



***African Transformation Movement
(ATM)
Constitution***

[Peace in our Land; Peace in our Lifetime]

***Issued by African Transformation Movement
1st Floor Fedsure House, Church Street, Pietermaritzburg, 3201. Tel: 083 240 7095***

PREAMBLE

WHEREAS, the African Transformation Movement (ATM) is a Social Democratic Peace Party which is committed to serving all citizens through a transparent and accountable government, respecting the rule of law and RSA Constitution, combating corruption, and promoting a modern, inclusive and socially just economy anchored on the fear of God;

AND WHEREAS, the ATM is a faith-based Political Party underpinned by divine values and principles of fairness, transparency, freedom, social justice, equality, solidarity, love, forgiveness, reconciliation and accountability;

AND WHEREAS, the ATM notes that the amount of hate speech in the political, social and economic arena of South Africa has reached uncomfortable levels for God-fearing citizens. This includes a moral decay, which is prominent in society. As God-fearing citizens, we cannot continue to remain silent when the moral fabric of society is being crushed by the political grandstanding. The unrespectable name-calling, fighting and disorder in parliamentary chambers, in all levels of the legislatures, cause a concern for restoration of peace, and love for a dignified South Africa. These undignified demeanors have eroded our African and divine values, which should inform our politics and define our societal and governmental administration. The massive corruption in government operations dents and denigrates our good ethical leadership. Hate speech, hatred, vendetta, lack of forgiveness and reconciliation, diminishing of love for one another and self-centeredness, concerns all peace-loving citizens of South Africans. This ungodly behaviour negatively affects all creeds such as Christians (AIC and Mainline Churches), Islam, Hinduism religions, etc.;

AND WHEREAS, the ATM is formed in response to these unbecoming realities. South Africans have come to perceive politics as a “dirty game”. This implies that good people should not be involved in politics. However, politics in essence is a useful system designed to create ideal socio-economic and healthy religious relationships in our communities. Therefore, it can be concluded that people who participate in politics have

made politics to appear dirty. Thus, we cannot do without politics but we can do without dirty politicians. If God-fearing people live by divine values and principles, then they become relatively clean. Politics will remain debt as long as we allow dirty people to continue with their dirty tactics in politics. As the ATM, we have come to realise that the children of God have rights on all God's creation. The world and everything in it were created by God and belong to God. Therefore, it is those who know and understand God, who should govern the affairs of God, instead of those who lack the knowledge of God;

AND WHEREAS, *the ATM seeks to develop a modern, healthy, happy, functional, democratic, fair and prosperous society that prides itself on integrity and inclusivity;*

AND WHEREAS, *the ATM commits to creating and maintaining a listening State and the government responsive to the needs of the people of South Africa. The ATM will uphold and defend the Constitution of the Republic of South Africa and protect the rights of all citizens. The ATM will commit to combating corruption, respecting the rule of law protecting the Human Rights and be held accountable for its actions; and*

The political Philosophy of the ATM is based on serving all citizens through transparent and accountable governance and promoting a modern inclusivity and socially just economy demonstrated by the fear of God, and this commitment will be guided by the following principles:

- *Governing with the people;*
- *Ensuring social justice;*
- *Promoting access to compulsory, free, functional and quality education for everyone, without discrimination;*
- *Pursuit of non-racial, non-tribal, non-sexist and inclusive political system;*
- *Respect for African-Traditional laws, constitutional recognition of Kings and Chiefs and preservation of African culture;*
- *Provision of quality health care;*
- *Building peaceful and prosperous South Africa founded on the principles of cohesion, reconciliation, Ubuntu, liberation, accountability and servanthood;*

- *Fostering education on self-reliance and livelihoods for youth;*
- *Commitment to the establishment of the State-owned Companies;*
- *Economic transformation which redress economic imbalances;*
- *Promotion of African languages in educational institutions of higher learning;*
- *Pursuit of equitable redistribution of land; and*
- *Cognisance of the statutory requirement to have a body of rules and regulations for the life and activities of the Party in pursuit of its mission;*

NOW THEREFORE, the African Transformation Movement (ATM) hereby enacts and adopts this ATM Constitution:

