BABSA Party;
- e. to sponsor and expand the NBWLN political work experience program;
- f. to develop and promote women within branches and other structures of BABSA as well as to elected office;
- g. to organise, in conjunction with the host province, the National BABSA Women’s League Conferences;
- h. to administer travel subsidy to the National BABSA Women’s League Conferences;
- i. to promote contact between the BABSA and women’s organisations in the community;
- j. to assist in the development of policy and ensure women participate in policy making; and
- k. to nominate representatives to women’s forums, including international women’s forums.

NBWLN Executive

36. The NBWLN Executive will consist of 18 women members of BABSA elected by each triennial National Conference in a single ballot by proportional representation, but so that at least one candidate elected is from each province (in so far as there are nominations from each province).
- a. At its first meeting after each triennial National Conference, the NBWLN Executive will elect from its members a Convenor, Deputy Convenor, Secretary and any other officers it thinks appropriate.
 - b. The Convenor and Deputy Convenor will be elected in a single ballot.
 - i. The NBWLN Executive may fill vacancies in officer positions from its members.
 - ii. The National Executive may fill vacancies in the membership of the NBWLN Executive in accordance with the principles of proportional representation and provincial representation in clause 34.
 - iii. The NBWLN Executive will provide an annual report of its activities to the National Executive, provincial and regional branches and provincial and regional women's organisations.
 - iv. The NBWLN Executive will meet monthly by telephone and twice a year, face to face, with travel funded through the National Secretariat.
 - v. Accounts and financing will be run through the National Secretariat, within an annual budget, allocated by the National Executive.

Provincial/Regional Women's Groups and Interaction

37. The NBWLN will co-ordinate contact with provincial/regional branches of the BABSA Women's Network (BWN), other BABSA women's organisations and women's contact officers.
- i. The NBWLN will regularly meet with provincial/regional representatives of the BABSA Women's Network by telephone conference.
 - ii. The structure of BABSA Women's Networks will be determined by each province/region although uniformity is desirable.
 - iii. The NBWLN will continue to develop materials, share programs and information to assist and support provincial/regional BWNs.
 - iv. Where a member of a national body is entitled to appoint a proxy, women members of that body should appoint other women as proxies.

38. National Conference Decisions

- a. That decisions of National Conference are equally binding on all members of the Party whether determined as platform or as a decision of Conference. However, decisions of Conference which relate to matters of policy lapse if they are not reaffirmed by the subsequent Conference.
- b. Decisions of Conference which relate to organisational, administrative or rules matters continue in force until a subsequent Conference otherwise determines.

Finance

39. To meet the general expenses of the Party,
- a. Each provincial/regional branch shall pay each year, to the National Executive through the National Secretary, a sum representing a rate per thousand adult members, and a rate per thousand pensioner and student/junior members.
 - b. The total due shall be paid in four quarterly instalments on 1 January, 1 April, 1 July and 1 October.
 - c. The National Executive shall have the power to fix sustentation fees.
 - d. In the event of a provincial/regional branch being six months in arrears in its contributions to the Party, the National Executive may decide that such branch shall not be entitled to be represented at any meeting of the National Executive or National Conference, or be consulted on any question that may be subject to a ballot of provincial/regional branches, until such arrears are paid.
 - e. Upon request, provincial/regional branches shall report financial information to the National Secretary in a standard format determined by the National Executive.
 - f. The National Executive shall meet the expenses of the National President and National Vice-Presidents attending National Conference and the expenses of any officers associated with any duty being carried out on behalf of the National Executive.
 - g. Each branch shall pay to the National Executive not later than 31 December of each year the appropriate fee, to be determined by the National Executive, for international affiliations or activities associated therewith.
 - h. The National Executive shall authorise the National Secretary to negotiate banking facilities on behalf of the National Executive of the Party and determine the manner in which the Party's accounts shall be operated including the signatories to the Party's bank accounts.
 - i. Fundraising by BABSAs Party at provincial/regional and national levels and by BABSAs Party candidates for public office shall be governed by the BABSAs Code of Conduct for Fundraising at PART VII.
 - j. All accounts conducted for candidates whether at national, provincial/regional or municipal elections shall include the BABSAs Party in their title. Furthermore, they shall be controlled by that level of Party organisation with the identical relevant signatories, be audited at the July meeting of such Party organisations and such annual accounts shall be forwarded to the Party provincial/regional branch for inclusion in the Party's annual account reporting process to the Independent Electoral Commission.

