



THE CONSTITUTION OF OPERATION DUDULA





i. PREAMBLE

Operation Dudula commits to be a Political Party which will champion the interest of South Africans through the laws that govern South Africa and that citizens be prioritized in their OWN country.

ii. DEFINITIONS

1. **"OD"** means Operation Dudula
2. **"OUR ECONOMY OUR HERITAGE"**
3. **"NEC"** National Executive Committee
4. **"NWC"** means National Working Committee
5. **"NOB"** means National Office-Bearers
6. **"NGC"** means National General Council who reviews and or assesses performance of the National Executive Committee



7. "**PEC**" means Provincial Executive Committee
8. "**PWC**" means Provincial Working Committee
9. "**PGC**" means Provincial General council
10. "**POB**" means Provincial Office-Bearers
11. "**REC**" means Regional Executive Committee
12. "**RWC**" means Regional Working Committee
13. "**RGC**" means Regional General Council
14. "**ROB**" means Regional Office-Bearers
15. "**ZEC**" means Zonal Executive Committee
16. "**ZOB**" means Zonal Office-Bearers
17. "**BBC**" means Biennial Branch Conference
18. "**BEC**" means Branch Executive Committee
19. "**BGM**" means Branch General Meeting
20. "**BOB**" means Branch Office-Bearers
21. "**AC**" means Area Committee
22. "**SC**" means Street Committee

22. "**Branch**" means a primary or main unit of Operation Dudula the demarcation of which is determined by township, a suburb and or a specific area where residents reside, or any area determined by the PEC and ratified by NEC branch shall be the prime structure of the organisation and shall be the principal representative of members at all conferences of Operation Dudula.

23. "**Constitution**" means this constitution.

24. "**Sub-Committees**" means a sub-committee of all executive structures as determined by the respective executive structures from time to time as and when the need arises, with sub-committee cluster conveners.

25. "**Cluster convener**" means convener of the sub-committee

26. "**Executive Committee Member**" means a person elected and holds office within Operation Dudula, either nationally, provincially, regionally, locally or at branch level.

27. "**Interim Structure**" means the current leadership which has the main objective of establishing proper structures for OD.

28. "**Leadership**" means an elected/appointed Executive Committee member at all levels.

29. "**Member**" means a person who has completed a membership application form, obtained



membership confirmation of membership, and who has not been expelled and agrees in writing by signing the electronic and or physical membership application form to adhere to organizational code of conduct as outlined in this constitution.

30. **"National Office-Bearers"** means the elected President, 1st Deputy President, 2nd Deputy President, National Chairperson, General Secretary, Deputy General Secretary, National Organizer and the National Treasurer.
31. **"Executive Structure"** means and functional structure of OD which has executive powers.
32. **"Organization"** means OD.
33. **"Province"** means a province as per the demarcation Board and in the Constitution of the Republic of South Africa Act 108 of 1996.
34. **"Quorum"** means fifty percent plus one (50% +1) of serving members present as determined by the composition stipulated in each structure and shall apply to all OD meetings, councils and conferences at all levels unless specifically prescribed.
35. **"Region"** means an area, which has been determined by the province with the NEC ratification.
36. **"Zones and/or sub-regions"** means an organ as defined by the boundary of a local municipality
37. **"Area"** means an organ defined by the Region.
38. **"Desk"** a Desk constitutes a Women's, Youth, Disability and Veterans' employment or labor, professional desks. The organization reserves the right to increase the desks as and when it sees fit.
39. **"Voting Rights"** shall mean a right which bestowed on a member of OD.
40. **"Founding Members"** shall mean those members who conceptualized and launched the organization and recruited others to roll-out the OD as an organization.
41. **"Executors"** shall mean those members who were first approached by the founding members and participated in the organization towards the 17th May 2021 and beyond. These members are still active and are still serving the organization at the NEC level by the time this constitution was finalized.
42. **"Contributors"** shall mean members who were approached by the founding members or members who were active in the organization and all build up meetings/processes towards the

17th May 2021 but are currently not serving the organization in any capacity but still support the cause.

1. INTERPRETATION

In this Constitution and unless the context otherwise clearly requires:-



- (i) Words, including terms and definitions thereof referred to in *clause ii* which import the singular number only shall include the plural and vice versa;
- (ii) Words importing any one gender shall include the other gender;
- (iii) The head notes to the various clauses of this Constitution are inserted for reference purposes only and shall in no way govern the interpretation thereof.

2. THE OD IDENTITY

- 1.1 The name of the organisation shall be **Operation Dudula**, hereinafter referred to as "**OD**".
- 1.2 The colors of OD shall be *black, green and red* with green being the dominant color of the logo, T-shirts & banners, with the letters OD beneath the logo.
- 1.3 The slogan in the banner shall be "**OUR ECONOMY OUR HERITAGE**".
- 1.4 The National Office (**Headquarters**) of OD shall be at House number 2230 Suffron Street Luphereng Soweto Johannesburg Gauteng Province and any change in address shall be publicized in a local newspaper and at its official website.
- 1.5 OD shall have English as it's medium of instruction in all its official communication, but will continue to advocate for the promotion of other official languages as and when it is required.
- 1.6 Any person or entity desirous of utilizing the name, logo or brand of OD may only do so with the express written consent by the General Secretary of OD.

3. THE MISSION OF OD

- 2.1 The mission of OD is to foster patriotism and ethical governance amongst South Africans of all races, and represent same in the Parliament of the Republic of South Africa.
- 2.2 To collaborate with patriotic civil society organizations in South Africa and globally.

4. AIMS AND OBJECTIVES

The Aims and Objectives of OD shall be the following:

- (1) To achieve the goals set out in the preamble;
- (2) To fight for the enforcement of the South African laws as legislated by parliament.
- (3) To unify South Africans, promote democracy, non-sexism, non-racism and patriotism.
- (4) To instill patriotism amongst South Africans to fight illegal and undocumented immigrants, as a progressive patriotic political party, is constituted by the paying members who are citizens of the Republic of South Africa and is founded on the basic needs, aspirations and expectations of the people, our guiding principles are "SOUTH



AFRICANS FIRST IN SOUTH AFRICA and SOUTH AFRICA IS OUR ONLY HOME”.

- (5) To attain our aims and objectives, thus we need the support of each and every patriotic South African citizen, be it Black, White, Colored or Indian and implement a strong governance and vibrant patriotic political party
- (6) to work with any patriotic civic movements carrying the hopes and interests of patriotic South Africans, and assumes the responsibility of linking with regional, continental and global patriotic civic movements that share similar aims and objectives, it will therefore endeavor to collaborate with such patriotic civil society organizations and political parties.
- (7) To ensure that BEE and or BBBEEE benefit ONLY deserving South Africans,
- (8) Tenders to be the **SOLE** benefit of South Africans,
10. To ensure that no non – South African citizen and or holder of a Permanent Residence is PSIRA accredited,
11. To ensure that the Department of Basic and Higher Education litigate and press charges against all bogus and unregistered schools in South Africa,
12. To engage the Department of Basic and Higher Education not to subsidize schools operated by foreigners in South Africa,
13. To ensure that all government departments are held liable for any offence committed by an illegal or undocumented foreigner in South Africa,
14. To ensure that no foreigner is licensed to sell alcohol and not allowed to own night clubs in South Africa,

As a political party, we commit to the attainment of the following goals:

- a. Fight for the implementation of Immigration Acts, Scarce Skills Act, Employment Services Act, The South African Constitution,
- b. To influence the implementation of effective border controls and patrols,
- c. All South Africans must be put first in South Africa in terms of employment and service delivery;
- d. Fight for local or township economy to be in the hands of South Africans,
- e. Ensure that there are refugee camps in South Africa to house and accommodate refugees,
- f. Eradicate tendering by foreign nationals in South Africa,
- g. Fight against drugs, drug paddling in South Africa,
- h. Fight against the flourishing industry of counterfeit goods;
- i. Occupation of RDP houses by non – South Africans,
- j. Disconnection of illegally connected electricity especially in squatter camps mostly occupied by illegal and undocumented immigrants,
- k. Differentiate between asylum seekers, refugees and illegal immigrants,
- l. Agitate to the department of Home affairs to check how foreigners received their permanent residency in south Africa,
- m. Improvement of the living conditions of all the residents of South Africa
- n. Eradication of homelessness and insecurity;
- o. Eradication of poverty, unemployment and inequality
- p. Building of a united South Africa;
- q. Promotion of socio-economic and political justice for all;
- r. Creation of empowerment structures for effective economic empowerment;
- s. Job creation, wealth creation and distribution of resources in particular to the indigent component of our communities;
- t. Attainment of social security and comfort for all;