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| ABBREVIATION AND ACRONYMS | |
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| AGM | Annual General Meeting |
| AIC | African Independent Church |
| ATM | African Transformation Movement |
| ATSM | African Transformation Students Movement |
| BDC | Branch Disciplinary Committee |
| BEC | Branch Executive Committee |
| BGM | Branch General Meeting |
| CoE | Council of Elders |
| CWC | Convention Working Committee |
| etc. | Etcetera |
| ID | Identity Document |
| IEC | Independent Electoral Commission |
| ISDC | Integrated Service Delivery Committee |
| LET | Local Elections Team |
| MEO | Municipal Electoral Officer |
| NDC | National Disciplinary Committee |
| NDCA | National Disciplinary Committee of Appeal |
| NEC | National Executive Committee |
| NET | National Elections Team |
| NGC | National General Council |
| No. | Number |
| NWC | National Working Committee |
| PEC | Provincial Executive Committee |
| PET | Provincial Elections Team |
| PGC | Provincial General Council |
| PLC | Provincial Liaison Committee |
| PoA | Programme of Action |
| PWC | Provincial Working Committee |

| ABBREVIATION AND ACRONYMS | |
|----------------------------------|---|
| RDC | Regional Disciplinary Committee |
| REC | Regional Executive Committee |
| RET | Regional Elections Team |
| RSA | Republic of South Africa |
| RWC | Regional Working Committee |
| SA | South Africa (African) |
| SACMCC | South African Council of Messianic Churches in Christ |
| Sub-RC | Sub-regional Committee |
| TACC | Twelve Apostles' Church in Christ |
| TV | Television |
| VD | Voting District (Station) |
| VSC | Vetting and Screening Committee |

CHAPTER 1: FOUNDING PROVISIONS AND POLITICAL PRINCIPLE

1. Interpretation and Definitions of Terms

In this Constitution, unless the context clearly indicates otherwise:-

- (1) clause headings shall not be used in its interpretation;
- (2) an expression, which denotes:-
 - (a) any gender includes the other gender (male gender pronoun has been used throughout this Constitution to facilitate drafting);
 - (b) a natural person includes a juristic (artificial) person and vice versa;
 - (c) the singular includes the plural and vice versa; and
- (3) the following words and expressions bear the following meanings and related expressions bear corresponding meanings:

“accountable” means you are completely responsible for what you do (or did not do) and must be able to answer for or justify your action, conduct or decision and give a satisfactory reason for it;

“appeal” means a request or application made to a higher level of authority in the ATM for reversal of a previous decision;

“appellant” means an ATM member, someone or a Party who appeals to a higher level of authority in the ATM for reversal of a previous decision;

“Schedule” means an attached or annexed information or document that contains information that relates to the main document (Constitution in this case);

“assembly or gathering” means a grouping of the ATM members gathered together in one place for a common purpose;

“autonomous” means having the freedom to govern itself or controls its own affairs. The Leagues function independently, next to, and in addition to the ATM Structures and within the framework of the Constitution and policies of the ATM;

“biennial” means occurring once every two years;

“Branch in good standing” means a Branch that is recognized by the ATM to be fully compliant with its explicit obligations in terms of this Constitution and whose members are paid up while not being subject to any form of sanction, suspension or disciplinary censure;

“bribe” involves the promise, offering or giving of a benefit that improperly affects the actions or decisions of another person. This benefit may accrue to the ATM official, another person or an entity;

“candidate duly endorsed” means a candidate nominated and elected democratically by the constitutional Structures of the ATM at the appropriate levels and as per this Constitution, and endorsed or declared appropriate by the NEC, the PEC or the Branch;

“caucus” means an organized group, meeting or gathering of Public Representatives of the same Political Party which exists as a Structure or institution at each respective sphere of governance and which meets privately to discuss policy, issues pertaining to voting and strategies in preparation for open meetings with other Political Parties where such policies are discussed, and voting takes place;

- “Chaplain”** means a member of the clergy or a spiritual caregiver attached to a private or public chapel, institution, regiment, etc.
- “Chief National Presenter”** means a person appointed in terms of this Constitution to present the case of the PDC, NDC and NDCA, as the case may be, in disciplinary and appeal proceedings and **“Chief Provincial Presenter”** and **“Chief Regional Presenter”** have the same meaning, in respect of the relevant organizational level and **“Presenter”**, where used, refers to all of the persons included in the definition of **“Chief National Presenter”**;
- “complainant”** means, in the context of the ATM disciplinary proceedings, the plaintiff, the main Party who is accusing another Party or initiates a disciplinary action against defendant;
- “consistent with”** means always agreeing, behaving or happening in a similar or, especially positive way or agreeing and compatible and not containing any logical contradictions;
- “Constitution”** means the ATM Constitution;
- “contractual liability”** means a liability that one Party assumes on behalf of another when it enters into an agreement with another Party or parties, usually expressed in a written and binding contract;
- “National Convention Committee”** is the ad-hoc Committee appointed by the NEC to assist in the preparation, logistics and running of the National Convention to ensure it delivers to its objectives;
- “co-opt”** means to add to a Structure by a vote or decision of those already members of that Structure;

