

DEMOCRATIC ALLIANCE

KwaZulu-Natal PROVINCIAL CONSTITUTION



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CHAPTER ONE

FOUNDING PROVISIONS AND POLITICAL PRINCIPLES

INTRODUCTORY PROVISIONS

The Federal Constitution of the Democratic Alliance provides inter alia that:

A Province must within six months after the acceptance of the amendments to Chapter 3 and Chapter 4 at Federal Congress in May 2007, amend their Provincial Constitutions to implement the changes: provided that if no Provincial Congress takes place within that period, the province must implement the changes by way of rules adopted by the Provincial Council or Provincial Executive, which rules shall have the status and effect of constitutional imperatives.

All provincial constitutions or amendments thereof must be submitted to the Federal Council for approval immediately after the adoption thereof, or such further limited period as the Federal Council may permit.

1.1. NAME

1.1.1. The name of the Party is the Democratic Alliance (KwaZulu-Natal), hereinafter referred to as the DA (KZN).

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.

1.2. VISION

1.2.1. The Democratic Alliance's vision is of a prosperous, Open Opportunity Society that is uniquely South African; in which every person is free, secure, and equal before the law; and in which everyone has the means to improve the quality of his life and pursue her own aspirations.

1.2.2. Our vision rests on the belief that:

1.2.2.1. South Africans can and must overcome the historic divisions of race and ethnicity, and unite in our diversity around a shared South African identity.

1.2.2.2. All South Africans are of equal worth and have a right to full participation in the life of our common South African society.

1.2.2.3. South Africa's constitution is the only foundation on which an Open Opportunity Society can be built because it recognises that every person is equal in dignity and worth and guarantees the freedom of each individual.

1.2.2.4. The rights enshrined in the constitution must be defended and promoted in order to protect the people of South Africa from the concentration and abuse of power.

1.2.2.5. An independent and effective opposition that is loyal to the constitutional order is essential to the promotion and preservation of democracy and freedom in our country.

1.2.2.6. An independent and vibrant civil society is essential to the preservation of an open society, because it acts as a bulwark against any attempt by the state or the ruling party to impose a hegemony of thought and truth over society.

1.2.2.7. The dignity of every person and the freedoms enshrined in the constitution cannot fully be realised unless everyone has the means to pursue his own happiness and improve the quality of her life. Consequently, the creation of meaningful opportunity must be central to the programme of government at every level.

1.2.2.8. The force behind the growing prosperity of any society is a socially and environmentally responsible free enterprise economy driven by choices, risks and hard work. Without the growth in prosperity created through the exercise of the market economy there can be no opportunity, freedom loses its purpose and choices become increasingly limited.

1.2.2.9. No one must be left behind in an opportunity society. The government must therefore provide access to education and training, and promote the progressive realisation of access to social security, housing and healthcare for those who through no fault of their own are unable to provide for themselves

1.3. PRINCIPLES

1.3.1. The vision of the Democratic Alliance is grounded on the defence, promotion and extension of the following principles:

1.3.1.1. the fundamental rights and freedoms of every person - including the right to freedom of conscience, speech, association, and movement;

1.3.1.2. the rejection of unfair discrimination on any grounds;

1.3.1.3. the supremacy of the South African constitution and the rule of law;

1.3.1.4. the language, cultural and religious rights of individuals and the communities they create through free association;

- 1.3.1.5. equality before the law;
- 1.3.1.6. the separation of legislative, executive and judicial power.
- 1.3.1.7. a judiciary that is independent;
- 1.3.1.8. elections that are regular, free and fair;
- 1.3.1.9. representative and accountable government elected on the basis of universal adult suffrage;
- 1.3.1.10. the devolution of power to locate government as close as possible to the people;
- 1.3.1.11. the clear division between the ruling party and the state;
- 1.3.1.12. respect for the right of a vibrant civil society and a free media to function independently;
- 1.3.1.13. the rejection of violence and intimidation as a political instrument;
- 1.3.1.14. the right of all people to private ownership and to participate freely in the market economy;
- 1.3.1.15. the progressive realisation of access to housing, health services and social security for all people who are unable to help themselves;
- the protection and conservation of the environment;
- 1.3.1.16. the right of all people to protection by the state from crime and violence;
- 1.3.1.17. access to education and training.
- 1.3.1.18.

1.4. MISSION STATEMENT

- 1.4.1. As proud South Africans loyal to the constitution, we commit ourselves to serve with integrity the people of our country by building a party that is home to all South Africans, makes a visible difference to the lives of our people and promotes an Open Opportunity Society in which every person is free, secure, equal before the law and has the means to improve the quality of his or her life.

1.5. PROGRAMME OF ACTION

- 1.5.1. The Party will promote its growth in all communities with the intention of realising its vision and advancing its principles either as government or opposition in all spheres.
- 1.5.2. The programme of action must include provisions aiming at, but not be limited to, the following:
 - 1.5.2.1. serving the needs of the people of South Africa through the structures and resources of the Party;
 - 1.5.2.2. endeavouring to gain control of governments in all spheres of government;
 - 1.5.2.3. being an effective government when in power;
 - 1.5.2.4. being an effective opposition when not in government;
 - 1.5.2.5. holding its public representatives to account.
- 1.5.3. The Party must seek to co-operate with those on the African continent who share its passion for freedom, dignity, equality and democracy
- 1.5.4. The Democratic Alliance in KwaZulu-Natal will
 - 1.5.4.1. liaise with the Federal structures of the DA to co-ordinate the activities of the DA at Local, Provincial and National levels;
 - 1.5.4.2. participate pro-actively in DA politics in the Province of KwaZulu-Natal and when appropriate, in the Republic of South Africa in general; and
 - 1.5.4.3. canvass and mobilise the support of voters, supporters and sympathisers, to which end the DA(KZN) shall seek effective leadership, dynamic management and communication and marketing of the highest standard.