- u. Contribution to the promotion and protection of the freedoms, rights and values enshrined in the Constitution of the Republic of South Africa;
 - v. Promoting the participation of youth, women and people with disabilities in all its activities that would better their situation;
 - w. Support and promotion of the struggle for the rights of children and people with special needs;
 - x. Contribution to the reconstruction and development in South Africa to the benefit of South Africans;
 - y. From time to time, collaborate with organizations and civil society formations, with similar objectives, that will support it to attain its aims and objectives;
From time to time, collaborate with regional, continental and international civil society formations to attain its aims and objective.
It will further collaborate and support regional, continental and international civil society formations to share information,
To engage the UN to assist in taking financial responsibilities of the refugees and asylum seekers, To engage government on the role of NGO's especially those encouraging lawlessness in the Republic.
 - i. and support their campaigns in achieving their respective aims and objectives in line with our broad solidarity activities; and deepening democracy
 - z. To ensure that the principles enshrined in the Freedom Charter are implemented and or achieved in South Africa for the benefit of South Africans.
- II. To promote and advance effective patriotism and build the capacity of its leaders, members and the community at large, through projects, programs, campaigns, education and training;
 - III. To lobby authorities to propose favorable legislation and to comment on any proposed law, action or policy of any authority affecting the interests and or rights of its members and or society in general;
 - IV. To institute legal proceedings and any other action on behalf of its members, and to defend residents' legal interests and or rights either individually or collectively;
 - V. To co-operate with those progressive organs of civil society locally, regionally and internationally which have similar aims and objectives;
 - VI. To form a Trust on behalf of its members, which Trust shall be the shareholder of a OD related investment entity;
 - VII. To do such things as may be in the interest of the organisation, its members, as specifically provided for in the constitution.

5. MEMBERSHIP

- (1) Membership shall be open to:-
 - (a) All patriotic citizens of the Republic of South Africa irrespective of race, color, sender, class and geographical location over the age of 18 years;
- (2) All members of OD shall abide by its Constitution and code of conduct.
- (3) All individual members of OD shall be registered into the branch membership database;



- (4) Any person accused and or charged of any criminal activity in court of law shall not be allowed to join OD, until such accusations have been withdrawn by a competent court, and if charges are re-instated his or her membership shall be terminated immediately,
- (5) The Branch Executive Committee in consultation with the NEC shall have the power to accept or refuse any application for membership. If the BEC does not exist the REC or PEC shall assume responsibility. In a case where an centralized electronic membership system is introduced, signing into the electronic system shall be regarded as an acceptance of membership by OD
- (6) Membership cards may be issued by the NEC to registered members of OD and to persons whose application for membership has been accepted, subject to payment of the subscription fee as determined from time to time by the NEC.
- (7) A person or organisation whose application for membership has been temporarily accepted, subject to finalization (review) shall be issued with the following:
 - i. A temporary membership proof as acknowledgement of provisional membership detailing the branch and or constituency in which the applicant/ temporary member resides;
 - ii. A temporary membership number
 - iii. A copy of the constitution of OD directly or through an electronic link
- (8) A member who signs into the membership system electronically and or physical automatically bind himself and or herself to the following;
 - i. To abide by the constitution of OD without reservations
 - ii. Grants OD the right to share their information with other parties to further its interest within the constraints of the laws of the Republic of South Africa.
- (9) An individual shall cease to be a member of OD on the happening of any of the following:

If found guilty by the court of law for any crime which the NEC in its discretion, regards as serious and warranting termination of membership and may include, but limited to, crimes involving dishonesty or any violation of human rights;

 - i. If he/she dies; and if he/she is expelled from the organization after a Disciplinary Hearing has been held.

6. FOUNDING MEMBERS

- a. OD shall give special acknowledgment to the primary founding members of the organization at all times.
- b. The primary founding members shall enjoy such rights as ex – officio members in perpetuity.
- c. The primary founding members as recognized are Mr Solomon Kekana, Mr. Robert Xaba & Ms Zandile Dabula,
- d. The members shall at all times form the executive of the organization,
- e. The members shall receive invitations to all executive meetings,
- f. The constitution further appreciates and acknowledges the role of the Executors who became a special aid to the primary founding members.



- g. Both categories Founding members and Executors shall enjoy special voting rights at AGMs while primary founding members shall enjoy rights at all executive meetings..

7. RIGHTS AND DUTIES OF MEMBERS

- (1) A member has the right to:
- (a) Participate fully and actively in the discussion, formulation and implementation of the policies of OD;
 - (b) Receive and impart information on all aspects of OD policy and activities;
 - (c) Offer constructive criticism of any member, official, decision, policy, program or activity of OD within the parameters of the code of conduct;
 - (d) Submit proposals or statements to relevant OD structures, or organs;
 - (e) Take part in elections and be elected or appointed to any structure, organ or delegation of OD, unless such a member has been suspended or is otherwise disqualified in terms of the provisions of this Constitution.
 - (f) Upon a member being elected in upper structure such member must immediately vacate his/her position in the lower structure a member shall not hold office in more than one structure of OD
 - (g) Receive a copy of the Constitution and other policy documents directly and or through electronic linkage;
 - (h) Attend all branch and or any Constitutional meetings as and when requested to by the relevant structure
- (2) A member shall have the duty to:
- a) Belong to and participate in a branch;
 - b) Inform his branch committee of a change of address and report to a street, area or branch secretary on arriving at new street/area/branch;
 - c) Explains the aims, principles and policies, activities and programmes;
 - d) Combat propaganda detrimental to the interests of OD;
 - e) Defend its aims; principles and policies; activities and programmes;
 - f) Oppose against any form of discrimination, racism, sexism, xenophobia and religious intolerance;
 - g) Inform himself and or herself on the content of the Constitution and defend its provision thereof;
 - h) Deepen his/her understanding of the social, cultural, political and economic problems of his/her community and country as a whole;
 - i) Take all the necessary steps to understand and carry out the aims, policies, programmes and activities of OD; and
 - j) Observe discipline; behave honestly and carry out the decisions of the majority and those of higher structures within OD.
 - k) Attend capacity building programs as decided by the NEC and or other structures.

8. LEGAL STANDING AND COMPOSITION OF OD



- (1) This constitution shall be binding on all members and structures of OD.
- (2) All such structures shall bear the name OD, and be bound by this constitution as adopted by the National Conference of OD from time to time;
- (3) The powers and duties of structures and leadership at any level shall be similar and not contrary to those of the national structures.
- (4) The NEC shall be the policy interpretation body in the provinces. The NEC shall be responsible for the interpretation of any policy and such interpretation shall be binding on all structures
- (5) The Women and Youth desks established shall be headed by appointed persons, relevant to the desk.
- (6) OD shall be a civic organisation capable of acquiring rights, incurring obligations, entering into legal transactions and suing and being sued in its own name.
- (7) OD shall operate bank accounts and acquire and own property in its own name.
- (8) OD is a non-racial, non-sexist, independent, democratic, mass-based and unitary civic movement whose policies are determined by its membership at the relevant constitutional meetings.
- (9) The leadership of OD shall be accountable to its membership.
- (10) Freedom of speech and the free circulation of ideas and information shall be upheld within OD.
- (11) OD shall be free to enter into an alliance agreement with any progressive political party to advance its aims and objectives.
- (12) OD shall be registered and operate as a Non for Profit Organisation (NPO) in terms of the laws of the Republic of South Africa
- (13) OD shall exist indefinitely unless lawfully dissolved as a legal person distinct from its individual member
- (14) OD shall be free to enter into an alliance with any progressive civil society formation locally, regionally and globally to advance its aims and objectives

9. STRUCTURES/ORGANS OF OD

- (1) Any elected executive member of OD can attend any meeting of a lower structure provided that due protocol is observed.
- (2) OD consists of the following structures, existing in five spheres:
 - a) National Conference
 - b) National Executive Committee (NEC)
 - c) National Working Committee (NWC)
 - d) National Office-Bearers (NOB)
 - e) National General Council (NGC)
 - f) Provincial Conference
 - g) Provincial Executive Committee (PEC)
 - h) Provincial Working Committee (PWC)
 - i) Provincial General council (PGC)
 - j) Provincial Office-Bearers (POB)
 - k) Regional Conference
 - l) Regional Executive Committee (REC)



- m) Regional Working Committee (RWC)
- n) Regional General Council (RGC)
- o) Regional Office-Bearers (ROB)
- p) Zonal Conference
- q) Zonal Executive Committee (ZEC)
- r) Zonal Office-Bearers (ZOB)
- s) Biennial Branch Conference (BBC)
- t) Branch Executive Committee (BEC)
- u) Branch General Meeting (BGM)
- v) Branch Office-Bearers (BOB)
- w) Area Committee (AC)
- x) Street Committee (SC)
- y) Block committee
- z) Village committee sphere
- aa) Founding Members

10. THE NATIONAL CONFERENCE

- (1) The National Conference is the supreme ruling and controlling body of OD and it must be held every five (5) years;
- (2) Should the conference fail to convene within the period stipulated in (1) above, an interim committee shall be established to take OD to a conference in a special meeting constituted by not less than five participating provinces.