- “Council of Elders”** is an ATM Committee that is composed of a minimum of five (5) and a maximum of 11 members that is elected by the Spiritual Head of ATM, which is charged with some duties;
- “days”** is provided for between the happening of one event and another, the number of days must be calculated by:
- (a) excluding the day on which the first such event occurs;
 - (b) including the day on or by which the second event is to occur; and
 - (c) including any public holiday, Saturday or Sunday that falls on or between the days contemplated in paragraphs (a) and (b), respectively.
- “deemed”** means a state of affairs which consider, judge, look on as, view as or take to be even if that assumption is not verified yet;
- “Department”** means any operational division of the ATM at National, Provincial, Regional and Local level, but excludes Structures and Committees established in terms of this Constitution;
- “deployee”** means a member who accepts to perform and functions on behalf of the ATM in a representative capacity, in addition to his duties and obligations as a member;
- “designated to administer oath”** means a person or persons authorised to act as Commissioner of Oaths and thus able to commission affidavits and certify documents within the ATM;
- “direct”** means to control the operations, conduct the affairs of, manage, administer, govern or regulate;
- “directive”** means an official or authoritative order, command or instructions, especially one issued by a central authority;

- “Disciplinary Committee”** means a Committee (DC) constituted in terms of this Constitution, charged with examining alleged breaches of discipline within the ATM and adjudicating on them;
- “disrepute”** means a state of being held in low esteem, not being respected or not trusted by the public;
- “Election Agent”** means a legal representative of a candidate contesting an election who is responsible for the management of the political campaign of the candidate. A candidate is responsible for all the acts of his Election Agent;
- “Elective Office”** refers to an office held as a Councilor, Member of the Provincial Legislator, or Member of Parliament;
- “Electoral Commission”** refers to a body charged by the ATM from amongst its members with overseeing the implementation of election procedures;
- “eligible/ineligible”** [for membership] refers to the rules that determine which persons are eligible for (qualified for or worthy of) membership of the organization. (A person qualified for membership is not necessarily entitled for membership);
- “endorsed”** means declaration ones formal approval or support of;
- “ethnic chauvinism”** means a prejudiced belief in the superiority of an ethnic group (a cultural or social group with a certain characteristic like religion, language, ancestry or physical traits);
- “ex officio”** means by virtue of his position or office;
- “Foundation Phase”** is the initial stage of establishment of the ATM which should not exceed the first five (5) years after the ATM has been registered with the IEC;

- “full-time functionaries”** means Office Bearers who by virtue of them occupying certain key positions within the Party are then engaged full-time by the ATM on a salaried basis;
- “good cause shown”** is a legal term denoting adequate or substantial grounds or reason to take a certain action, or to fail to take an action prescribed by law. What constitutes a good cause is usually determined on a case-by-case basis and is thus relative;
- “honorary membership”** refers to membership given as a mark of honor without the usually requirements or privileges of membership;
- “impede”** means to obstruct the way of, or hinder the progress of;
- “invite”** means a person who has been invited to a gathering of the ATM or of a Structure of the ATM and who neither enjoys rights nor privileges in the political organisation;
- “jurisdiction”** means the range of authority one has over individuals and events;
- “Leagues”** means the ATM’s Young Pioneers League (YPL), Women’s League (WL) and Youth League (YL);
- “legal relationship”** means relationship, like a contract from which legal rights, obligation and duties follow;
- “logo and colours”** means that the ATM is the sole copyright holder of its logo and colours;
- “Main Founder Church”** is the Church that influenced and organized other Churches and Traditional Leaders in the establishment of the South African Council of Messianic Churches in Christ (SACMCC) and by extension the establishment of the ATM, which is the Twelve Apostles’ Church in Christ (TACC);

- “Member”** means a member of the ATM;
- “member in good standing”** means that, at the time of nomination, the member will truthfully declare all details that may be required by the NEC, and that he or she has been a Member for at least 30 days, and that he or she is not in arrears with any monies owing to the Party arising from whatever cause, excluding where proof is submitted of the arrears being the result of Party administrative negligence/problems. The fact that the Party may have entered into a payment arrangement for any arrears shall not render the person in good standing;
- “misappropriation”** means the intentional, illegal use of the property or funds of another person for one's own use or other unauthorized purpose, particularly by any person with a responsibility to care for and protect another's assets (a fiduciary duty). Depending upon the jurisdiction and value of the property or funds, misappropriation may be a felony, a crime punishable by a prison sentence;
- “money-laundering”** means the criminal offence of the concealment of the origins of illegally obtained money by disguising or misrepresenting the source, typically by means of transfers involving foreign banks or legitimate bank accounts or businesses. Money laundering involves three steps: The first involves introducing cash into the financial system by some means ("placement"); the second involves carrying out complex financial transactions to camouflage the illegal source of the cash ("layering"); and finally, acquiring wealth generated from the transactions of the illicit funds ("integration"). Some of these steps may be omitted, depending upon the circumstances;