1.6. LEGAL PERSONALITY AND POWERS

- 1.6.1. The Party is a body corporate with perpetual succession.
- 1.6.2. 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 authorized by this Constitution and by the Provincial Constitutions as well as legal activities normally associated with a body corporate.
- 1.6.3. The following office bearers of the DA(KZN) are hereby authorised to represent the DA(KZN):
 - the Provincial Leader;
 - 1.6.3.1. the Provincial Deputy-Leader;
 - 1.6.3.2. the Provincial Chairperson; or
 - 1.6.3.3. any person or persons designated by these persons to act on their behalf and whose designation is approved
 - 1.6.3.4. by written resolution of the Provincial Executive.

- 1.6.4. The Party shall only be legally bound in the exercise of its competencies set out in clause 1.6.2 by a person or persons authorized by a resolution of the competent formation of the Party: Provided that:
- 1.6.4.1. a Branch or Branch Committee and a Constituency or a Constituency Committee shall be competent to act on behalf of and legally bind the Party only if such competency is granted by the relevant Provincial Constitution and only if such Branch or Branch Committee or Constituency or Constituency Committee is authorized to act in writing by the relevant Provincial Executive;
- 1.6.4.2. a Provincial Executive shall be competent to act on behalf of and legally bind the Party but only to the extent necessary to exercise the functions and achieve the goals of the Party at provincial or regional level respectively, subject however to budgetary constraints and financial limitations which the Federal Executive may impose from time to time;
- 1.6.4.3. the Federal Executive represented by the Chairperson of the Federal Council may act on behalf of and legally bind the Party in all matters;
- 1.6.4.4. no other member or formation of the Party than such as set out in (1), (2) and (3) above may act on behalf of and legally bind the Party.
- 1.6.5. The Chairperson of the Federal Executive or someone authorized by him or her represents the Party in all legal proceedings by or against the Party.
- 1.6.6. All monies received and collected in the name of the Party vest in the Party itself.
- 1.6.7. 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

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.
- 2.1.2. The organisational formations of the Party are set out in this Constitution, and consist of formations at federal, provincial, and local level.
- 2.1.3. The formations may also include formations at regional and sub-regional level depending upon the circumstances of each province and the provisions of the provincial constitution.
- 2.1.4. At local level the Party must establish branches with democratically elected branch committees, and strive to establish a branch in every ward within the Province of KwaZulu-Natal.
- 2.1.5. Branches are the basic organisational units 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.
- 2.1.6. The Party must establish constituencies as organisational units above the branches. Such constituencies must be delimited taking local circumstances into account and must cover all of the wards within the geographical area concerned.
- 2.1.7. Where constituencies have been delimited and allocated by the provincial structures concerned after consultation with the branches in the area, a democratically elected constituency committee assumes responsibilities in terms of the provincial constitution.
- 2.1.8. The Party must establish a provincial congress for the Province of KwaZulu-Natal.
- 2.1.9. The Provincial Congress must establish a Provincial Council as set out in the Provincial Constitution that fairly Reflects the profile of the composition of the Congress.
- 2.1.10. The Provincial Congress must establish a Provincial Executive and such other committees as may be provided for in the Provincial Constitution.
- 2.1.11. The Party is assisted and supported by the Democratic Alliance Women's Network, the Democratic Alliance

Youth, and other bodies which function in terms of this Constitution and in terms of Rules or Constitutions approved by the Federal Council.

2.1.12. 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.

2.1.13. Formations in the Party have the authority, powers and functions set out in this constitution and in the Federal Constitution.

2.2. NOMINATION OF CANDIDATES

2.2.1. The Federal Council must adopt nomination regulations for the selection of candidates to public representative bodies in all spheres of government.

2.2.2. Those regulations must 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. The Provincial Executive must adopt Provincial variations to the nomination regulations as required from time to time.

2.2.4. Regulations for the nomination and selection of candidates for the National Assembly must provide for provincial lists only.

2.3. VOTING

2.3.1. Subject to the provisions of this constitution, voting at meetings of all 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 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;

2.3.2.2. the Provincial Council may, in exceptional circumstances, allow distance voting by a member not present at the relevant meeting in cases of meetings of Federal structures of the Party, but who has heard the deliberations; and

2.3.2.3. the presiding officer at a meeting has a casting as well as a deliberative vote.

2.3.3. The membership of the Party is audited on 31 May or such other date as the Federal Council from time to time decides. 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. Members who join the Party or renew their membership after the audit date, shall be entitled to vote at all meetings 30 days after the date of joining or renewal: provided that the Provincial Executive may determine an appropriate cut-off date for voting by new members at inaugural general meetings.

2.3.4. All elections to office within the Party involving the election of more than one person to an office must be by a proportional voting system approved by the Federal Council.

2.4. POLICY

2.4.1. The supreme policy-making body of the Party is the Federal Congress in session. Proposals affecting the Vision or the Principles of the Party as contained in this constitution shall not be debated or decided upon unless four weeks prior written notice has been given to delegates to Congress, or in the event of such notice not having been given, by a four-fifths majority vote of all those present and voting, the Federal Congress agrees to debate and decide upon such proposals.

2.4.2. When the Federal Congress is not in session, the Federal 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 Vision and the Principles of the Party.

2.4.3. When the Federal Congress and Federal Council are not in session, the Leader and the Caucuses have policy functions that are dealt with elsewhere in this constitution.