PART III

VALUES, AIMS AND OBJECTIVES

40. To achieve the political and social values of equality, democracy, liberty and social cooperation inherent in this objective, we stand together with all South Africans who share a community-based approach of values embodied by these words:

- a. That BABSA is a reliable political party that SHALL remain committed, concerned and caring about BUILDING A BETTER SOUTH AFRICA for all;
- b. That BABSA is dedicated to promoting social harmony, unity and the empowerment of the people of South Africa;
- c. That BABSA stands for redistribution of political and economic power so that all members of society have the opportunity to participate in the shaping and control of the institutions and relationships which determine their lives;
- d. That BABSA stands for the restoration and maintenance of full employment;
- e. That BABSA stands for maintenance of and support for a competitive non-monopolistic private sector, including small business and farming, controlled and owned by South Africans, operating within clear social guidelines and objectives;
- f. That BABSA stands for the application of democracy in industry to increase the opportunities for people to work in satisfying, healthy and humane conditions; and to participate in and to increase their control over the decision-making processes affecting them;
- g. That BABSA shall commit to pre-election promises and deliver;
- h. That BABSA shall thrive to provide South Africans with ECONOMIC FREEDOM amongst other forms of freedom;
- i. That BABSA shall support and promote the right to own private property;
- j. That BABSA is a party that cares about the welfare, well-being and betterment of the people of South Africa, irrespective of party affiliation, gender or race;
- k. That BABSA is a party that is willing to comply with and be guided by the principles of good governance such as accountability, transparency, inclusiveness, and upholding and promoting the rule of law;
- l. That BABSA is a party that is willing to create a government in which the citizens are involved in the development process and are included in the decision-making process. A government in which different viewpoints and interests are discussed, debated, and mediated until a broad consensus is reached. A government in which all those who serve are accountable to the voters;
- m. That BABSA is a party that will ensure that South Africa is a country for all to live in harmony irrespective of race, gender, religious or political beliefs;
- n. That BABSA will ensure that all South Africans share the wealth and there be an equal distribution of national resources, thereby improving everybody's lives;
- o. That BABSA stands for the abolition of poverty, and the achievement of greater equality in the distribution of income, wealth and opportunity;
- p. That BABSA will ensure that South Africa becomes a zero-corruption country;
- q. That BABSA will ensure that there is free and better education for all;
- r. That BABSA stands for equal access and rights to employment, education, information, technology, housing, health and welfare services, cultural and leisure activities and the law;

- s. That BABSA shall ensure that there is sufficient social provision for the orphaned, the aged, the unemployed and their children, the invalid, the sick and the widowed;
- t. That BABSA will promote free healthcare for all thereby ensuring that adequate medical services are within the reach of all;
- u. That BABSA stands for social justice and equality for individuals, the family and all social units, and the elimination of exploitation in the home;
- v. That BABSA will ensure that the basic needs of the citizens are met. In that respect, BABSA will ensure that load-shedding is a thing of the past thereby providing electricity to all and also ensure that South Africans have clean water;
- w. That BABSA shall ensure that shack dwellings are a thing of the past by enabling every family to own a better and affordable home with adequate community amenities, thereby promoting a family life which is fundamental to the well-being of a society;
- x. That BABSA will focus on empowering the Youth and Women;
- y. That BABSA will guarantee crime prevention and ensure that CRIME which is mostly committed as a result of poverty declines by training and educating people so they can qualify for certain job;
- z. That BABSA will fight crime against our WOMEN and CHILDREN;
- aa. That BABSA will fight crime against our FARMERS;
- bb. That BABSA will ensure that Police and Defence Force Training is reformed and also ensure a better pay rise for the Police and Defence Force members;
- cc. That BABSA will ensure that men and women who have been members of the fighting services and their dependants enjoy honour and security and where preference and generous repatriation benefits are recognised;
- dd. That BABSA will ensure and guarantee better training and a pay raise for school teachers;
- ee. That BABSA is dedicated to promoting gender equality, achieving gender equality and empowering all women and girls;
- ff. That BABSA stands for elimination of discrimination and exploitation on the grounds of class, race, sex, sexual orientation, gender identity, intersex status, religion, political affiliation, national origin, citizenship, age, disability, regional location, economic or household status;
- gg. That BABSA is dedicated to promoting all fundamental human rights that are the foundation for a peaceful, prosperous and sustainable South Africa;
- hh. That BABSA will ensure that there is no nationalisation of any South African industry without the approval of the people;
- ii. That BABSA stands for recognition of the prior ownership of South African land by the Khoi-San people, recognition of their special and essential relationship with the land as the basis of their culture; and a commitment to the return of established traditional lands to the ownership of the Khoi-San communities;