- “mutatis mutandis”** used when comparing two or more things to say that although changes will be necessary in order to take account of different situations, the basic point essentially remains the same;
- “National Chairperson”** means the National Chairperson of the ATM;
- “National Convention”** is the supreme governing body of the ATM constituted by voting and non-voting delegates that sit one every five (5) years, which make and approve the ATM policies, ratifies some decisions made before sitting, and also discuss other the ATM matters of interest.
- “National List Committee”** means a Committee appointed annually by the NEC and which is responsible for drawing up regulations and procedures to be used in the selection of candidates for parliament;
- “natural justice”** is the technical terminology for the rule against bias (*nemo iudex in causa sua*) and the right to a fair hearing (*audi alteram partem*). While the term natural justice is often retained as a general concept, it has largely been replaced and extended by the general "duty to act fairly";
- “nominate”** means to propose or officially suggest someone by name for a position as a candidate for election;
- “non-earning members”** means members who are not in gainful employment but may be rendering a service;
- “office bearer”** means any member who has been elected and hold an office or position of authority in a Structure of the ATM;
- “Office Bearers”** means the officials who hold specific senior leadership positions within the different political structures of the party;

- “Organisation”** means the African Transformation Movement (ATM);
- “Party”** means the African Transformation Movement (ATM);
- “periodic”** means from time to time;
- “perpetual succession and power”** means the rights that vest indefinitely in the organization as a legal person as distinct from its individual members;
- “President”** means the President of the ATM and **“Deputy President”** means the Deputy President of the ATM;
- “presumption”** means a fact or state of existence that is taken for granted unless the contrary is approved;
- “properly constituted”** means a meeting that complies with all aspects or requirements of the Constitution, including any quorum requirements, e.g. a “properly constituted Branch meeting”;
- “Provincial List and Candidates’ Committee”** means the committee in each Province responsible for the compilation of elections lists and ward candidates;
- “provincial membership”** means the membership of member whose application for membership of member whose application for membership has not yet been confirmed, but who may participate in the yet confirmed, but who may participate in the activities of the Organisation except being elected to any committee, Structure, commission or delegation of the ATM;
- “Provincial Secretary”** means a secretary of a Province of the ATM;
- “Public Representative”** means a member that has been deployed to represent and performs the role of placing the views, concerns and aspirations of the ATM in National, Provincial or Local

government as defined or in terms of a contract of deployment entered into with the ATM;

“quorum” means the minimum number of officials or members of a Structure, committee, assembly or gathering, usually a majority (50% + 1), who must be present for the valid transaction of the business of the meeting;

“ratify” means to give a formal consent or making it officially valid of a decision previously taken;

“rebuttable” in relation to a presumption, means that which can be challenged or refuted by evidence or argument to the contrary;

“recall” means an act of officially calling back, summoning back or order to return;

“Region” means the geographical subarea of the Province, like a District Municipal area as defined in the Constitution;

“Registered Political Party” refers to registration of the Political Party in terms of the Electoral Act, 1998 (Act No. 73 Of 1998);

“Representative” means a member of the ATM in good standing who acts on behalf of a charged member in disciplinary proceedings;

“rescind” means the action to declare null and void, revoke, cancel or repeal a decision;

“review” means a formal assessment or critical appraisal of something with the intention of instituting change if necessary;

“Secretary General” means the Secretary General (SG) of the ATM charged with political and administrative duties and the **“Deputy**

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| | Secretary General | means the Deputy Secretary General of the ATM; |
| “shall or may” | | 'Shall' normally means 'must' (obligatory, no discretion). 'May' is permissive, and usually confers a discretionary power or function; |
| “Spiritual Head” | | is the Chief Apostle of the Twelve Apostles’ Church in Christ (TACC) that is in that office at the time. TACC is the Main Founder member of the SACMCC and the ATM; |
| “Standing Order” | | means a directive, instruction or prescribed procedure in force permanently or until changed or cancelled; |
| “supervise” | | means to direct and inspect the performance of working or oversee; |
| “suspend” | | means to bar for a period of time access to a privilege, office or position; |
| “tied vote” | | means a state of equality of votes, a draw; |
| “Top Seven” | | means the senior leadership of the Party that consist of the President, Deputy President, Chairperson, Deputy Chairperson, Secretary General, Deputy Secretary General and Treasurer General; |
| “Treasury General” | | means the Treasury General charged with some financial duties of the ATM; |
| “undermines” | | means to make someone less confident, less powerful, or less likely to succeed, or to make something weaker, often gradually, insidiously or secretly; |