11. COMPOSITION

The National Conference shall be composed of;

- a) 75% branch delegates. Each branch delegation shall be proportional to the membership of each branch according to the formula to be determined by the NEC from time to time. This determination shall be binding on all branches.
- b) 25% of all NEC, PEC, REC, ZEC members in good standing at the time of conference.
- c) Non-voting delegates invited as per NEC resolution.

12. POWERS AND DUTIES

1. The National Conference shall:

- a) Elect the National Executive of forty five (40) members inclusive of the National Office-Bearers;
- b) Decide and determine the policy, programme and constitution of OD.
- c) Receive and discuss the reports of the NEC, including the Presidential address, Treasurer's report and the General Secretary's report. The latter report shall include a report on the work and activities of all OD structures;
- d) Has powers to review, ratify, alter or rescind any decision taken by any of the constituent bodies, structures or officials of OD; and which is inconsistent with the national policy as determined from time to time by the NEC;



- e) Has the power to elect or appoint any commission or committee and assign special tasks and duties to such commission or committee, as the case may be.

13. NATIONAL EXECUTIVE COMMITTEE

- (1) The NEC shall be the highest decision-making body of OD in between National Conferences and/or National General Councils and shall be vested with the power to decide on the policy issues and programmes.
- (2) The term of office of the National Executive Committee shall be five (5) years.
- (3) No person shall hold office for more than 2 terms.

14. COMPOSITION

- (4) The NEC shall be composed of the following:
 - a) The President, Deputy president, National Chairperson, General Secretary, Deputy General Secretary, National Organiser, National Treasurer and forty five (45) directly elected NEC members and co-opted members of the NEC;
 - b) The Provincial Chairperson and Secretary of each province with full voting rights.

15. MEETINGS

- (5) The NEC shall ordinarily meet at least once every three (3) months on a date fixed by the National Working Committee. Special meetings of the NEC shall be called by the General Secretary upon resolution of the NWC or upon written requisition of not less than two thirds of the provinces.
- (6) Seven (7) days' notice of the NEC meeting shall be given to each provincial representative provided that in the case of a special or urgent meeting, shorter written notice of not less than three (3) days shall be given. All NEC leadership must confirm attendance within 2 days of receipt of notification.

16. POWERS AND DUTIES

- (7) The NEC shall:
 - a) Establish Sub-Committee and appoint Conveners for those Sub-Committees;
 - b) Carry out the resolutions of the National Conference and the National General Council,
 - c) Issue and send directives and instructions to and receive reports from provinces;
 - d) Set-up committees and determine their nature, membership and scope;
 - e) Enforce discipline in terms of relevant clauses in this Constitution,
 - f) Develop programmes and establish projects in accordance with the aims and objectives of the organisation;
 - g) Endeavour to mediate and settle any disputes within and between structures;
 - h) Dissolve the leadership of the province, region, zone, branch or area committee after consultation with the immediate upper structure where it deems it necessary and establish an Interim Coordinating Committee immediately;
 - i) Terminate in consultation with the Branch the membership of any individual member after following due process in terms of this Constitution;



- j) Open and operate a central banking account in the name of OD into which monies raised shall be placed and administer such funds;
 - k) Acquire, either by purchase, lease, or otherwise any movable or immovable asset on behalf of OD;
 - l) Approve annual audited financial statements and balance sheets of the organisation and approve the budget presented by the NWC;
 - m) Co-opt and appoint any person or persons to fill vacancies within the NEC, provided such vacancies are not more than 25% of the NEC and are not in the NOB; such persons shall enjoy two-thirds support of provinces as represented by Provincial Chairpersons and Secretaries.
 - n) In the case of NOB, the NEC shall fill the vacancies in acting capacities with members from the NEC pending the consideration of the NGC;
 - o) Deal with such matters as are specifically delegated to it by the National Conference;
 - p) Facilitate and encourage co-operation among OD structures;
 - q) Demand and receive reports from provinces;
 - r) Manage and control all national property and funds for OD;
 - s) Convene meetings of the National Conference and the National General Council;
 - t) Issue and send directives and instructions to all other structures of OD through their immediate higher structures;
 - u) Afford legal and other assistance to all OD structures and members in furtherance of the aims and objectives of OD;
 - v) Ensure that all structures of OD function effectively and democratically;
 - w) Ensure that all leadership structures have a minimum of thirty percent (45%) representation of women;
 - x) Within sixty (30) days the NEC shall hold its first meeting during which fifteen (14) national working Committee members shall be elected from the forty three (40) directly elected and or co-opted members of the different PEC's.
- y) Enter into relationships with progressive patriotic civil society formations in South Africa and globally.

16. NATIONAL WORKING COMMITTEE

- (1) There shall be a National working Committee (NWC)
- (2) The NWC shall consist of: the President, Deputy President, National Chairperson, General Secretary, Deputy General Secretary, National treasurer, National Organiser and fourteen members of the NEC elected from the forty five directly elected members of the NEC as stipulated in clause 5(w) above.
- (3) The members of the National Working Committee shall not necessarily be full-time functionaries of OD. However, the NEC shall determine the extent to which the elected members shall be full-time functionaries who may be allocated specific responsibilities.

18. POWERS AND DUTIES

- (3) The National Working Committee shall:
 - a. Carry out decisions and instructions of the NEC;



- b. Submit a report at each NEC meeting;
 - c. Delegate its powers in between the meetings of the National Working Committee, to the National Office-Bearers, who will take whatever decisions they deem appropriate for OD on behalf of the National Working Committee;
 - d. Deal with such matters as are specifically delegated to it by the NEC and the National Conference; and
 - e. Assume all powers of the National Executive Committee in between National Executive Committee meetings as provided for in clause 11 (5)
 - f. Institute and/or defend legal proceedings against OD and to appoint a person or persons to sign any documents for or on behalf of the organisation;
 - g. Be responsible to oversee all commercial investments of the organisation;
 - h. Appoint Trustees subject to letters of authority being issued by the Master of the relevant High Court to the respective OD Trusts and approve/ratify appointment of OD business ventures at all levels of OD structures;
 - i. Appoint and or recommend directors to the OD Development Institute and or other entities where OD is a shareholder.
 - j. Supervise and direct the work of OD generally;
 - k. The NWC shall ordinarily meet at least bi-monthly on the date to be fixed by the National Office-Bearers.
- (4) Special meetings of the NWC shall be called by the National Office-Bearers through the General Secretary upon resolution of NOB or written requisition of not less than two-thirds of the NWC members.
- (5) The NWC shall have the powers to hold a special meeting should it be deemed necessary.
- (6) Seven (7) days' notice of the NWC meeting shall be given to each NWC members provided that in the case of a special or urgent meeting, shorter written notice of not less than three (3) days shall be given. All NWC leadership must confirm attendance within 2 days of receipt of notification.
- (7) If an NWC member does not attend a committee meeting, there must be a written apology or explanation for non-attendance forwarded to the Secretariat before the meeting, failing which such member shall be guilty of misconduct.
- (8) Should a member fail to attend three (3) consecutive committee meetings without accepted apologies or explanation apologies, such member shall be deemed to have abandoned his/her office and will be notified in writing within 7 days of non-attendance of last meeting.
- (9) The member should be replaced in the next NEC (or special NEC) meeting.
- (10) However should the member be an NOB member the matter shall be referred to the NEC for determination

19. NATIONAL OFFICE-BEARERS

GENERAL DUTIES OF NATIONAL OFFICE-BEARERS

- (1) The NOB, as an organ of OD, shall:
- a) Be responsible for the overall administration of the Organisation



- b) Carry out duties as mandated by the NEC and the NWC
- c) Be responsible for the day to day running of the organisation;
- d) Submit a report to each NWC meeting; and
- e) Be competent to take decisions and make recommendations to the NWC.