- jj. That BABSA stands for recognition and encouragement of diversity of cultural expression and lifestyle within the South African community; and
- kk. That BABSA stands for the use, conservation and enhancement of South Africa's natural resources and environment so that the community's total quality of life, both now and into the future, is maintained and improved.

41. PRINCIPLES

We value, promote, and uphold the following Principles:

- a. Transparency
- b. Integrity
- c. Honesty/Trustworthiness
- d. Accountability/ Answerableness
- e. Responsibility
- f. Participatory
- g. Inclusiveness
- h. Gender parity
- i. Responsiveness
- j. Consensus Orientation
- k. Tolerance (Willingness to recognize and respect the beliefs or practices of others)
- l. Fairness (Ability to make judgments free from discrimination or dishonesty)
- m. Solidarity (A union of interests, purposes, or sympathies among members of a group)
- n. A culture of open debate and a fair contest of ideas
- o. Subscription to human rights
- p. Non-violence (Peaceful resistance to a government by peaceful protests or refusing to cooperate)

42. IMMEDIATE AIMS:

- a. A change of leadership and government
BABSA aims to bring an immediate change of leadership. It aims to promote good and effective leadership by ensuring that its leaders possess both academic credentials and effective qualities of leading a nation, in addition to be willing to comply with and be guided by the principles of good governance such as accountability, transparency, inclusiveness, and upholding and promoting the rule of law.
- b. BABSA aims to ensure that its leaders are answerable for their behaviour, accountable and will continue to display loyalty, responsibility, integrity and efficiency.
- c. BABSA aims to create a government in which the citizens are involved in the development process and are included in the decision-making process. A government in which different viewpoints and interests are discussed, debated, and mediated until a broad consensus is reached. A government in which all those who serve are accountable to the voters.
- d. Restoring Investor's Trust and Confidence

BABSA aims to restore investors' trust and confidence in South Africa including proper functional labour relations, which the country has lost as a result of corruption, nepotism, arrogance, elitism, factionalism, manipulation of organisational principles, abuse of state power and the tendency to put self-interest above the people.

e. Upholding and Promoting the Rule of Law

BABSA aims to ensure that the Rule of Law remains sacrosanct.

Although South African Government institutions are governed under clear National policies and the SA Constitution, however, due to political interferences, some of the country's leaders tend to bend the laws (or rules) and manipulate the chain of command to push their own interests. This leads to corruption, lack of service delivery and inadequate execution and completion of quality projects. BABSA will always strive to eliminate the abuse of power and uphold the Rule of Law..

f. Promoting Service Delivery

BABSA will ensure that our leaders do not put power before the interests of the people which often results in lack of service delivery. Currently, as a result of the battles for power and positions by party representatives and the mistrust and factionalism that goes on in local governments, there is an ongoing lack of service delivery. In that respect, BABSA will strive to promote a government of unity, both on a local and national level.

g. Restoration of proper functional Labour Relations processes

BABSA will strive to restore proper functional labour relations processes.