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| “Whip” | means an Officer, usually a member of Parliament, of political Party in Parliament whose exercises some authority over other members of the same Party; |
| “universal suffrage” | consists of the right to vote of all adult citizens, regardless of property ownership, income, race, or ethnicity, subject only to minor exceptions; and |
| “voting district” | refers to a geographical area demarcated or defined by the Electoral Commission referred to in the Electoral Act, 1998, to minimise fraud (registered voters voting more than once in an election), and to make administration more efficient. Each voting district is serviced by one voting station only. You may only register and vote in the voting district in which you live in. |

2. Name

- (1) The name of the Party shall be the **African Transformation Movement**, hereinafter referred to as the **ATM**, Party or Organisation.
- (2) The ATM was formally established and registered as a Political Party with the Independent Electoral Commission (IEC) on 20 June 2018.
- (3) The ATM is a political Party that will register for and participate in Elections and in political activities of the National, Provincial and Local spheres of Government in the Republic of South Africa.
- (4) The official colours of the ATM are Black, Yellow, White, Blue and Green. The ATM logo, colours and flag are described in detail in Schedule 1.

3. Founding Provisions and Objectives

- (1) The ATM is a faith-based National Political Party, established to create and develop a modern, healthy, happy, functional, democratic, fair and prosperous society that prides itself on integrity and inclusivity. It is thus established to seek political power, contest National, Provincial and Municipal Elections, and to ensure widespread presence all over South Africa.
- (2) Our political ideology is **Humanism** in general and **African Humanism** in particular. The philosophical understanding of the ATM behind this Humanism ideology is that: **“There is Only One God and Only One Race, the Human Race”**.
- (3) The aims and objectives of the ATM are to: -
 - (a) offer all South African citizens a good quality of life, including, but not limited to, a peaceful life free from crime, a good health, food security, compulsory and free quality education, and employment and/or self-employment;
 - (b) promote Ubuntu [African wisdom], African languages, religious diversity, unity and patriotism among South African citizens;
 - (c) protect and advance the interests of vulnerable people like children, the elderly, disabled people and women;
 - (d) work for total liberation of the people of South Africa from all forms of racism, sexism, oppression, discrimination, poverty and ignorance, and promote Mixed Economy that is redistributive and empowering in nature; and
 - (e) promote a prosperous nation that supports environmentally sustainable development, world peace, disarmament and friendship among nations as well as unity of and close cooperation among African countries.

4. Political Principle

- (1) The Political Principle of the ATM is to transform South Africa into a peaceful, ethically-governed and economically viable State that upholds values entrenched in the supreme law of our country, the Constitution, supported by Ubuntu and Divinity, while embracing our hard-earned Human Rights, respecting one another and embracing diversity through non-racialism, for the benefit of all citizens. So the ATM propagates National Peace Revolution (NPR).
- (2) This will be achieved by uniting South Africans, who have different beliefs, religions, life-styles and ideologies; build a progressive democratic State, which addresses the needs of all those who live in it.

5. Core Values [PUT South Africans 1st]

The ATM subscribe to the following core values:

- (1) **PEACE:** Create a society that is at peace with itself through active social dialogue and decisive leadership.
- (2) **UBUNTU:** *“Umntu ngumntu ngabantu”* (People is people because of other people)– to live and breathe the values of Ubuntu on a daily basis as a people of the land;
- (3) **TRANSFORMATION (African):** Be forward thinking and innovative in the running of the affairs of the state;
- (4) **SERVANT LEADERSHIP:** Be a servant of the people first and foremost to ascertain sound leadership and governance; and
- (5) **ACCOUNTABILITY:** Build a state governed with ethics and integrity to guarantee good governance and curb criminal activities in the public office.

6. Legal Personality and Powers

- (1) The Party is a body corporate with perpetual succession.
- (2) The Party is capable of suing and being sued in its own name and it may own, purchase, sell, hire, lease, mortgage, pledge or in any other way acquire, alienate or deal with movable and immovable property and may perform all legal activities authorised by this Constitution as well as legal activities normally associated with a body corporate.
- (3) The NEC may borrow any amount of money on such terms and conditions which NEC considers fit, with the power from time to time to alter the terms of any such borrowing, and to secure such borrowing or any other obligations of the ATM by the mortgage or pledge, either generally or specifically, of the assets of the ATM.
- (4) The Party shall only be legally bound in the exercise of its competencies set out in this Constitution by a person or persons authorised by this Constitution or a person delegated in advance and in writing by the Secretary General of the ATM.
- (5) The ATM represented by its Secretary General and carrying the mandate of the National Executive Committee may act on behalf of and legally bind the Party in all matters subject to the provisions of this Constitution. He may authorise in writing another member of the Party to act on the Party's behalf in all legal proceedings by and against the Party.
- (6) No other member or formation of the Party may act on behalf of and legally bind the Party. Any person or persons, who purport to do so in contravention of the provisions of this Constitution, shall thereof be personally liable, and such decision or action shall be considered misconduct. The Secretary General of the ATM or someone authorised by him in writing represents the Party in all legal proceedings by or against the Party.