2.4.4. Provincial Congress of the Party may adopt policy on matters that are within the competence of the province in terms of the Constitution of South Africa provided that they must not contradict the Vision and the Principles of the Party or apolicy decision of the Federal Congress or Federal Council.

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 this constitution in regard to rules on conduct and to the disciplinary procedures set out in Chapter 9.

2.5.2. All Party members submit to the right of the Party, subject to 2.5.5, to remove any public representative from office on the grounds of incompetence, inefficiency or incapacity.

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

2.5.3.1. publicly opposes the Party's principles or repeatedly opposes published party policies, except in or through the appropriate Party structures;

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

2.5.3.3. 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;

2.5.3.4. fails to carry out his or her duties or responsibilities according to standards set by the Federal Council of the Party or of the relevant Provincial Council as embodied in the applicable Code of Conduct, or to standards required by any statutory rules of conduct required by the public office he or she holds;

2.5.3.5. brings the good name of the Party into disrepute or harms the interests of the Party;

2.5.3.6. acts in a manner that is unreasonable and detrimental to internal co-operation within the Party;

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

2.5.3.8. submits or attempts to submit false membership forms or commits or attempts to commit membership fraud in any way;

2.5.3.9. contravenes any of the explicit Party decisions or regulations for the appropriation of Party finances;

2.5.3.10. collects money on behalf of or in the name of the Party or any of its structures 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;

2.5.3.11. in any election for office mobilizes or attempts to mobilize discrimination against or opposition to 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. A public representative may be removed from office on the grounds of incompetence, inefficiency or incapacity, but only in terms of the procedures laid down in Chapter 9.

2.5.5. Subject to 3.5, disciplinary action against any public representative or any member which results in that member's membership being terminated or his or her privileges being curtailed, can only be taken in terms of Chapter 9.

CHAPTER 3

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 persons younger than 16 may be enrolled as Junior Members if the Constitution of the Democratic Alliance Youth provides for this category of member;
 - 3.1.1.2. be a citizen or a permanent resident of South Africa;
 - 3.1.1.3. subscribe to the Vision, the Principles, the Programme of Action and the Mission Statement of the Party;
 - 3.1.1.4. agree to abide by the constitution of the Party;
 - 3.1.1.5. apply in writing to become a member of the Party, by signing the prescribed membership application form;
 - 3.1.1.6. personally pay the annual membership subscription and comply with any other conditions set by the Federal Executive. 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 clause 3.1.1.
- 3.1.3. A person may enrol as a member at any time during the year subject thereto that
- 3.1.3.1. a member who enrolled on or before 30 September of any year, remains a member until 31 May of the next year; and
 - 3.1.3.2. a member who enrolled on or after 1 October of any year will be regarded as having enrolled in the next year and he or she remains a member through that next year and until 31 May of the year thereafter.
- 3.1.4. 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 annual membership subscription and is subject to the 30 day requirement referred to in clause 2.3.3.
- 3.1.5. A donor to the Party whose donation in that year exceeds the annual membership subscription, and a public representative whose compulsory contribution to the Party in that year exceeds the annual membership subscription, need not pay the annual subscription.
- 3.1.6. The Party may provide for life membership of the Party as an honour given at the discretion of the Federal Council.

3.2. REFUSAL OF MEMBERSHIP

- 3.2.1. The Executive of a Constituency or the Provincial Executive may refuse to accept the membership of any person other than a public representative of the Party who joined the Party in accordance with 3.1.1 within 15 days of the payment of the membership subscription by such a person, in the case of a constituency refusal, 30 days in the case of a regional refusal and 60 days in the case of a Provincial Executive refusal.
- 3.2.2. A person whose membership was refused in terms of 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.
- 3.2.3. 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 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. The Provincial Council or Provincial Executive may request an additional voluntary surcharge from members living in that province.
- 3.3.3. A branch may request additional voluntary annual subscriptions over and above the membership subscription prescribed by the Federal Council or Provincial Council or Provincial Executive.
- 3.3.4. A member may pay the membership fee for his or her spouse(s), partner, child, parent or dependent(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 clause or of clause 3.1.1.6 is not allowed.

3.4. DUAL MEMBERSHIP

3.4.1.1. 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. submits his or her written resignation from the Party;

3.5.1.2. becomes or remains a member of another party other than one approved under this constitution;

3.5.1.3. declares his or her resignation or intention to resign from the Party or intention to join another party;

3.5.1.4. fails to renew his or her membership on or before the date stipulated in clause 3.1.3;

3.5.1.5. canvasses other Party members to resign from the Party;

3.5.1.6. canvasses other Party members to join or support another Party;

3.5.1.7. stands or accepts nomination against an official candidate of the Party in any public election;

3.5.1.8. is found guilty of any offence listed in Schedule 6 or 7 of the Criminal Procedure Act;

3.5.1.9. 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.

3.5.2. 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. A statement under oath or affirmation by the member's Branch, or Provincial Chairperson supported by at least one further statement by a member of the relevant executive that such member's membership has ceased in terms of clause 3.5.1, shall be sufficient grounds for the Provincial Executive to take the steps envisaged in clause 3.7.2

3.6. TERMINATION OR SUSPENSION OF MEMBERSHIP

3.6.1. Apart from clause 3.5, the membership of any member, including that of a public representative may only be terminated by a provincial executive and only after an enquiry in terms of Chapter 9.

3.6.2. The Party membership of a public representative who is removed from office in terms of clause 2.5.4 is not affected by that removal.

3.6.3. A Provincial Executive or the Federal Executive may suspend a Party member from any or all of the activities of the Party, pending the institution of a disciplinary enquiry in terms of Chapter 9: provided that a caucus may suspend a caucus member from all or any caucus activities, pending such an enquiry.