PART IV

LEGAL PERSONALITY AND POWERS

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

PART V

MEMBERSHIP

46. Membership of the Party shall be open to all persons who:
 - a. Have attained the legally acceptable age;
 - b. Subscribe to the Constitution of the Party;
 - c. Have signed the Membership Application form;
 - d. Have paid the membership fee;
 - e. Agree to be bound by the Party's procedures and to be subject to the authority of the party officials and leadership;
 - f. Do not belong to any other political parties or organizations, as defined by the rules

or by-laws of the Party.

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

PART VI

VALIDATION AND RENEWAL

47. New membership may, upon recommendation by the Branch Executive Committee, be granted by the Regional Executive Committee (REC) or where no Regional Executive Committee is in place, by the Provincial Executive Committee (PEC).
48. Membership fees are, where applicable, payable annually from 1 January to 31 December and audited on or before the first of April of the preceding financial year of the Party.

PART VII

DISCIPLINE, APPEAL AND ARBITRATION

49. Grounds for disciplinary action shall be:
 - a. Failure to conform to Party Policy laid down by the National Convention/Conference, or contravention of any provision of this Constitution, the rules made under it, or a decision competently taken at any properly constituted meeting of the party, at national, provincial, regional, or branch level;
 - b. Making of public statements which are in conflict with Party Policy;
 - c. Conduct which brings, threatens to bring or is deemed to bring the Party into disrepute; which conduct shall include, but not be limited to, that mentioned in the rules;
 - d. Any other unlawful conduct relating to the affairs of the Party.
 - e. A disciplinary panel, arbitrator or appeal panel may impose the sanctions as set out in the rules.
 - f. Any sanction and the rules may be suspended wholly or in part upon such conditions as the disciplinary panel, arbitrator or appeal panel may deem appropriate.
 - g. A sentence thus imposed shall remain in force and effective notwithstanding any pending appeal.
 - h. A dispute resolution procedure as set out in the rules can be requested by any member, office- bearer or Party structure.

PART VIII

BABSA CODE OF CONDUCT FOR FUNDRAISING

50. South Africa's political, economic, and social stability is dependent on the strength of our democratic system. BABSA seeks to ensure every South African is fairly represented in democratic processes and systems; regardless of wealth, education, background, or status.

In striving to achieve this aim, BABSA believes in an independent, well-resourced, transparent, and fair electoral process that is protected from vested interests, both at home and abroad.

BABSA believes that our democracy is strengthened by the ability of the public, including business, to make moderate and transparent financial contributions to further democratic debate, or to support a particular candidate for election. BABSA has a long-standing commitment to moderate and fair public funding of political systems, including political parties.

51. The following code of conduct establishes the conditions that govern fundraising by BABSA at provincial, regional and national levels.
- a. This code is binding on all BABSA branches, other constituent units, Parliamentarians and candidates for public office.
 - b. Funds are raised by the organisational wing of BABSA primarily to assist candidates for public office to gain and/or maintain office.
 - c. Funds are needed for policy development, Party administration and, most importantly, campaigning. All these political tasks must be carried out nationally and, in each region, and province.
 - d. The National Secretary and each Regional and Provincial Secretary of BABSA has a responsibility to raise funds to support these functions.
 - e. Campaign and public responsibilities can overshadow the need for adequate funds to support a strong and effective Party organisation. Lack of funding for Party maintenance and administration not only drains the Party's ability to develop policy and maintain membership, but also undermines BABSA's ability to campaign effectively and give a genuine choice to the South African community in elections.

52. Organisation of Fundraising

- a. The National Secretary has ultimate responsibility for fundraising at the national level.
- b. Provincial and Regional Secretaries have the primary responsibility for fundraising at a Provincial and Regional level.
- c. The National Secretariat and each provincial and regional branch raise funds co-operatively but separately.
- d. Each branch organises its fundraising efforts independently and according to its own methods, subject to the conditions outlined in this code.
- e. The National Secretariat collects funds for national campaigning, administrative support of the Party and the support of various provincial and regional branches. These funds support

the National Secretariat's role of national policy development, assistance to the National Parliamentary BABSA Party and maintenance of the Party's professional and voluntary organisation throughout South Africa.