- (7) All monies and goods received and collected in the name of the Party, vest in the Party itself.
- (8) Income and assets of the Party are not distributable to members or office bearers, except as reasonable compensation for services rendered.

CHAPTER 2: GENERAL ORGANISATION OF THE PARTY

7. General Structure of the ATM

- (1) The Party Structures will, as far as practically possible, be aligned to correspond with the various spheres and tiers of government, National, Provincial, Regional (Metropolitan or District Municipality), Sub-region (Local Municipality) and Branch (Municipal Ward), so as to best: -
 - (a) represent the interests of the Party, its members and the society;
 - (b) identify, nominate and appoint candidates to represent the Party and the community; and
 - (c) plan, organize and mobilize support for the Party and its candidates during election campaigns and representatives thereafter.
- (2) The ATM shall consist of the following Structures to run the affairs of the Organisation, and these Structures shall correspond with various Constitutional demarcations of the government of South Africa as shown below:
 - (a) Branch Executive Committee (*Ward*);
 - (b) Sub-regional Committee (*Local Municipality*);
 - (c) Regional Executive Committee (*Metropolitan or District Municipality*);
 - (d) Provincial Executive Committee (*Provincial*);
 - (e) National Executive Committee (*National*); and
 - (f) Council of Elders (*National*).
- (3) Aligned with each Municipal Ward demarcation, the Party must establish a Branch, each with democratically elected Branch Executive Committee (BEC) and other Branch Committees provided for in this Constitution and strive to establish a Branch in every Ward Nationally.
- (4) Branches are the basic organisational foundation of the Party and every member of the Party must be registered as a Member of a Branch and must

exercise all his or her membership rights and privileges and honour all his or her membership obligations through his or her Branch and its elected representatives and delegates.

- (5) A Member may not be registered in more than one (1) Branch.
- (6) The ATM members shall be organized within the Party Structures, according to their residence and statutory voter registration, unless otherwise decided by the National Executive Committee.
- (7) Aligned with each Local Municipality demarcation, the Party must establish Sub-regional Structures, each with appointed Sub-regional Top Five and democratically elected other Sub-regional Committee (Sub-RC) members and other Sub-regional Committees provided for in this Constitution and strive to establish Sub-regional Structures in every Local Municipality level, Nationally.
- (8) Aligned with each Metropolitan or District Municipality demarcation, the Party must establish Regional Structures, each Region with a Regional Convention, appointed Regional Top Five and democratically elected other Regional Executive Committee (REC) members, and other Regional Committees provided for in this Constitution.
- (9) Aligned with each Provincial demarcation, the Party must establish Provincial Structures, each with a Provincial Convention, appointed Provincial Top Five and democratically elected other Provincial Executive Committee (PEC) members, and other Provincial Committees provided for in this Constitution.
- (10) At National level, the Party must establish National Structures, with a National Convention, appointed National Top Seven and democratically elected other National Executive Committee (NEC) members, and other National Committees provided for in this Constitution.

- (11) The Structures of the Party shall function in an efficient, accountable, transparent and flexible manner, which will promote a participative democratic culture in the Party and society at large.
- (12) The National Convention is the highest level at which the democratically expressed will of the members is stated and the National Convention is thus the highest authority in respect of all matters in the Party, subject to the provisions of this Constitution.
- (13) Party Structures have the authority, powers and functions set out in this Constitution.
- (14) The Party shall be assisted and supported by the subsidiary organisations established in terms of Chapter 11.

8. ATM Administration Offices

The location and site of: -

- (1) the National Head Office of the ATM shall be determined by the National Executive Committee (NEC).
- (2) each Provincial Office of the ATM shall be determined by the respective Provincial Executive Committee (PEC).
- (3) each Regional Office of the ATM shall be determined by the respective Regional Executive Committee (REC).
- (4) each Sub-Regional Office of the ATM shall be determined by the respective Sub-regional Committee (Sub-RC).
- (5) each Branch Office of the ATM shall be determined by the respective Branch Executive Committee (BEC).