3.7. ONLY MEMBERS CAN SERVE

3.7.1. Only Party members can serve on the representative and other structures of the Party and be public representatives of the Party.

3.7.2. If the membership of a public representative is terminated in terms of 3.6.1 or if a public representative ceases to be a member of the Party by virtue of 3.5.1, the relevant Provincial or Federal Executive, as the case may be, must notify the relevant authorities of the vacancy which has arisen.

3.8. BRANCHES

3.8.1. 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.

3.8.2. 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 mobilize 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.

3.9. MEMBERSHIP OF BRANCHES

- 3.9.1. Members of the Party belong to branches and exercise their voting rights as members in branches, or through representatives elected by branches.
- 3.9.2. Members belong to the branch established for the ward or voting district within which they live. Where no branch has yet been established in a ward, the Provincial Executive must allocate the members, in consultation with them, to the closest branch where it is practical and functional for them to be included as members.
- 3.9.3. A member of the Party can be a member of only one 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 members.
- 3.9.4. 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, provided that he or she must advise the Provincial Secretary of his or her choice.
- 3.9.5. A 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 shall approve the application only on good cause shown.

3.10. AREA OF JURISDICTION OF BRANCHES

- 3.10.1. The area of jurisdiction of a branch must not be smaller than a voting district. The purpose of forming more than one branch per ward is for the promotion of the organizational objectives of the Party or for the convenience of the members of the Party in the ward and does not entitle the branches to more or additional representation in higher structures than there would have been had there been only one branch in the ward.
- 3.10.2. The area of jurisdiction of a branch is:
 - 3.10.2.1. the entire municipal ward if there is only one branch in the ward,
 - 3.10.2.2. as many voting districts as the Provincial Executive may direct if there is more than one branch in a ward;
 - 3.10.2.3. 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.

3.11. REPRESENTATION OF BRANCHES

- 3.11.1. 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 proportionately on the basis of membership numbers in each of the branches as to 50% of the representation and the remaining 50% on the basis of the most recent election results in the voting district or districts concerned.
- 3.11.2. 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 Constituency Committee on the basis of the membership of each branch.
- 3.11.3. 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 clause 2.3.3.

3.12. FORMATION OF BRANCHES

- 3.12.1. A branch may only be formed with the prior approval of the body vested with this responsibility in the Provincial Constitution and the Constituency Committee, 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.
- 3.12.2. 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.
- 3.12.3. 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. The members of the branch must then be transferred to an adjoining branch as determined by the Provincial Executive.

3.13. BRANCH MEETINGS

- 3.13.1. 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 purpose 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.
- 3.13.2. When a new branch is about to be formed or an existing branch is to 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. At least 14 days notice is required before such a meeting may be held.
- 3.13.3. The quorum for the holding of an inaugural meeting and for an annual general meeting will in all cases be thirteen (13) members.
- 3.13.4. The presiding officer at all inaugural and annual general meetings of branches must be a person designated by the Provincial Executive.
- 3.13.5. 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.

3.14. BRANCH EXECUTIVES

- 3.14.1. Must meet on a regular basis, but not less than twice annually, at times, dates and venues determined by the Chairperson;
- 3.14.2. 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;
- 3.14.3. give effect to the decisions of higher formations of the Party;
- 3.14.4. report to the Constituency Committee and, when so required, to other higher formations of the Party on activities and on local ideas and opinion;
- 3.14.5. assist the public representatives of the Party in implementing the policy and the programme of action;
- 3.14.6. communicate with members of the Party and the broader public in order to mobilize support for the Party;
- 3.14.7. subject to the decisions and guidelines of higher formations, open offices, acquire equipment, employ staff and open banking accounts.

CHAPTER 4

CONSTITUENCIES

4.1. CONSTITUENCIES

- 4.1.1. The Provincial Executive must, in consultation with the Chief Executive Officer of the Party and after due consultation with the Party structures and the incumbent Members of Parliament and Members of the Provincial Legislature, 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.

4.2. CONSTITUENCY REPRESENTATIVES

- 4.2.1. The Provincial Executive must, after having demarcated constituencies in accordance with clause 4.1, allocate one Member of Parliament or one Member of the Provincial Legislature, to a constituency as the Constituency Representative.

- 4.2.2. The Constituency Representative is the political leader in that constituency and is directly responsible to the Provincial and Federal leadership for the proper political functioning of the constituency and the branches within the constituency.
- 4.2.3. The Constituency Chairperson, works with the political head and operational leadership to achieve the political and operational objectives in the constituency.

4.3. CONSTITUENCY COMMITTEES

- 4.3.1. Every Constituency must have a Constituency Committee consisting of all public representatives serving in the Constituency, and at least one representative from each branch within the constituency area, with each branch committee electing between one and five persons to the Constituency Committee, based on a formula of members/DA votes to be laid down by the Provincial Executive.
- 4.3.2. 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 all of the duly constituted branches in the Constituency, to all public representatives of the Party serving in the Constituency, and to the office of the Provincial Executive. At least 14 days notice is required before such a meeting may be held.
- 4.3.3. The presiding officer at all inaugural and annual general meetings of branches must be a person designated by the Provincial or Constituency Executive.

4.4. CONSTITUENCY EXECUTIVES

- 4.4.1. The duly constituted Constituency Committee shall elect, from amongst the members of the Constituency, a Constituency Executive consisting of the following:
 - 4.4.1.1. a Chairperson;
 - 4.4.1.2. a Vice-Chairperson;
 - 4.4.1.3. all public representatives serving in the Constituency;
 - 4.4.1.4. a maximum of ten additional members
 - 4.4.1.5. a DAY Constituency representative;
 - 4.4.1.6. a DAWN Constituency representative; and
 - 4.4.1.7. such other persons as may be co-opted to assist.
- 4.4.3.4.4.2. All members of the Constituency Executive Committee, once elected, will be deemed to be members of the Constituency Committee for the duration of their term on the Constituency Executive.
- 4.4.4.4.4.3. The public representative allocated to the Constituency in terms of clause 4.2, as well as all councillors serving in the Constituency, are automatically members of the Constituency Committee and the Constituency Executive Committee.