SPECIFIC DUTIES OF NATIONAL OFFICE-BEARERS

- (2) The **President** shall:
 - a.) Be a political head and face of the organization (OD);
 - b.) Make pronouncements for and on behalf of the NEC, outlining and explaining the policy of OD on any question, provided that this is done within the values and principles of OD;
 - c.) Be leader of OD delegations in meetings with all persons and organisations;
 - d.) Be responsible for presenting the National Conference with Comprehensive political statement of the political situation generally at relevant levels;
 - e.) Be one of the signatories of OD national bank account;
 - f.) Be the custodian of OD policies, principles and guidelines.
- (3) **Deputy Presidents** shall, over and above deputizing the President;
 - a.) carry out all tasks as given to him/her by the NEC or the NWC;
 - b.) In the event of the death or permanent incapacity of the President and or the Deputy President, the NEC shall, as soon as possible, appoint an acting President or deputy until such time as the National Conference meets;
 - c.) Be responsible for policies advocacy with alliance, allies and Internal Relations matters;
 - d.) Ensure that provincial PEC's are supported in between NEC's;
 - e.) Be responsible for civic education and cadre development within NEC
- (4) The **National Chairperson** shall;
 - a.) preside over all meetings of the National Conference, NGC, NEC, NWC, NOB and all other national functions;
 - b.) Act as President during the absence of both the President and the Deputy President; c.) have the authority to take decisions after consultation with the President about any meeting that is subjected to peculiar conditions foreign to the organisation;
- (5) The **General Secretary** shall;
 - a.) be a full-time office bearer, head of administration, accounting officer, CEO and appointing officer of the organisation provided that the organization is able to meet his or her financial obligations;
 - b.) be responsible for processing and record-keeping of all correspondence in the National Office;
 - c.) generally administer the affairs of OD at national level; and keep the NOB informed with regard to relevant developments;
 - d.) co-ordinate meetings of OD at national level and be responsible for the distribution of minutes and all other relevant documentation;
 - e.) attend all meetings of OD and be responsible for the minute-taking at all



meetings;

- f.) head the administration, co-ordinate commercial ventures and receive reports from all structures of OD;
- g.) present and submit to the National Conference, NGC, NEC and NWC, an assessment and evaluation report on the performance and external impact;
- h.) after consultation with the President, issue press statements and deal with the media to make OD's aims and objectives, policies and principles known to the public;
- i.) engage employees of the organisation and fix their conditions of employment and define their duties based on recommendations from the NOB;
- j.) Be responsible for performance of staff and sub-committees. k.) Shall sign-off approval of existence of each branch.
- l.) Be one of the signatories of the national bank account.

(6) **Deputy General Secretary** shall;

- a) Deputize the General Secretary; and
- b) Over and above deputizing the General Secretary, shall
 - 1. Be responsible for coordinating provincial reports
 - 2. Ensure that constitutional structures of provinces are active and hold meetings as required by the Constitution
 - 3. Be responsible for logistical arrangements at NGC and national conference
 - 4. Carry out such additional tasks as the NEC or NWC may instruct.
 - 5. Be responsible for performance of staff and sub-committees

(7) The **National Organizer** shall;

- a. Be part of the Secretariat collective
- b. Be head of the recruitment drive of the organisation;
- c. Ensure that a unitary membership system is in place
- d. Ensure that renewal of membership is up-to-date;
- e. Oversee the production and distribution of membership cards;
- f. Ensure that campaigns are undertaken and rallies and marches are conducted safely and lawfully;
- g. Keep, update and reconcile membership statistics;
- h. Ensure that structures of the organisation are properly launched.
- i. Submit monthly reports to the Secretariat.
- j. Shall be responsible to organize OD Campaigns.
- k. Maintain a credible register of all OD branches. Each branch on the register shall show a sign-off approval by the General Secretary.
- l. Ensure transport to and from marches or rallies is made available to the members.

(8) **National Treasurer**

- a) The National Treasurer shall be the Chief Financial officer of the Organisation.
- b) Shall be responsible for all aspects related to the financial affairs of OD;



- c) Coordinate fund-raising activities and efforts;
- d) Establish a fund raising Sub - Committee;
- e) Draft policies for the Fund raising committee;
- f) Liaise with funders;
- g) Maintain proper books and accounts and monitor bank accounts for OD;
- h) Submit regular written reports to the NOB, NWC and NEC regarding the financial position of OD;
- i) Be head of treasury and finance subcommittee together with all treasurers of structures below; (appointment of external members to financial committee)
- j) Be chief custodian of the funds and property of OD;
- k) Be one of the signatories of the national bank account;
- l) Submit to the National Conference, independently-audited financial statements covering such period as may be determined by the conference or NEC from time to time.
- m) Develop and oversee the implementation of financial policies and procedures
- l) Report his or her activities to the General Secretary

20. SUB-COMMITTEES

- a) The NEC in its first sitting after conference shall determine sub committees and appoint chairpersons of these committees
- b) Subcommittee members should be led by elected NEC members
- c) Subcommittees are accountable to the NEC through the office of the Secretariat
- d) Subcommittee members can co-opt people with the prerequisite expertise into the subcommittee in consultation with the Secretariat
- e) Subcommittee members can be relieved from their responsibilities by the Secretariat for non- performance and or redeployment.
- f) Subcommittees should submit reports to the Secretariat on a monthly basis
- g) Sub-committee members are obliged to attend to all activities of their portfolio within and outside the organization.

21. NATIONAL GENERAL COUNCIL

- (1) A National General Council shall be held 2 years and 6 months of the term of the NEC to consider the following:
 - a) Assessment of the performance of the organisation, based on conference resolution;
 - b) Adopt policies needed in organization
 - c) Review existing policies of the organization's and make recommendations as and when applicable
 - d) To fill vacancies and to evaluate decisions taken by the NEC since the last National Conference
- (3) The National General Council shall be the highest decision-making body in between the National Conference.

22. PROVINCIAL CONFERENCE



- (1) (a) Every province shall hold a Provincial Conference once every four (4) years
- (b) All the affairs of OD pertaining to a Province shall be decided by the Provincial Conference in line with the national policies and the principles of the National Conference;
- (c) The Provincial Conference shall elect the PEC consisting of 20 members inclusive of their POB;
- (d) Branches shall be entitled to send delegates in proportion to their membership.
- (e) The Provincial Conference shall also be attended by nonvoting delegates as determined by the Provincial Executive Committee and or Provincial General Council

23. PROVINCIAL EXECUTIVE COMMITTEE

- (1) The PEC shall be the highest decision-making body of OD in between Provincial Conferences and shall be vested with the power to decide on the policy issues and programmes in the province provided such policy or programme are not in conflict with National Policy and Objectives of OD
- (2) Term of office of the PEC shall be four (4) years.

24. COMPOSITION

- (2) (a) The PEC shall consist of the Provincial Chairperson, Deputy Provincial Chairperson, Provincial Secretary, Deputy Provincial Secretary, Provincial Treasurer and Provincial Organiser; and twenty (20) PEC members elected by Provincial Conference.
- (b) A maximum of 25 % of the members can co-opted to the PEC;
- (c) Regional Chairperson and Secretary of each region with full voting rights;
- (d) Term of office of the PEC shall be four (4) years.

25. POWERS AND DUTIES

- a) The PEC shall:
 - (3) Establish Sub-Committees and appoint Conveners for those Sub-Committees;
 - (4) Carry out the resolutions of the National Conference,
 - (5) Issue and send directives and instructions to and receive reports from regions;
 - (6) Set-up committees and determine their nature, membership and scope;
 - (7) Enforce discipline in terms of relevant clauses in this Constitution,
 - (8) Develop programmes and establish projects in accordance with the aims and objectives of the organisation;
 - (9) Endeavour to mediate and settle any disputes within and between structures;
- (10) Dissolve the leadership of the region, zone, sub -region, branch or area committee after consultation with the immediate upper structure where it deems it necessary and establish an Interim Coordinating Committee immediately;
- (11) Terminate in consultation with the Branch the membership of any individual member;
- (12) Open and operate a banking account in the name of OD into which monies raised shall be placed and administer such funds;