CHAPTER 3: COMPONENT STRUCTURES

9. Leagues and Other Component Structures

- (1) There shall be an ***ATM Women's League (WL)*** which shall be established and run as follows:
 - (a) The ATM Women's League (WL) shall be open to all women who are members of the ATM and are not at school, college or university, and the WL shall have the same basic structuring as the ATM, namely, National, Provincial, Regional, Sub-regional and Branch.
 - (b) The Women's League (WL) shall operate as an autonomous body within the overall structure of the ATM, of which it is an integral part of, with its own Constitution, rules and regulations, provided that these do not conflict with the Constitution, rules, regulations and policies of the ATM.
 - (c) The aims and objectives of the Women's League are to unite and lead women in confronting challenges that relate to women's issues, both inside and outside the ATM, and to ensure that women play a meaningful role and enriching contribution in the work of the ATM and the life of the nation.
 - (d) The National Executive Committee of the ATM shall have powers to suspend or dissolve any structure and or leadership of the Women's League and the Women's League itself.
 - (e) The National Executive Committee of the Women's League shall have powers to suspend or even dissolve any structure of the Women's League.
- (2) There shall be an ***ATM Youth League (YL)*** which shall be established and run as follows:
 - (a) The ATM Youth League (YL) shall be open to all persons who are members of the ATM and are from 16 to 35 years of age, and shall have

the same basic structuring as the ATM, namely, National, Provincial, Regional, Sub-regional and Branch.

- (b) The Youth League (YL) shall operate as an autonomous body within the overall structure of the ATM, of which it is an integral part of, with its own Constitution, rules and regulations, provided that these do not conflict with the Constitution, rules, regulations and policies of the ATM.
 - (c) The aims and objectives of the Youth League are to unite and lead young men and women in confronting and dealing with challenges that face the Youth, both inside and outside the ATM, and to ensure that Youth plays a meaningful role and enriching contribution in the work of the ATM and the life of the nation.
 - (d) The National Executive Committee of the ATM shall have powers to suspend or dissolve any Structure and or leadership of the Youth League and the Youth League itself.
 - (e) The National Executive Committee of the Youth League will have power to suspend or even dissolve any Structure of the Youth League.
- (3) There shall be an ***African Transformation Student Movement (ATSM)*** which shall be established and run as follows:
- (a) The African Transformation Student Movement (ATSM) shall be open to all persons from 16 to 35 years of age, who are studying at a College, TVET College or University, and shall have the same basic structuring as the ATM, namely, National, Provincial, Regional and Branch.
 - (b) The ATSM shall operate as an autonomous body within the overall structure of the ATM, of which it is an integral part of, with its own Constitution, rules and regulations, provided that these do not conflict with the Constitution, rules, regulations and policies of the ATM.
 - (c) The aims and objectives of the ATSM are to unite and lead students in confronting and dealing with challenges that face them, both inside and

outside the ATM, and to ensure that students play a meaningful role and enriching contribution in the work of the ATM and the life of the nation.

- (d) The National Executive Committee of the ATM shall have powers to suspend or dissolve any Structure and or leadership of the ATSM and the ATSM itself.
- (e) The National Executive Committee of the ATSM will have power to suspend or even dissolve any Structure of the ATSM.
- (f) Members of the ATSM that are 18 years of age and older are expected to play pivotal role in the general political life of the ATM.

CHAPTER 4: MEMBERSHIP, RIGHTS & RESPONSIBILITIES

10. Membership

- (1) Membership of the Party is open to every person, irrespective of colour, race, creed or culture, who: -
 - (a) is a citizen and permanent resident of South Africa;
 - (b) is 16 years of age and above. There will be Junior Members who are from 16 years of age to just below 18 years and Senior Members who are 18 years old and above;
 - (c) agree to abide by the Constitution, Regulations, Policies and Codes of Ethics and Conduct of the Party;
 - (d) subscribe to the Objectives, Values, Principles and Programmes of the Party;
 - (e) apply to become a member of the Party, by signing the prescribed membership application form, or by making application electronically online or in other ways approved by the Party, and the application be approved;
 - (f) personally pay the membership subscription fee applicable to the period of membership applied for, subject to Section 13(1) of this Constitution. What constitutes personal payment will be regulated by the National Convention or the National Executive Committee from time to time; and
 - (g) comply with any conditions set by the National Convention or the National Executive Committee from time to time.

- (2) Membership takes effect when a person complies with the requirements for membership, as set out in Section 13 of this Constitution and pays the membership fee in accordance with regulations approved by the National Executive Committee from time to time.