4.5. POWERS AND FUNCTIONS OF THE CONSTITUENCY COMMITTEES AND CONSTITUENCY EXECUTIVE COMMITTEES

- 4.5.1. The Constituency Committee, or where mandated to perform these tasks by the Constituency Committee, the Constituency Executive Committee:
 - 4.5.1.1. participates in drafting an annual programme for the constituency and all its branches;
 - 4.5.1.2. assists the public representatives and management of the Party in implementing the policies and the programme of action of the Party; and
 - 4.5.1.3. shall be responsible for such functions and activities as laid down in the Federal and Provincial Constitutions of the DA and, from time to time, such other duties and responsibilities as laid down by the Provincial Executive. These will include, inter alia, responsibility for:
 - 4.5.1.3.1. branches;
 - 4.5.1.3.2. membership;
 - 4.5.1.3.3. elections and by-elections;
 - 4.5.1.3.4. media and publicity;
 - 4.5.1.3.5. fundraising;
 - 4.5.1.3.6. local government liaison with councillors and caucuses.
- 4.5.2. The Constituency Committee must meet at least annually. The Constituency Executive must meet regularly and at least every second month. The Constituency Executive and Constituency Committee must meet whenever the Leader or the Chairperson of the Constituency so determines, or when at least one half of its members request a meeting.
- 4.5.3. The majority of the members of the Constituency Committee, or of the Constituency Executive as the case may be,

constitutes a quorum of that committee.

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

CHAPTER 5

KWAZULU-NATAL PROVINCIAL CONSTITUTION

5.1. PROVINCIAL CONSTITUTION

- 5.1.1. The KZN provincial constitution provides for:
- 5.1.1.1. a Provincial Congress,
 - 5.1.1.2. a Provincial Council,
 - 5.1.1.3. a Provincial Executive,
 - 5.1.1.4. a Provincial Management Committee,
 - 5.1.1.5. Constituency Committees,
 - 5.1.1.6. Constituency Executive Committees and
 - 5.1.1.7. Branch Committees with all the appropriate and relevant provisions relating to those bodies.

5.2. BRANCH REPRESENTATION

- 5.2.1. Branches must be represented at Constituency Committee level and Constituency Executive Committees at Provincial Council level.

5.3. APPROVAL OF PROVINCIAL CONSTITUTION

- 5.3.1. The KZN Provincial Constitution must be submitted for approval by the Federal Council as required in terms of Clause 4.3.1 of the Federal Constitution.

5.4. BRANCHES AND CONSTITUENCIES

- 5.4.1. The provisions of Chapter 3 and Chapter 4 of this constitution in regard to branches and constituencies will apply in all respects.

5.5. CONGRESS, PROVINCIAL COUNCIL AND PROVINCIAL EXECUTIVE

- 5.5.1. A Provincial Congress, Provincial Council and Provincial Executive must be composed such as to fairly represent the members of the Party in that province and subject to the provisions of the Federal Constitution in regard to representation from lower to higher formations of the Party.
- 5.5.2. The duly elected Provincial structures will:
- 5.5.2.1. ensure that all structures of the Party in the province are regularly elected;
 - 5.5.2.2. ensure that all structures function properly and in terms of the requirements of the Federal and Provincial Constitutions;
 - 5.5.2.3. prescribe systems that will help to ensure democracy, transparency and good governance;
 - 5.5.2.4. make it possible for the Provincial Council and the Provincial Executive to provide leadership in campaigns and endeavours of a provincial nature with the co-operation and support of the Constituencies;
 - 5.5.2.5. Take responsibility for the financial affairs of the province.

5.6. VOTING AND REPRESENTATION

5.6.1. Elections to office and in particular where representatives from a lower structure to a higher formation are elected, must be by a proportional voting system recognised by the Federal Council.

5.6.2. The system of representation from subordinate bodies to higher formations must provide:

5.6.2.1. for persons who are not public representatives to be active at all levels;

5.6.2.2. for public representatives in all spheres to be present or be represented; and

5.6.2.3. the need for both votes cast in the last election of a national nature and for membership numbers to be taken into account when determining representation above branch level.

5.7. FAILURE BY THE PROVINCES

5.7.1. If the province:

5.7.1.1. fails to comply with the provisions of its own constitution;

5.7.1.2. becomes unable to meet its financial commitments;

5.7.1.3. cannot function properly due to internal strife or lack of leadership
the Federal Council may take steps to rectify the situation.

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

CHAPTER 6 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 two 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.