- f. Provincial, regional and national offices shall operate systems of centralised bank accounts to ensure the efficient and secure expenditure of BABSA finances and assist the party to meet its commitment to transparency.
- g. All local campaign and other party accounts will be held under the relevant provincial or regional central banking system with the relevant Tax File Number.
- h. Central bank accounts may be held at a national level where it is appropriate to do so.
- i. It is the legitimate responsibility of the relevant Provincial or Regional or National Secretary, finance committee members and/or collectors to accept money on behalf of BABSA.
- j. BABSA staff, Parliamentarians and candidates for public office may act as fundraising agents for BABSA and in that capacity receive funds on behalf of BABSA.
- k. The National Secretary has the ultimate responsibility for the maintenance and enforcement of the provisions in this code.

53. Conditions of this Code

- a. BABSA and its constituent units observe the following fundraising code of conduct. This code is fundamental to the integrity of BABSA and its organisational and Parliamentary members.
- b. Parliamentarians and candidates, acknowledging the collective party effort to secure their election as representatives of BABSA, can and should voice the party's need for both support and funds. This may include appeal emails and correspondence, together with regular appearances at BABSA fundraising events.
- c. All funds raised for, by, or in the name of BABSA, must comply with the relevant provisions of the Independent Electoral Commission, and any other relevant legislation or associated regulation. Any funds raised by constituent units of the party, including provincial and regional branches, must comply with any relevant provincial and regional legislation.
- d. Donations raised or accepted as part of any BABSA fundraising effort must be held in a central banking account, which the National Secretariat or relevant provincial or regional branch has visibility of and control over. It must, in its name, indicate that it is a BABSA account. No funds raised by, for or in the name of BABSA may be held in personal accounts.
- e. Any funds held in other accounts, or otherwise not under a BABSA central banking system with the relevant Tax File Number, will be regarded by BABSA and any other interested party as "personal accounts".
- f. Cheques, direct online donations and direct financial transfers (for example through online banking) should be made payable to a central, BABSA-named account, not individuals.

- g. Any intermediary accounts set up on a digital platform (e.g. paypal) for the purpose of fundraising must be directly linked to a central, BABSA-named account. All outflows from these intermediary accounts should be restricted to a central, BABSA-named account.
- h. The detail of donations shall be publicly disclosed as per the requirements of the South African Political Party Funding Act.
- i. Parliamentarians should never use the resources of public office to assist in their own or BABSA's fundraising efforts.
- j. All fundraising bodies, including BABSA fundraising agents, should give due consideration to the possible perception of any individual donation and whether it may reflect negatively on the party as a whole.
- k. BABSA does not accept funds that are subject to conditions of any kind, whether they be explicit or implied.
- l. Under no circumstances will BABSA accept funds which, even if only by inference, are intended to obtain the Party's support for specific actions, attitudes or public statements.
- m. Donors retain a right to put forward views to the Party or individual Parliamentarians, however this right does not exceed that of any other general member of the Party or South African registered voter or citizen.
- n. BABSA and its constituent units never raise funds on behalf of any other party or organisation.
- o. Parliamentarians or candidates for public office who act outside these guidelines will be liable to sanctions by the National Executive, relevant BABSA Caucus, provincial or regional Administrative Committee or other interested parties.

PART IX

NATIONAL CONVENTION

54. FREQUENCY

- a. A NATIONAL CONVENTION shall be held at least every three years. The National Convention must decide when the next National Convention will be held failing which it will be held every two years.
- b. PROVINCIAL, REGIONAL and BRANCH CONVENTIONS must be held in the same year that a NATIONAL CONVENTION will be held. However, they can also be held more frequently should the Provincial or Regional Council respectively so determine.

55. POWERS

- a. The NATIONAL CONVENTION shall be the supreme policy making body of the party.
- b. The NATIONAL CONVENTION explicitly reserves the power to:
 - i. Elect the President and Deputy President of the Party;
 - ii. Ratify or elect the NATIONAL COUNCIL OF PROVINCES of the Party;
 - iii. Ratify or amend Party Policy;

- iv. Determine the annual Membership Fee;
- v. Amend this Constitution except for Party PRINCIPLES;
- vi. Vote on resolutions presented by Branches;
- vii. Appoint auditors.