- (13) Acquire, either by purchase, lease, or otherwise any movable or immovable asset on behalf of OD;
- (14) Approve annual audited financial statements and balance sheets of the organisation and approve the budget presented by the PWC;
- (15) Co-opt and appoint any person or persons to fill vacancies within the PEC, provided such vacancies are not more than 25% of the PEC and are not in the POB; such persons shall enjoy two-thirds support of regions as represented by Regional Chairpersons and Secretaries.
- (16) In the case of POB, the PEC shall fill the vacancies in acting capacities with members from the PEC pending the consideration of the PGC;
- (17) Deal with such matters as are specifically delegated to it by the Provincial Conference;
- (18) Facilitate and encourage co-operation among OD structures;
- (19) Demand and receive reports from regions;
- (20) Manage and control all provincial property and funds for OD;
- (21) Convene meetings of the Provincial Conference and the Provincial General council;
- (22) Issue and send directives and instructions to all other structures of OD through their immediate higher structures;
- (23) Afford legal and other assistance to all OD structures and members in furtherance of the aims and objectives of OD;
- (24) Ensure that all structures of OD function effectively and democratically;
- (25) Ensure that all leadership structures have a minimum of fifty percent (50%) representation of women;
- (26) Within sixty (60) days the PEC shall hold its first meeting during which eleven (11) Provincial Working Committee (PWC) members shall be elected from the twenty five
(25) directly elected and or co-opted members of the PEC of which, six of these members are the POBs .
 - a) Be responsible for carrying out the decisions of the Provincial Conference and or National Conference and;
 - b) Organize, establish and service branches in the province and supervise the work of the regions in the province;
 - c) Carry out the policies and programmes of OD and do all things necessary to further the interests, aims and objectives of the organisation;
 - d) Consult with the NEC on issues relating to policy matters;
 - e) Establish Sub-Committees and appoint Conveners for those Sub-Committees;
 - f) Discuss all NEC resolutions and reports
 - g) To consider any appeal in respect of applications for membership that has been rejected by the BGM.

26. PROVINCIAL WORKING COMMITTEE

- (1) There shall be a Provincial Working Committee.



27. COMPOSITION

- (1) The PWC shall consist of: the Provincial Chairperson, the Provincial Secretary, Deputy Provincial Secretary, Provincial Treasurer, Provincial Organiser and five members elected by the PEC.
- (2) The members of the PWC shall not necessarily be full-time functionaries of OD. However, the PEC shall determine the extent to which the elected members shall be full-time functionaries who may be allocated specific responsibilities

28. POWERS AND DUTIES

- (3) The PWC shall:
 - a) Report to PEC on all PEC meetings
 - b) Carry out PEC resolutions
 - c) Carry out decisions and instructions of the PEC;
 - d) Submit a report at each PEC meeting and same report to NEC;
 - e) Delegate its powers in writing in between the meetings of the PWC, to the POBs, who will take any decision appropriate for OD on behalf of the PWC;
 - f) Deal with such matters as are specifically delegated to it by the PEC and the Provincial Conference;
 - g) Assume all powers of the PEC in between PEC meetings; and
 - h) Supervise and direct the work of OD generally within the province.

29. MEETINGS

- (4) The PWC shall ordinarily meet at least monthly on the date to be fixed by the POBs.
- (5) Special meetings of the PWC shall be called by the POBs through the Provincial Secretary upon resolution of POBs or written requisition of not less than two thirds of the PWC members.
- (6) The PWC shall have the powers to hold a special meeting should it be necessary.
- (7) Seven (7) days' notice of the PEC meeting shall be given to each approved Regional representative provided that in the case of a special or urgent meeting, shorter written notice of not less than three (3) days shall be given.
- (8) If a PWC member does not attend a committee meeting, there must be a written apology or explanation forwarded to the Secretariat before the meeting, failing which such member shall be guilty of misconduct. Should a member fail to attend three (3) consecutive committee meetings without accepted apologies or explanations, such member shall be deemed to have abandoned his/her office.

30. PROVINCIAL OFFICE BEARERS

GENERAL DUTIES OF PROVINCIAL OFFICE-BEARERS

- (1) The POB, as an organ of OD, shall:
 - a) Be responsible for the overall administration of the Provincial arm of the Organisation;



- b) Carry out duties as mandated by the PEC and the PWC
- c) Be responsible for the day to day running of the organisation; d) Submit a report at each PWC meeting; and
- e) Be competent to take decisions and make recommendations to the PWC.

31. PROVINCIAL GENERAL COUNCIL (PGC)

- (1)
 - a) Each province shall convene a PGC, which shall be the highest provincial governing body in-between provincial conferences
 - b) The PGC shall be convened after consultation with the NEC.
 - c) The PGC shall ordinarily meet at least once a year, except special PGCs convened on instruction of the NEC.

32. COMPOSITION

- (2) A PGC shall comprise:
 - a) PEC members;
 - b) At least one (1) representative from each branch and numbers to not exceed 15;
 - c) Some REC members/ and or regional office bearers;

33. POWERS AND DUTIES

- (3) The PGC is competent to accept motions of policy amendments, development programmes and projects, including performances of structures in the province, subject to provision that such motions must not be contrary to OD national policy.
- (4) It is within the powers of the PGC to accept a motion of no confidence of any
- (5) The PGC has a duty to receive reports from the PEC;
- (6) A decision or resolution of the PGC requires at least fifty percent (50%) plus one (1) vote in favour, for it to bind the province.
- (7) A motion of no confidence on any Provincial OD structure, requires two-thirds (2/3) majority of votes in favour, by the PGC to be binding on the Province

34. REGIONS

- (1)
 - a) The PEC, in consultation with the NEC, shall divide the Province into Regions for the more efficient and democratic functioning of OD;
 - b) The maximum number of Regions shall be determined by the PEC in consultation with the NEC.
 - c) Regional demarcation shall follow the boundaries of district municipalities and metropolitan municipalities as determined from time to time.

35. REGIONAL CONFERENCE

- (2) (a) Each region shall hold a regional conference once every three (3) years.
- (b) The regional conference shall elect the REC.



36. COMPOSITION

(3) a) Each branch within the region shall be entitled to send delegates to the regional conference proportional to its membership.

(4) The Regional Conference shall be composed of:

(i) Voting delegates as follows:

- a) At least 90% (ninety percent) of the delegates at the Conference shall be from Branches in the Region, elected at properly constituted Branch Executive Committees and or Branch General Meetings.
- b) The number of delegates per Branch shall be in proportion to their paid up membership, provided that each Branch in good standing shall be entitled to at least 1 (one) delegate.
- c) All members of the Regional Executive Committee shall attend ex-officio as full participants in and as delegates to the Conference.

(ii) Non-voting delegates

The REC may invite individuals, who have made a special contribution to the struggle or who have special skills or experience, to attend the Conference. In addition, the REC shall permit representation as non-voting delegates to structures, which do not have the minimum requirement to form a Branch.

37. POWERS AND DUTIES

The Regional Conference shall:

- a) Promote and implement the decisions and policies of the PGC, the PEC, the PWC, and the POBs;
- b) Receive and consider reports by the Regional Executive Committee, which shall include the Chairperson's Address, the Secretary's report;
- c) Elect the Regional Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and 15 (fifteen) additional members who shall hold office for 3 (three) years. A person must have been a member of OD for at least 3 (three) years before he or she can be nominated to a Regional Executive Committee of OD.
- d) Each Branch in good standing within a Region shall be entitled to send delegates to the Regional Conference in proportion to its members.
- e) There shall be at least one Regional General Council meeting in the course of each year with each Branch being entitled to send at least one delegate.
- f) A Special Regional General Council meeting may be convened by the Regional Executive Committee or the PEC or at the request of at least one third of the delegates.



38. REGIONAL EXECUTIVE COMMITTEE

- (5) The REC shall be the highest decision-making body of OD in between Regional Conferences and shall be vested with the power to decide on the policy implementation and alignment of National policy issues and programmes within the region.
- (6) Term of office of the REC shall be three (3) years.

39. COMPOSITION

- (7) (a) The REC shall consist of the Regional Chairperson, Deputy Regional Chairperson, Regional Secretary, Deputy Regional Secretary, regional treasurer and Regional Organizer and fifteen (15) additional members.
- (b) The Chairperson and Secretary of the zone shall be *ex officio* members of the REC with voting rights.

40. POWERS AND DUTIES

- (a) The REC shall be accountable to the PEC for its functioning;
- (b) The powers of the REC are those as may be delegated to it by the PEC. In addition, the REC may, subject to the directions and instructions of the PEC, exercise the following powers:
- (c) Meet as soon as possible after its election to elect the Regional Working Committee
and meet as and when necessary but at least once a month;
- (d) Carry out the policy and programme of OD in the Region and do all things necessary to further the interests, aims and objectives of the organization;
- (e) Carry out the decisions and instructions of the Provincial Conference, the Provincial General Council, the PEC, the Regional Conference and the Regional General Council;
- (f) Receive reports, supervise the work of, and delegate such functions to the RWC, as it considers necessary;
- (g) Manage and control funds and assets of OD in the Region;
- (h) Submit reports to the PEC, the Regional Conference and the Regional General Council, as often as required, on the state of the organization, the financial position of the region, and such other matters as may be specified;
- (i) Request and receive reports from the Branches and other sub-structures in the Region;
- U) Recommend to the PEC the suspension or dissolution of a BEC, A Zonal Committee or a Sub-Regional Committee;
- (k) The REC may co-opt not more than 3 (three) persons, in order to provide for a balanced representation that reflects the true character of the South African people.