6.1.3. The 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 Director;

6.1.3.7. all other members of the Provincial Executive Committee not mentioned in clauses 6.1.3.1 to 6.1.3.6;

6.1.3.8. all Members of Parliament and Members of Provincial Legislatures representing the Party in KwaZulu-Natal;

6.1.3.9. all local government councillors representing the Party in KwaZulu-Natal;

6.1.3.10. the Provincial Leader of the Democratic Alliance Youth;

6.1.3.11. the Provincial Leader of the Democratic Alliance Women's Network;

6.1.3.12. the chairperson of each duly constituted branch in KwaZulu-Natal;

- 6.1.3.13. delegates from each duly constituted branch on the basis of one (1) delegate per one hundred (100) members or part thereof, and additional delegates from each duly constituted branch on the basis of one (1) delegate for every one thousand (1000) votes (or part thereof) cast for the DA in that branch's area, as defined in 11.5.1.2 OR adjusted figure as may agreed upon by the Provincial Council to cater for variations, allocated to the Constituencies on the basis of the votes cast for the Party in the most recent election of a national nature, and elected by a proportional voting system approved by the Provincial Council;
- 6.1.3.14. other persons invited by the Leader or the Provincial Chairperson, with the approval of the Provincial Council, 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 Provincial Management 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, and all such decisions are binding on the Party, provided that it may not repeal or alter the Vision, the Principles or the Programme of Action of the Party as set out in this 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 Director;
 - 6.2.3.13. any co-opted members of the Provincial Executive;
 - 6.2.3.14. all Members of Parliament representing the Party in the Province;
 - 6.2.3.15. all Members of Provincial Legislatures 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 1:4, being four local government councillors to each Member of Parliament and Member of the Provincial Parliament 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 a fixed ratio of 1:4, being members to each Member of Parliament and Member of the Provincial Parliament 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. any additional members, up to six, co-opted by the persons referred to above, subject to a two thirds majority of the Provincial Council meeting approving each co-option by secret ballot;
- 6.2.3.19. all Constituency Operations Managers appointed in the Province, without voting rights.
- 6.2.3.20. 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 6.2.4.1 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 5.2.3.18-5.2.3.20 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 at annually at times and places determined by the Chairperson, and is obliged to do so by decision of the Provincial Executive or when requested by a petition signed by at least 30% of its members.
 - 6.2.6.4. A majority of the members of the Provincial Council constitutes a quorum.

6.3. PROVINCIAL EXECUTIVE

- 6.3.1. There must be a Provincial Executive 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. Two persons elected by the Provincial Council to the Provincial Management Committee and any co-opted members of the PMC
 - 6.3.1.8. the Constituency Chairpersons and the MP or MPL assigned to each Constituency, who together shall exercise a single vote;
 - 6.3.1.9. the Provincial Leader of the Democratic Alliance Youth, or his or her nominee;
 - 6.3.1.10. the Provincial Leader of the Democratic Alliance Women's Network or her nominee;
 - 6.3.1.11. the Chairperson of the Association of Democratic Alliance Councillors, or his or her nominee;
 - 6.3.1.12. the Provincial Director
- 6.3.2. Meetings, powers and functions of Provincial Executive
- 6.3.2.1. The Provincial Executive must meet once every two months and 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 constitute a quorum.
 - 6.3.2.3. The Provincial Executive may invite one or more persons to attend, but not to vote at any of its meetings.
- 6.3.3. The Provincial Executive:
- 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. 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 or Provincial Management Committee, and further fails to comply with a notice to correct the default within 30 days, the Provincial Executive or Provincial Management Committee may take such corrective measures as are necessary to ensure the compliance by the province constituency with the requirements of the Provincial Executive.
- 6.3.5. The Provincial Executive 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, if required, annually. Persons, committees and sub-committees so delegated must report to the PEC on the outcomes of their delegations at regular meetings of the PEC.
- 6.4.1 PROVINCIAL MANAGEMENT COMMITTEE
- 6.4.1.1. The day-to-day management of the administration of the Party is entrusted to a Provincial Management Committee consisting of:
 - 6.4.1.1.1 the Provincial Leader;
 - 6.4.1.1.2. the Provincial Deputy-Leader;
 - 6.4.1.1.3. the Provincial Chairperson;
 - 6.4.1.1.4. the 3 Deputy Provincial Chairpersons;
 - 6.4.1.1.5. the Chairperson of the Provincial Finance Committee;
 - 6.4.1.1.6. the Chairperson of the Provincial Fundraising Committee;
 - 6.4.1.1.7. the Chairperson of the Provincial Disciplinary Committee;
 - 6.4.1.1.8. the Provincial Director; and
 - 6.4.1.1.9. such other persons as may be co-opted to assist.
 - 6.4.1.1.10 Two persons as elected by the Provincial Council to assist.
 - 6.4.1.2 Minutes of the PMC must be presented to the immediate following PEC meeting.

CHAPTER 7

SENIOR OFFICE-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 policy-making is limited to decisions urgently required in respect of new matters or new situations;
- 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;
- 7.1.4. has a meaningful role to play in the selection of candidates for the party 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 (i.e. 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. Works in close liaison with the Provincial Leader, the Provincial Chairperson, the Provincial Deputy-Chairpersons, the Constituency Chairpersons, and Chairpersons of other established committees;
- 7.2.2. performs such other functions and duties and exercise 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.

7.3. 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; and
 - 7.3.2.2. assists in the overall promotion of the Party and mobilization of support for it;
 - 7.3.2.3. is entrusted primarily with and responsible for the organisation and the administration of the DA(KZN) and for the development and maintenance of a high degree of efficiency in the organisation and administration of the DA(KZN);
 - 7.3.2.4. is entrusted primarily with oversight of all disciplinary matters;
 - 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. performs such other functions and duties and exercise 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 , including the determination and supervision of the functions of the Provincial staff; and
 - 7.3.2.8. supervises and directs the activities of the Provincial Director.

7.4. SENIOR OFFICE BEARERS AND MEETINGS

7.4.1. 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

7.5.1. 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 impracticable the executive of that body may appoint a person to act until a successor can be elected.

CHAPTER 8

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 Director;

8.1.1.5. the Provincial Fundraising Committee Chair.

8.1.2. The Provincial Finance Committee:

8.1.2.1. Reviews the financial affairs of the Party to ensure that they are conducted in a prudent and responsible manner.