56. CALLING A NATIONAL CONVENTION

- a. The calling of a NATIONAL CONVENTION shall be by letter, transmitted by post, fax or e-mail from the secretary-general of the Party, to all branches of the Party, not less than 60 days prior to the date set for the NATIONAL CONVENTION.
- b. Branch delegates to the NATIONAL CONVENTION and their alternates shall be elected at a branch meeting.
- c. Proper delegate credentials shall be presented at the National Convention, after having been duly signed by the Branch Chairman and Secretary.
- d. A special NATIONAL CONVENTION may be called at the discretion of the National Executive Committee by not less than 21 clear days' written notice to the Provincial, Regional, and Branch Chairmen.
- e. The notice calling any regular or special NATIONAL CONVENTION to amend this Constitution, shall expressly stipulate the proposed amendments.

57. DELEGATES

- a. The following Party members shall be eligible to attend and vote as delegates to the NATIONAL CONVENTION:
 - i. Members of the NATIONAL COUNCIL OF PROVINCES, NATIONAL, PROVINCIAL and REGIONAL EXECUTIVE COMMITTEES;
 - ii. Members of the NATIONAL and PROVINCIAL parliaments as well as all Councillors;
 - iii. Not more than the number of branch delegates or their alternates as determined by the size of the branch as specified in the Rules.
 - iv. Elected members of the National, Provincial and Regional Executive Committees of the Tree, where such structures are properly constituted and active as defined in the Rules and Procedures.
- b. The NATIONAL CONVENTION shall be open to members as non-speaking and nonvoting observers.

58. AMENDMENT OF THIS CONSTITUTION

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

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

PART X

59. NATIONAL ORGANISATION

- a. **NATIONAL COUNCIL OF PROVINCES (NCOP)**
- b. The National Council of Provinces shall comprise of all Members of Parliament, six representatives from each active Province as submitted, and one representative from each of the Tree plus all voting members of the NEC, who are not part of the NCOP (as ex-officio members with voting rights). The National Council of Provinces shall, from amongst themselves, elect a Chairman, Deputy-Chairman, and Secretary.
- c. The National Council of Provinces shall meet at least twice a year and at the National Convention of the Party.
- d. The National Council of Provinces shall be the principal organ for the formulation of internal and external policies of the Party when the National Convention is not in session.
- e. The National Council of Provinces shall have the power to order the submission of any report, document, material, money, or to call for proper accounting from any member or office bearer of the Party, or any organ of the Party, for the purposes of exercising its powers in this Constitution.
- f. The National Council of Provinces shall have the power to refer any matter to an ad hoc sub-committee for examination or investigation. The National Council of Provinces may review any resolution, recommendation or decision of the NEC, or any subsidiary council, committee or office-bearer of the Party.
- g. A quorum at meetings of the National Council of Provinces shall be 50% plus one of the voting members of the Council.
- h. The National Council of Provinces may determine rules to govern the holding of its meeting and the carrying on of the business of the Council.
- i. The NEC and the NCOP will jointly list candidates for National Elections.

60. THE NATIONAL EXECUTIVE COMMITTEE

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

The Party Chairman
The Party Deputy Chairman
The Party Secretary-General
The National Elections Manager
The Party Organizer

The Party Treasurer
The Party Policy Co-ordinator
The Party Media Officer
The Public Relations Officer
The Party Whip
The Party Legal Advisor
The Party Projects Director