- (l) In accordance with the above, not less than 50% (fifty percent) of the directly elected and co-opted members of the REC must be women.
- (m) Convene an RGC at least twice annually.
- (n) The REC shall divide the Region into Sub-Regions and Zones after consultation with the PEC.
- (o) Organize, establish and service (ensure that they are existing and that they are functioning and provide assistance) to branches in the region and supervise the work of the zones/ sub- regions in the region;
- (p) Establish Sub-Committees and appoint Conveners for those Sub- Committee
Within thirty (30) days the REC shall hold its first meeting during which eight RWC members shall be elected of which Six of these members are to be from the ROB.

41. REGIONAL WORKING COMMITTEE

- (1) There shall be a Regional Working Committee (RWC).

42. COMPOSITION

- (1) The RWC shall consist of: The Regional Chairperson, The Regional Deputy Chairperson, The Regional Secretary, Deputy Regional Secretary, Regional Treasurer, Regional Organizer and three (3) members elected by REC.
- (2) The members of the RWC shall not necessarily be full-time functionaries of OD. However, the REC shall determine the extent to which the elected members shall be full-time functionaries who may be allocated specific responsibilities.

43. POWERS AND DUTIES

The RWC shall:

- a. Carry out decisions and instructions of REC;
- b. Submit a report at each REC meeting;
- c. Delegate its powers in between meetings of the RWC, to the ROB, who will take whatever decision appropriate for OD on behalf of the RWC;
- d. Deal with such matters as are specifically delegated to it by the REC and the Regional Conference;
- e. Assume all powers of the REC in between REC meetings;
- f. Supervise and direct the work of OD generally within the region.

44. MEETINGS

- a) The RWC shall ordinarily meet at least monthly on the date to be fixed by the ROB.
- b) Special meetings of the RWC shall be called by the ROB through the Regional Secretary upon resolution of ROB or written requisition of not less than two thirds of the RWC members.
- c) The RWC shall have the powers to hold special meetings should it be necessary.
- d) Seven (7) days' notice of the REC meeting shall be given to each Zonal



reproved representative provided that in the case of a special or urgent meeting, shorter written notice of not less than three (3) days shall be given.

- e) If a RWC member does not attend a committee meeting, there must be a written apology or explanation forwarded to the Secretariat before the meeting, failing which such member shall be guilty of misconduct. Should a member fail to attend three (3) consecutive committee meetings without accepted apologies or explanations, such member shall be deemed to have abandoned his/her office.

45. REGIONAL OFFICE BEARERS

GENERAL DUTIES OF REGIONAL OFFICE-BEARERS

- (1) The ROB, as an organ of OD, shall:
 - a) Be responsible for the overall administration of the Regional arm of the Organisation;
 - b) Carry out duties as mandated by the REC and the RWC
 - c) Be responsible for the day to day running of the organisation;
 - d) Submit a report at each RWC meeting; and
 - e) Be competent to take decisions and make recommendations to the RWC.

46. REGIONAL GENERAL COUNCIL

- a) Each Region shall convene an RGC, which shall be the highest Regional governing body in-between Regional conferences
- b) The RGC shall be convened after consultation with the PEC
- c) The RGC shall ordinarily meet at least twice a year, except special RGCs convened on instructions of the PEC.

47. COMPOSITION

An RGC shall be composed of:

- a. Regional Executive Committee members, Sub-Regional Office Bearers and Branch delegates.
- b. Each branch to be represented by at least one delegate

48. POWERS AND DUTIES

The provisions related to the PGC shall apply to all RGC's in all respect.

49. REGIONAL CONFERENCE

- (1) Each region shall hold a conference once in every two years to elect Regional Executive Committee and Seventy percent (70%) of branches in good standing within the zone/ sub- region shall constitute a threshold to hold a zonal conference.
- (2) Each region shall ensure social dialogue on civil society matters are discussed and



local development plans based on people's power should emerge

- a) Mass mobilization strategy and tactics to be localized and detailed programmes developed
- b) Accountability and reporting on programmes and solutions are critical

50.COMPOSITION

- a) Each branch shall be represented by the Branch Executive Committee members in the zonal/ sub regional conference.
- b. Where a branch does not exist an interim structure will be established.
- c. Such an interim structure shall be represented by at least one delegate with non-voting rights.

51. REGIONAL COMMITTEE

- 1. The REC shall be the highest decision-making body of OD in between Regional Conferences and shall be vested with the power to decide on the implementation of national policy issues and programmes within the zone/ sub- region.
- 2. Term of office of the ZEC/ SUB- REC shall be two (2) years.

52.COMPOSITION

- (a) The REC shall consist of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Organizer and ten (10) additional committee members.
- (b) REC residing within a branch shall be *ex-officio* members of the BEC.

53. POWERS AND DUTIES

- (a) The Region shall be a coordinating structure with no executive powers other than those delegated to it by the REC in writing.
- (b) The Region shall hold a meeting at least twice every month to consider branch reports.
- (c) The Region shall submit a report monthly to the regional office.
- (d) The Region has a right to make recommendations to the REC for considerations.
- (e) The Region shall convene an Annual General Meeting (AGM) where all BEC members within a zone shall attend.
- (g) Be responsible for carrying out the decisions and directives of the Regional Conference, PEC and REC;
- (h) Organize, establish and service branches in the sub-region and supervise the work of the branches in the sub-region;
- (i) Carry out the policies and programmes of OD and do all things necessary to further the interests, aims and objectives of the organisation;
- U) Consult with REC on issue relating to policy matters.

54. BRANCH

- 1. Every member of OD shall belong to a Branch, which is the basic structure of OD.



2. The Branch shall:

- a. Be registered with the PEC and have a minimum of 100 members provided that the PEC may confer special recognition, where due to exceptional circumstances, the Branch has fewer than 100 (one hundred) members.
- b. Each sub-region shall be divided into branches as agreed to by the PEC which branch shall fall under the PEC.
- c. Each branch shall have a minimum of a hundred (50 and or 100) members to be a branch in good standing
- d. The branch is where all members participate democratically to influence or formulate the policies of the organisation.
- e. A branch is the primary unit of the organisation.
- f. Each branch shall be registered with National Office.
- g. Each branch shall meet at least once in a month.
- h. Each branch shall have quarterly mass meetings in ward
- i. Each branch shall have 6 monthly door-to-door campaigns
- j. Each branch shall ensure alliance partners are part of the branch office barriers meetings as none voting members
- k. Each branch must ensure that Women's Desk, youth desk, disability desk and veterans desk leaders are attending the branch monthly meetings.
- l. Each branch must compile written reports to all levels of organisation

57. BRANCH EXECUTIVE COMMITTEE

COMPOSITION

- a. The BEC shall consist of the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Organizer and additional members.
- b. The Chairperson and Secretary of area shall be *ex-officio* members of the BEC

58. MEETINGS

1. The BEC shall ordinarily meet at least a week except for special BEC meetings as and when the need arises.

59. POWERS AND DUTIES

3. (a) The BEC shall divide the branch into areas, in accordance with voter district (VD) demarcation.
- (b) The BEC shall establish area, block, village and street committees.
- (c) The BEC shall receive and consider membership applications.
- (d) The BEC may reject membership application of any potential member on the grounds consistent with this constitution.
- (e) The BEC shall state reasons in writing for the rejection of the application and advise such unsuccessful applicant of his/her right to appeal the PEC subject to being notified in writing as to whether or not the BGM has sanctioned such rejection within 10 working days of receipt of such



notification

- (f) The BEC shall present a report on rejected applications to the BGM for consideration as to whether or not such applicant should be accepted
- (g) The term of office of the BEC shall be two years.
- (h) The BEC shall implement national conference resolutions, aligned to Provincial, regional situations.
- (i) The BEC shall ensure that the local communities within its auspices are aware of their basic human rights and to do all things necessary in this regard.
- U) The BEC shall ensure regular community outreach programmes and consultations with the community in respect of their basic human rights.
- (k) The BEC shall ensure that alliance relations are cordial.