8.1.2.2. Prescribes financial procedures to be followed by all formations of the Party.

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 or Provincial Management Committee on any matters of concern arising from the audited statements.

8.1.2.5. Reviews the annual and medium term income and expenditure budget for the activities of the Party which must be tabled before and approved by the Provincial Executive Committee or Provincial Management Committee.

8.1.2.6. Reviews the annual and medium term income and expenditure statements of the Party and reports to the Provincial Executive Committee or Provincial Management Committee any matters of concern and from such reviews.

8.1.2.7. Resolves disputes of a financial nature which may arise between the Provincial Office and Constituencies.

8.1.2.8. Deals with any matter referred to it by the Provincial Executive Committee or Provincial Management Committee.

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.

The Chairperson of the Provincial Finance Committee must report to every Provincial Congress, Council, Executive and Management Committee meeting.

CHAPTER 9

CAUCUSES

9.1. ESTABLISHMENT OF CAUCUSES

- 9.1.1. All Members of the National Parliament who are members of the DA are members of the Parliamentary Caucus of the Party.
- 9.1.2. All Members of the Provincial Legislature who are members of the DA are members of the Provincial Caucus of the Party in their province.
- 9.1.3. All councillors in local government councils who are members of the DA are members of the Municipal Caucus of the Party in the council in which they serve.
- 9.1.4. All public representatives of the DA function within their caucuses only where it is necessary, i.e. in the performance their duties in the relevant parliament, legislature or municipality, and otherwise fulfil their roles within the relevant DA structures, i.e. as members of their Constituency Committee and Executive, or as elected to Provincial and Federal structures, in order to achieve the political and operational objectives of the Party.

9.2. FUNCTIONING

- 9.2.1. Each caucus elects a chairperson and a whip or whips from amongst its own members.
- 9.2.2. The Leader is automatically the leader of the Parliamentary Caucus if he or she is a member of Parliament. In all other cases the caucuses elect a leader from their own ranks.
- 9.2.3. Each caucus functions and takes decisions in absolute confidentiality.
- 9.2.4. Members must at all times adhere to and support decisions of the relevant caucus and must not differ publicly from any decision once it has been taken except when it has been decided by the caucus that a member may on a question of conscience exercise a free vote.
- 9.2.5. Members must attend caucus meetings punctually and no member is excused from attending a caucus meeting except by leave of the Whip.
- 9.2.6. Members must at all times perform their duties in the relevant forum, their duties towards the voters and particularly their duties towards Party supporters diligently and to the level and standard required by the Party as set out in the applicable code.

9.3. DUTIES AND RESPONSIBILITIES OF CAUCUSES

- 9.3.1. Caucuses are responsible for the proper functioning of the Party in the relevant forum and may, subject to this constitution and subject to the relevant Party formations, formulate policy and oversee policy formulation by spokespersons.
- 9.3.2. Portfolio spokespersons shall be designated in each case by the Leader of the Party in the caucus concerned.

9.4. ALLOCATION OF CONSTITUENCIES

- 9.4.1. The Provincial Executive must, after consulting the constituency committees, and in consultation with the representative concerned, allocate constituencies or wards to all representatives.
- 9.4.2. The constituency allocated to a representative is the area in which the representative must be available to serve the voters and support Party activities.
- 9.4.3. Ward Councillors take responsibility for the Ward for which they were elected, and they and list Councillors take such other responsibilities as the regional or provincial organisation may allocate to them in consultation with the relevant caucus leader.

9.5. DISCIPLINARY ACTION

- 9.5.1. The National Leader, a Provincial Leader or the relevant caucus may refer a member of any caucus to the applicable Disciplinary Committee for an enquiry on a charge of misconduct in terms of this Constitution.

9.5.2. Any caucus may, by majority decision, suspend a member from attending meetings of that caucus, pending the outcome of an enquiry referred to in clause 9.5.1.

9.6. CAUCUS RULES

9.6.1. Each caucus must draft and accept a set of Caucus Rules unless exempted by the Provincial Executive or the relevant Provincial Executive.

9.6.2. All Caucus Rules must be submitted to the Provincial Legal Commission or the relevant Provincial Executive for approval.

CHAPTER 10

LEGAL COMMISSION, DISCIPLINARY COMMITTEES AND DISCIPLINARY ENQUIRIES

10.1. ESTABLISHMENT OF DISCIPLINARY COMMITTEES

10.1.1. The Provincial Executive must at its first meeting after every Provincial Congress appoint a KZN Provincial Disciplinary Panel consisting of a Chairperson and up to fifteen (15) members of whom at least five (5) must be legally qualified persons.

10.1.2.A Disciplinary Committee shall be appointed, as required from time-to-time, by the Chairperson of the KZN Disciplinary Panel, from amongst the members of the KZN Disciplinary Panel. Except where the Federal Council allows otherwise, each Disciplinary Committee so appointed shall consist of not more than five members, nor less than three. Each Disciplinary Committee shall be chaired by a legally qualified person.

10.1.2.Except where the Federal Council allows otherwise, the Disciplinary Committee must consist of not more than five (5) members and five (5) alternates; more than half the number must have suitable legal qualifications.

10.1.3. Three(3) members of whom at least one must be legally qualified will form a quorum, provided that the Committee must at all times be chaired by one of the legally qualified members.