61. THE NATIONAL PARLIAMENTARY CAUCUS

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

PART XI

PROVINCIAL ORGANISATION

62. A Provincial Council shall be constituted at the Provincial Convention of delegated members in the relevant province in the Republic of South Africa.
63. The procedure for calling meetings, determining the quorum and delegated members for a Provincial Council meeting is specified in the Rules and Procedures Manual.
64. The management of a Provincial Council shall vest in a Provincial Executive Committee (PEC), comprising not less than three persons elected at a meeting of the Provincial Council. The chairperson of the Provincial Council may also be Chairperson of the Provincial Executive Committee.
65. The duty of adapting national policies for provincial application shall vest in a Provincial caucus, elected by the Provincial Council subject to the Provincial Executive Committee having the right to appoint and permit the co-option of additional members or appointing ex-officio, non-voting experts for specific input.
66. The Provincial Council shall have the following powers:
 - a. To interpret Party policy at Provincial level;
 - b. To ensure that Regional and Branch structures function democratically and effectively;
 - c. To order the production of any report, document, material, money, or to call for proper accounting from any member or office bearer of the Party insofar as it relates to the business of the Party within the Province whether on Provincial, Regional or Branch level.
 - d. To order the submission of any report, document, material, money, or to call for proper accounting from any provincial member or office bearer of the Party, or any organ of the Party, for the purposes of exercising its powers within the Province.
 - e. To refer any provincial matter to an ad hoc sub-committee for examination or investigation.

- f. To review any resolution, recommendation or decision of the PEC, or any subsidiary council, committee or office-bearer of the Party.
67. The Provincial Executive Committee shall, subject to any rules, by-laws and procedures promulgated by the National Executive Committee, have the following powers and duties at a provincial level:
- a. To appoint from time to time such sub-committees as it may deem fit;
 - b. To open and operate a banking account in the name of the Party;
 - c. To list candidates for elections;
 - d. To forward minutes and financial reports to the National Executive Committee after each meeting;
 - e. To determine the areas of jurisdiction of branch and regional structures of the Party;
 - f. To engage and dismiss employees of the Party, to determine their remuneration and to define their duties;
 - g. To delegate any duty or power to any person or organ of the Party in the interests of the Party;
 - h. To attend meetings of the Provincial Council for the purpose of formulating Party policy;
 - i. To issue and send directives and instructions to, and receive reports from, regions and branches;
 - j. To summarily suspend anyone without a hearing, whenever it is considered necessary in the interests of the Party, in its sole discretion, with immediate effect. Provided that such suspension shall not take place without prior communication with the member concerned, unless such communication is not possible, as determined by the PEC. A disciplinary hearing or mediation and arbitration process initiated by the Provincial Party Whip or delegated official, and held in terms of this Constitution, shall be instituted within 21 days of such suspension; and
 - k. To draft Provincial Bylaws (Rules and Procedures), applicable to the appropriate Province, which are not inconsistent with the Party's Constitution or National Rules and Procedures.
68. **Senior Office Bearers:**
- a. The Provincial Leader
 - b. Shall, in general, act as leader and spokesman of the Party in the Province. The Provincial Leader shall be a voting member of the Provincial Executive Committee.
 - c. May, save when the Provincial Council or Provincial Executive are in session, within the framework of the principles, aims and program of action of the Party, interpret the policy of the Party within the Province;
 - d. Ipso facto, be a member of any caucus, Committee or Standing Committee established in the Province, and shall be entitled to attend such meetings as a full member thereof;
 - e. The Provincial Chairman shall:

- i. Be responsible for the convening and organisation of the Provincial Convention; Be responsible for the organisation and administration of the Party in the Province and also be responsible for strategic planning and mobilisation;
- ii. Be responsible for all staff matters and functioning of the staff;
- iii. Ipso facto, be a member of any caucus, Committee or Standing Committee established in the Province, and shall be entitled to attend such meetings as a full member thereof;
- iv. Be responsible for convening regular meetings of the members of the Provincial Council.

69. ELECTORAL COLLEGE

- a. The PEC and the PC will jointly list candidates for Provincial Elections.