60. BRANCH OFFICE BEARERS

- (1) The BOB, as an organ of OD, shall:
 - a) Be responsible for the overall administration of the branch arm of the Organisation;
 - b) Carry out duties as mandated by the BEC
 - c) Be responsible for the day to day running of the organisation at the branch level;
 - d) Submit a report at each BEC meeting; and
- e) Be competent to take decisions and make recommendations to the BEC.

61. COMMITTEES, SUB-COMMITTEES AND SPECIAL COMMITTEES

- (1) The Executive Committee shall be empowered to appoint special committees as and when necessary.
- (2) The Executive Committee shall be empowered to appoint or co-opt members should vacancies occur for special tasks of OD or for replacement of a member who has ceased to be functional at his/her respective level or sub-committee or department save, as provided for in this constitution.
- (3) The Executive Committee shall establish the Youth, Women and people with disabilities' desk in accordance with clause 18(1) herein above.

62. ELECTIONS AND VOTING

- I. Nomination procedure and conduct of elections shall be made by resolution of NEC, PEC, REC and BEC preceding the conference where elections are to be held.
- II. All OD structures shall have the right to vote by means of secret ballot.
- III. Independent electoral officers shall be appointed by the NEC to conduct national and Provincial elections.
- IV. Elections of all the structures below shall be conducted by the immediate higher structure and or by the Independent Electoral Officers appointed by the immediate upper structure.
- V. Each voting delegate shall be entitled to one vote.
- VI. At a national, provincial, regional, zonal and branch level, only mandated delegated and executive committee members of each relevant level shall be entitled to



participate in the elections save where specifically provided for in this Constitution.

- VII. No interim structure shall have voting rights and no persons from an interim structure shall be eligible to be voted into office at higher level unless otherwise that person serves in a particular structure in the organisation.
- VIII. The following periods of membership applies before a member can qualify to be elected to hold an executive office in the organisation:
- (a) 5 years for National Executive Committee;
 - (b) 4 years for Provincial Executive Committee;
 - (c) 3 years for Regional Executive Committee;
 - (d) 2 years for Zonal Executive Committee; and
 - (e) 2 years for Branch Executive Committee.
- a. These conditions shall not apply to members and or candidates who are already serving and or have served in structures of allied organizations.

IX. Objections

- a. Any delegate has a right to object citing admissible and not inflammatory reasons why a specific candidate nomination must not be accepted by the Electoral Commission.
- b. Such an objection shall be in writing and comprehensive.
- c. The ruling of the Independent Electoral Officer on the objection raised shall be final
- d. Any objection to the election results once election have been declared free and fair by both the Electoral Commission and the observes should be submitted to the General Secretary within seven days of the conference.
- e. The ruling of the Independent Electoral Commission on such an objection shall be final.

63. OD EMPLOYEES

- (1) OD shall adopt an employee code of conduct, which will govern conduct of all staff employed by the organisation.
- (2) The conduct of any OD employee shall be guided by the rules and regulations as laid down in the code of conduct and conditions of employment.
- (3) Any OD employee who is elected into leadership position shall resign as an employee of OD within 1 month after such appointment.
- (4) All employees shall enter into an employment contract before assuming any duty.
- (5) The country's labor relation legislation shall also apply to all OD employees.

64. BANKING ACCOUNTS

- a. Any person or entity opening a bank account in the name of OD must from the effective date of this constitution have written consent from the National Treasurer to open such account.



- b. Any account to be opened in the name of OD after the effective date shall only be done by written authority, provincially by the PS and nationally by the NS.
- c. The National team will be tasked with the responsibility of ensuring all accounts in the name of OD are accounts approved by the NEC and PEC in the case of provinces.
- d. Any current accounts not approved by structures should be terminated on the effective date of the constitution.

65. FINANCE AND FUNDING

1. Any funding required will have to be approved by the General Secretary.
2. Any person may if they have their own funding utilize such funds with the approval of the General Secretary, bearing in mind the audit process in place in terms of the Constitution.
3. A person/s in their ordinary capacity will be personally liable should they fail to obtain the requisite approval from the General Secretary.
4. Each Province shall be liable for all financial implications emanating from the use of funds of that Province.
5. Funding for legal assistance:
 - a. Any person requiring funding for legal assistance must have approval by the General Secretary;
 - b. Should such funding for legal assistance not be approved by the then any person requiring such funding may seek assistance from Human Resources alternatively the Legal Aid Board.
6. Any institution established on behalf of OD shall be underpinned by clearly defined reporting and accounting processes, and such entities shall be fully accountable to OD inclusive of OD Development Institute (SDI).
7. In respect of the OD Development Institute (SDI) all assets shall vest in OD and shall be the sole and exclusive property of OD.
8. The board of directors, Chief Executive Officer and Chief Finance Officer of such institutions shall be appointed by the NWC and ratified by the NEC of OD.

66. FORMER PRESIDENTS OF OD

1. Any former President of OD must not serve office in any structure and /or position beyond their term of office.
2. Formal leaders should actively contribute to the political life of OD.
3. A special advisory council shall be established in the office of the serving president.
4. The special advisory council shall be amongst others be composed of the former



presidents of the organization.

5. The NEC should develop terms of reference for the special advisory council.

67. CODE OF CONDUCT

- (1) The NEC shall develop a code of conduct as well as rules and regulations for all members of OD and these shall be in line with this Constitution.
- (2) The relationship among Executive Committee members at any level and ordinary members shall be as follows:
 - a) When a committee member has erred, another committee member shall first attempt corrective action before the issue is brought to the attention of the committee;
 - b) No member of any committee of OD shall unfairly criticise another member outside of a meeting or in public;
 - c) No member of OD shall be insulted or treated in a disrespectful manner by another member;
 - d) Character assassination, gossiping and unfair criticism is strictly prohibited ;
 - e) All members shall obey with the OD aims, objectives, principles and policies as well as this Constitution;
 - f) All members shall be disciplined, obedient and loyal to OD at all times;
 - g) Any OD member who transgresses the Code of Conduct shall be subjected to fair disciplinary action.
 - h) No member of OD may promote the interests of another organisation whose policies, aims and objectives differ or are contrary to those of OD;
 - i) No member of OD may act in a manner that places the organisation into disrepute;
 - j) A member of OD who contravenes this code of conduct or any provision of this Constitution relative to conduct shall be guilty of an offence and on being found guilty by the Disciplinary tribunal, be given an appropriate sentence.
 - l) A leader of OD should conduct himself and or herself in a manner that it promotes the integrity of the organisation
 - m) No leader shall attend any meeting whilst under the influence of drugs or alcohol. Any leader found to be addicted to substance will subjected to disciplinary hearing
 - n) Any leader who is found guilty of rape, sexual abuse of women and or minors should be subjected to disciplinary hearing
 - o) All members of OD shall conduct themselves in a caring manor to patriotic South Africans.

68. RULES AND REGULATIONS

1. The following rules and regulations shall be observed by all OD members:
 - a) The abuse of drugs and related narcotic substances is not allowed, and alcohol abuse is discouraged.
 - b) Abuse and disrespectful behavior towards other people is prohibited.
 - c) Behaving in a manner brings OD into disrepute shall constitute misconduct.
 - d) Unauthorized use of OD's property is strictly prohibited.
 - e) Disrupting meetings and interfering with the orderly functioning of OD is strictly



- prohibited and shall constitute misconduct.
- f) Establishing parallel structures to existing constitutional structures shall be treated as a serious offence and may result in termination of membership. Attending meeting whilst intoxicated is strictly prohibited.
2. Any official who is alleged to have abused their authority to solicit undue favors shall be subjected to disciplinary hearings. This includes but not limited to money, unsavory relationships, and employment.

69. DISCIPLINARY CODE

- (1) There shall be a disciplinary Committee at all levels of OD.
- (2) An appeal or a review from the decision of a disciplinary committee at any level will be heard by an immediate higher disciplinary structure.
- (3) For purposes of disciplinary hearings the disciplinary committees at all levels shall sit to deal with disciplinary matters as referred to them by the respective structures.
- (4) The highest disciplinary committee shall be the appointed Subcommittee of the NEC, referred to in 33(1)a.
- (5) Each disciplinary committee shall for the purposes of adjudicating on a matter, co-opt a person with a legal expertise.
- (6) (6) All disciplinary committees shall be composed of at least three members of the Executive Committee and where necessary a co-opted/appointed person with a legal expertise;
 - a. For each disciplinary committee, the President or Chairperson, as the case may be, shall appoint a case presenter who will present the case for the organization.
 - b. Any person facing disciplinary action shall have the right to be represented if he/ she so chooses by a OD member of good standing.