10.2. PROCEDURE APPLICABLE TO PROCEEDINGS OF A DISCIPLINARY COMMITTEE

10.2.1.The Rules of Procedure prescribed by the Federal Legal Commission must apply to all proceedings of a Disciplinary Committee: Provided that the rules of natural justice must at all times be adhered to. In particular the Committee Must not make any adverse finding against any person unless:

10.2.1.1.The person has been fully informed of every allegation against him or her and has been given the opportunity to rebut the allegations; and

10.2.1.2. Has been given the opportunity to submit evidence of mitigating factors.

10.2.2. Persons against whom disciplinary action is taken are entitled to be represented.

10.3. REFERRAL TO DISCIPLINARY COMMITTEE

10.3.1.The Federal Executive, any structure of the party or member may refer a charge of misconduct against any member to the Provincial Executive Committee which must keep a record of all complaints lodged and refer the charge of misconduct to the Disciplinary Committee for investigation. The disciplinary committee must then make a decision to proceed or not to proceed with a disciplinary enquiry.

10.3.2.If the Disciplinary Committee fails to act within a reasonable time, the relevant Executive may upon its own consideration or upon the request of the party who initially referred the charge to the PEC, refer the matter to the Federal Legal Commission which will act as if the matter had been referred to it in terms of clause 10.3.4.

10.3.3.If the Provincial Disciplinary Committee declines to institute a disciplinary enquiry, the PEC may upon the request of the relevant structure or member, refer the matter to the chairperson of the Federal Council for a referral to the FLC.

10.3.4.The Provincial Council or Provincial Executive may in the interest of justice, direct that a disciplinary enquiry be conducted by the Federal Legal Commission in which event that commission must follow the procedure prescribed for disciplinary committees.

10.3.5. The Disciplinary Committee appointed in terms of clause 10.3.1 may, in the interests of Justice, request the Provincial Council or PEC to direct that a disciplinary enquiry be conducted by the FLC.

10.3.5. No provision of the Constitution limits the right of the Federal Executive or the Provincial Executive:

10.3.5.1. to temporarily suspend a member from taking part in any or all of the activities of the Party, pending the

outcome of a disciplinary enquiry in terms of this chapter; or

10.3.5.2. to appoint a commission to enquire into the matter in order to establish the facts relevant to the matter to be referred.

10.3.6 The Chairperson of the Provincial Disciplinary Committee must report quarterly to the PEC on all outstanding matters referred to it as contained in the register.

10.4. FINDINGS BY DISCIPLINARY COMMITTEES

10.4.1. A Committee may find and recommend that:

10.4.1.1. the membership of the person being investigated, be terminated;

10.4.1.2. the membership of the person being Investigated be suspended for a specified period;

10.4.1.3. the person being investigated be suspended from any position in the Party or from holding any position in future or for a specified period or that all or any of the privileges of a member as stated in this constitution be suspended; or that

10.4.1.4. the person being investigated be admonished.

10.4.1.5. the person found guilty of misconduct may be fined an amount not exceeding the amount determined by the Provincial Council from time to time payable upon such terms and conditions as the committee may recommend.

10.4.2. The Committee must report its findings as a recommendation to the relevant Executive.

10.5. DECISIONS BY THE EXECUTIVE

10.5.1. The Federal or Provincial Executive, as the case may be, must consider the findings and recommendation of the Disciplinary Committee and may:

10.5.1.1. Accept and confirm the finding of the Committee; or

10.5.1.2. impose a lesser penalty than that recommended by the Committee.

10.5.2. Subject to the appeal mechanism referred to in clause 9.3.2 of the Federal Constitution, the decision of the relevant Executive is final.

CHAPTER 11

GENERAL PROVISIONS

11.1. AMENDMENT, MERGER AND DISSOLUTION

11.1.1. Only the Provincial Congress may amend this Constitution, or merge or dissolve the Party and consequently dispose of its assets, by vote of not fewer than two-thirds of the members present and voting at that particular meeting, provided that notice of that proposal must have been given to the Province not less than four weeks before that Congress.

11.1.2. Any such amendment shall only be effective from the time when it is approved in writing by the Federal Council.

11.2. INCONSISTENCIES

11.2.1. In the event of inconsistency between the translations of the Constitution into other languages, the English text prevails.

11.2.2. Should any dispute arise on the interpretation of any section of this Constitution, the English text is regarded as the original.

11.3. CERTIFICATE OF GOOD STANDING FOR CANDIDATES

11.3.1. Any DA public representative or Party member;

11.3.1.1. who is or remains indebted to the Party in respect of any membership fee, public representative's monthly contribution ("party tithe"), election levy, candidate's fee or any other debt to the Party, beyond the date on which the payment of such debt was due and has not before the final date for payment applied for and been granted, in writing, by the appropriate Party structure, an extension of time on agreed terms for the payment of such debt, or

11.3.1.2. who, having entered into an agreement of the kind referred to in 11.3.1.1 above, fails to comply with such agreement in every material respect;

11.3.1.3. shall be regarded as being a member in bad standing and shall not be entitled to stand for election to or hold Any elected office in any party structure at branch, constituency, regional or provincial level, or be eligible for election as a public representative of the Party, until such time as the debt is paid in full.

11.3.1.4. Every party member wishing to stand for election to elected office in any party structure at branch, constituency, regional or provincial level or as a public representative of the party shall be required to be in possession, at the time when the elections for such positions are to be held, of a certificate of good standing, dated not less than one month before the date of closing of nominations chosen by the Party or its structures for the election in question, issued by the appropriate branch, constituency, regional and/or provincial structure of the party.

11.4. ATTENDANCE OF MEETINGS

11.4.1. Any member failing to attend three consecutive meetings of any Party structure of which he/she is a member, without having obtained leave of absence from that structure, shall have his/her membership of this structure automatically withdrawn. The relevant Provincial Executive Committee or Constituency Committee shall be authorised to make arrangements to fill this vacancy

11.5. DEFINITIONS

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

11.5.1.1. "proportional system of voting" means that described in Annexure A, as amended by the Provincial Council from time to time.

11.5.1.2. "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 in South Africa. 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.