PART XII

REGIONAL ORGANISATION

70. The Provincial Executive Committee may authorize the establishment of Regions in geographically defined areas of their respective provinces where it may deem fit as far as possible, in accordance with the geographical boundaries of the various types of municipalities found in that area.
71. A Regional Council shall comprise the chairman and secretary of each active branch, or their alternates, in the relevant region in the Province.
72. The procedure for calling meetings, determining the quorum and delegated members for a Regional Council meeting shall be laid down by the National Executive Committee.
73. The management of a Regional Council shall vest in a Regional Executive Committee, comprising not less than three persons elected at a meeting of the Regional Council.
74. The Regional Executive Committee shall, subject to any by-laws, rules and procedures promulgated by the National Executive Committee or Provincial Executive Committee, have the following powers and duties in its respective region:
 - a. To appoint from time to time such sub-committees as it may deem fit and to stimulate branch activities and development;
 - b. To open and operate a banking account in the name of the Party;
 - c. To list candidates for election;
 - d. To forward minutes and financial reports to the Provincial Executive Committee after each meeting.
 - e. To determine the areas of jurisdiction of branches of the Party in accordance with the demarcated ward boundaries;
 - f. To engage and dismiss employees of the Party, to determine their remuneration and to define their duties;
 - g. To delegate any duty or power to any person or organ of the Party in the interests of the Party;

- h. To attend meetings of the Provincial Council for the purpose of formulating Party policy; and
- i. To issue and send directives and instructions to, and receive reports from branches.

PART XIII

BRANCH ORGANISATION

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

PART XIV

PRESIDENTIAL POWERS

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

PART XV

BABSA TREE

84. A BABSA Tree may be established to facilitate the Party in achieving its aims and objectives.
85. A group of community based or non-profit organisations, henceforth to be known as a BABSA Tree, will function as an autonomous body within the overall structure of the Party, of which it will be an integral part, with its own Constitution, provided that their Constitution shall not be in conflict with the Party's Constitution and policies.

PART XVI

FINANCE

86. The Treasurers of every Committee of the Party shall be accountable for the receiving of monies and for expenditure incurred by the Party on behalf of the respective Committee.
87. The National Treasurer shall have the additional duty to consolidate the financial reports from the Provincial, Regional and Local Branch Committees.
88. The National Treasurer shall have the authority to lay down such financial policy and procedures as may be necessary for the proper accounting of the Party's financial transactions.
89. The National Treasurer shall be responsible for preparing an Annual Balance Sheet and Income and Expenditure Statement, which shall be subject to audit. This provision shall not require every set of financial statements for Local Branches, Regional and Provincial Committees to be audited, but this may be required at the discretion of the National Treasurer or the auditors of the Party.
90. The National Executive Committee, in its discretion shall be empowered from time to time, to conduct Fund Raising Campaigns and may delegate this function to lower structures at its discretion.

PART XVII

PUBLICITY

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

PART XVIII

INDEMNITY AGAINST LEGAL CLAIM FOR DAMAGES

93. Subject to the provisions of any relevant statute and provisions of this Constitution, each member of the party and all other office-bearers shall be indemnified by the Party, for all acts

done by them in good faith on its behalf, and it shall be the duty of the Party to pay all costs and expenses which any such person incurs or becomes liable for as a result of any contract entered into, or act or deed done by him or her, in his or her said capacity, in the bona fide discharge of his or her duties on behalf of the Party.

94. Subject to the provisions of any relevant statute, no Party member or other office-bearer shall be personally liable for the acts, receipts, neglects or defaults of any other member or office-bearer; or for having joined in any receipt or other act for conformity; or for any loss or expense suffered by the party through the insufficiency or deficiency of title to any property by the party, or for the insufficiency or deficiency of any security in or on which the monies of the party may be invested; or for any loss or damage arising from the bankruptcy, insolvency or delictual act of any person with whom any monies, securities or effects are deposited; or for any loss or damage caused in any other way, which occurs in the execution of the duties of his or her office or in relation thereto.
95. Subject to the provisions set out herein or in the rules, no member shall institute any legal proceedings against the Party or any member thereof whether to recover any loss or damages (special or general) or otherwise as a result of any acts or neglects of any Party member, or any other office bearer done by them in good faith on behalf of the Party, save through a mediation and arbitration process in terms of the rules.'

PART XIX

INDEMNITY FROM LEGAL LIABILITY

96. Only National, Provincial, Regional or Branch office-bearers shall have the authority to bind the Party at the appropriate level, in accordance with duties or powers conferred on them by this Constitution or the relevant authority in the party, or to create any legal relationship.