70. DISCIPLINARY PROCEDURE

- (1) Any member who contravenes the provision of this constitution shall be subjected to disciplinary proceedings.
- (2) All Executive Committees at each level including branch/area committees shall have powers to suspend a member on reasonable grounds presented to it in writing and furnish such reasons as may be necessary
- (3) Any person facing disciplinary proceedings shall receive timeous written notice of the hearing containing the basic allegation against him. Such notice shall be given not less than ten (10) working days before the hearing.
- (4) A party to a disciplinary hearing who is aggrieved by the decision of disciplinary structure has a right to note an appeal or review to



an immediate higher structure within thirty days (30) days.

- (5) The member facing such disciplinary hearing shall be furnished with copies of statements of witnesses who may be called to testify at such hearings.
- (6) No leader of the organisation in any structure shall be removed from an elected position without due process being following including being approved by the NEC and or designated national structure.

71. PROCEDURE BEFORE THE HOLDING OF A DISCIPLINARY INQUIRY

- (1) The inquiry shall be led by a case presenter who shall perform the following necessary tasks:
 - i) Conduct an investigation regarding the offence;
 - ii) Interview potential witnesses and take statements from them;
 - iii) Formulate the charges to be preferred;
 - iv) Send a written notice to the member informing him about the inquiry. This notice shall:
 - a. Inform the member about the time and venue of the disciplinary enquiry;
 - b. Inform the member about the time-frames within which to submit a request for further particulars to the charges;
 - c. Contain information with respect to the rights of the member. These rights of the accused shall include, among others, the right to:
 - i. Be assisted in the presentation of the case by another member of OD;
 - ii. Challenge the evidence of the witnesses of the case presented by cross-examination;
 - iii. Raise preliminary objections, either to the way the charge have been formulated or to raise an objection regarding the composition of the disciplinary tribunal. Raise objections during the proceedings, which objection may either be over-ruled or upheld
 - iv. have the right to testify in person, if the member so chooses and or call witnesses
 - v. Have the inquiry conducted in the language s/he understands, failing which, to request to be provided with an interpreter;
 - vi. Be presumed innocent until proven guilty; and

72. DISCIPLINARY STRUCTURES

The National Executive Committee shall, at its first meeting after elections, establish a National Disciplinary Committee and the National Committee of Appeals

- (1) National Disciplinary Committee



- a. Shall be constituted of four members of the NEC and an independent chairperson appointed by the NEC.
- b. The quorum of the NDC shall be at least three members, including an independent chairperson.

(2) National Disciplinary Committee of Appeals

- a. Shall be constituted of two members of the NEC and an independent chairperson.
- b. The quorum shall be all members of the NCA.
- c. The NEC may, at its discretion, review any decision of the NCA or NDC (as the final arbiter) to ensure that procedure and outcomes is in accordance with the principles of natural justice
- d. The review may only be considered if signed by at least three members of the NEC and submitted to the General Secretary.
- e. In its review, the Chairpersons of the NDC and the NCA shall be present or nominate their representatives.
- f. The report or the NDC shall be submitted in full, not summarized, to a properly constituted NEC meeting.

73. CONDUCT OF THE DISCIPLINARY PROCEEDINGS

- (1) The presiding officer shall first introduce the panel; call upon the member presenting the case on behalf of OD to read the charge being preferred against the member.
- (2) The presiding office shall, thereafter, proceed to explain to the member his rights in the same way that the case presenter did in his notice to the member
- (3) He shall inquire as to how the member intends to plead.
- (4) After these preliminaries, the case presenter shall commence with his case and or proceed to call witnesses, either by giving a summary of the case or proceedings to call his witnesses.
- (5) The member has the right to cross examine and or challenge the evidence of any witnesses.
- (6) The member may raise points in limine to be dealt with before the case begins.
- (7) The member is free to raise objections during the proceedings, which objections will either be overruled or upheld.
- (8) The member shall have the right to present his case present his case as soon as



the case presenter has closed the case on behalf of **OD**

- (9) The member may either give an outline of his case and or proceed and or testify in his defense if he so chooses and or call witnesses.
- (10) During the proceedings he shall be given ample opportunity to consult with the person assisting or representing him.
- (11) After the close of the member's case, the presenter will address the tribunal in argument followed by argument by the member or his/ her representative as the case may be.
- (12) The presiding officer may either hand down his decision immediately or postpone to a later date should he/ she deem it necessary.13 if the member is found guilty he or she has the right to address the tribunal in mitigation of sentence and or call witnesses.
- (13) The presiding officer may also pass sentence immediately or postpone it to a later date if he so chooses.
- (14) Both the case presenter and the accused may appeal the decision of a lower tribunal of a level immediately above that one.
- (15) When the proceedings have concluded, the Disciplinary Tribunal shall forward a written report to the relevant Executive Committee.

74. REMOVAL OF AN ELECTED OFFICIAL

1. A removal of any elected member of an executive committee may only take effect if;
 - a. Any elected person can be removed from the conference.
 - b. At national and provincial level, the Executive Committee decides on the removal upon written request by either the PEC to the General Secretary.
 - c. At regional, zonal or branch, only the PEC may decide on the removal after a written request by a relevant structure and to the Provincial Secretary in consultation with the General Secretary.

75. DISSOLUTION OF AN ORGANIZATIONAL STRUCTURE

- (1). A dissolution of any elected executive committee may only take effect if;
 - a. At all levels, when the elected executive committee becomes incapacitated either due to failure to carry out its duties and functions as stipulated in this constitution.
 - b. No dissolution shall be effective unless approved by the GS.



76. INDEMNITY

- (1) An Office-Bearer of OD is indemnified and cannot be held legally liable for any actions taken in accordance with his or her duties as set out in this constitution save in the case of malice, abusive authority and/ or gross negligence.
- (2) OD is a National Unitary Structure, but for the purposes of its financial transactions and contracts, its various structures are independent entities. However, all OD structures shall report and be accountable to the NEC, which in turn, shall report and be accountable to the National Conference.
- (3) All Office-Bearers and employees of OD at all levels shall be indemnified in their personal capacity from all debts and related financial obligations of OD, arising from contracts entered into by OD save in the case of such member or employee fraudulently or otherwise misappropriating monies or assets of OD
- (4) Each structure of OD shall be liable for the debts and related financial obligations arising out of contracts entered into by such structure.
- (5) Any structure of OD shall be liable only for debts and related financial obligations arising out of contracts entered into by another structure of OD where it has given its prior written consent to be jointly liable for such debts.

77. ASSETS OF OD

- (1) OD is a legal person (Juristic person), independent from its members, with its own rights, duties and obligations
- (2) Every structure of OD shall have a right to acquire assets in its own name and on its own account, at its own instance.
- (3) Every structure of OD shall have an office to operate from with all relevant equipment and employ personnel as and when the need arises.
- (4) The assets of OD shall be used strictly to promote the interests of OD, as well as its aims and objectives.
- (5) The property of OD, or any of its structures, shall belong to the organization and is separate from that of its members.
- (6) OD will not under any circumstances give its money to its office bearers or members, unless it does so in writing for compensation for pre-agreed reasonable and necessary expenses and disbursements
- (7) No official or any member shall have personal rights over any assets to the



exclusion of OD. Such rights over assets shall be exercised in accordance with this constitution.

- (8) OD shall continue to exist as an organization even when its membership or its office-bearers change from time to time

78. AMENDMENT OF THIS CONSTITUTION

This Constitution shall be altered or amended by two-thirds majority of the votes of accredited delegates of the National Conference.

79. DISSOLUTION OF OD

- (1) OD may be dissolved by a resolution of two-thirds of those present at a meeting of National Conference called specifically for the purpose.
- (2) Not less than twenty one (21) days' notice shall be given of such meeting and the notice convening such meeting shall clearly state its purpose and shall be circulated to all OD structures.
- (3) Upon the dissolution of OD the NEC shall be empowered to distributed assets in any manner decided by the special National Conference meeting, provided that such assets shall not be paid to or distributed among members of OD, staff members or to any persons associated with business of OD.
- (4) For the purpose of winding-up the affairs and dissolution of the assets of OD, the NEC may, by ordinary resolution, appoint one or more liquidators and determine the powers to be vested in such liquidators.
- (5) Should OD dissolution clause prevail, the assets of OD should be distributed or donated as the case may be to NPO's with similar aims and objectives. When the dissolution takes place OD would have to have paid all its debts.

80. SIGNED BY: Zandile Dabula

SIGNED AT: Merdale

DATE: 20 July 2023

President / Founder

Operation Dudula