- (3) The National Executive Committee, acting on its own or on the recommendation of the Branch, Regional, Sub-regional or Provincial Executive Committees, may grant honorary membership to the applicants that do not qualify for a membership but have demonstrated an unwavering commitment to the ATM and its policies.
- (4) A person may enrol as a member at any time during the year. A member of the Party, who is a member on the audit date, is entitled to vote at all meetings of the Party after that date until the next audit date, unless their membership is formally terminated or suspended. Members who join the Party shall be entitled to vote at all meetings after the date of joining until the next audit date.
- (5) The membership of the Party is audited on or before 31 March of the preceding financial year of the Party or such other date as the National Executive Committee from time to time decides, for the purposes of:-
 - (a) monitoring the integrity of the membership of the Party; and
 - (b) establishing a cut-off date upon which representation to Structures of the Party in the forthcoming year can be determined.
- (6) A Province, Region, Sub-region or Branch that fails to pass its membership audit may lose its right to participate fully in National, Provincial or Regional Conventions or Sub-regional or Branch General Meetings (BGM's).
- (7) Any member, who fails to renew his membership on or before the due date, resumes membership only from the date upon which he pays the prescribed membership subscription fee and is subject to the provisions referred to in Section 13 of this Constitution.
- (8) Anyone who applies for membership or renews his membership via the online website application shall not be required to sign a membership form.
- (9) Membership cards will be issued to registered members of the ATM and to persons whose application for membership has been approved, subject to

review and in all cases, subject to payment of the prescribed subscription fee. An applicant will be issued with an acknowledgement of provisional membership and the details of the Branch or area in which the applicant resides and any available information about the local Branch Structures. Provisional membership will apply to persons who wish to join the organisation for the first time or who wish to re-join the organisation after a considerable lapsing of time.

- (10) Provisional membership rights commence from date of production of acknowledgement following the receipt of the application and the appropriate membership subscription. A provisional member may attend Branch meetings only in a non-voting capacity.
- (11) A donor to the Party whose donation in that period exceeds the prescribed membership subscription, and who wishes to become a member of the Party, must comply with all requirements of Section 13, save that the membership subscription will be deemed to be included in the donation.
- (12) A donor who is already a member, and whose donation in that period exceeds the prescribed membership subscription, continues as a member and the donation is deemed to include the membership subscription. A Public Representative, whose compulsory contribution to the Party in that period exceeds the membership subscription, continues as a member and the membership subscription is deemed to be included in their compulsory contribution.
- (13) A member or category of members of the Party may also be a member or members of another Party or parties approved by the National Executive Committee for the period and on conditions determined by the National Executive Committee.
- (14) Provisional membership rights commence from date of production of acknowledgement following the receipt of the application and the appropriate

membership subscription. A provisional member may attend Branch meetings only in a non-voting capacity.

(15) A member may resign from the Party by handing in a written resignation letter to his immediate Chairperson. Such resignation will have immediate effect, but will not interrupt any disciplinary, appeal or arbitration processes, including dispute resolution in terms of the rules.

(16) A member or category of members of the Party may also be a member or members of another Party or parties approved by the National Executive Committee (NEC) for the period and on conditions determined by the NEC.

11. Refusal of Membership

(1) The Sub-regional, Regional or Provincial Executive Committee may, with convincing reasons, itself or at the recommendation of a Branch refuse to accept the application for membership of any person other than a Public Representative, who joined the Party in terms of Section 13, within 60 days of the payment of the membership subscription by such a person at the relevant Sub-regional, Regional or Provincial office.

(2) At any time before the individual is accepted as a full member of the ATM or, in exceptional circumstances even after the member has been admitted, the Secretary General may rule that the application or the membership may be rejected if it was invalidly obtained. In the absence of any objection from the Structures or any ruling by the Secretary General, the applicant shall become a full member. The provisional member will then be transferred to the National membership register as a full member as soon as it is practicable.

(3) No person (other than a Public Representative) may be readmitted to membership if he has been charged for misconduct by a Disciplinary Committee

established in terms of Chapter 10, until the Disciplinary Committee has made its finding and any appeals have been disposed of, or if his membership has previously ceased or been terminated in terms of this Constitution, unless permission is given by the National Executive Committee acting on the advice of the relevant Provincial Executive or Branch Executive.

- (4) The reasons for the rejection of an application for membership to the application for membership must be sent to the individual applicant in writing.
- (5) A person whose membership application has been refused in terms of Section 11 may appeal that decision to the Provincial Executive, or, if the decision was taken by the Provincial Executive, to the National Executive Committee. The decision of the Provincial or National Executive Committee, as the case may be, is final.
- (6) Public Representatives from other parties may only be accepted as members of the Party with the prior approval of the National Executive Committee or a person designated by the National Executive Committee, after due consultation with the Provincial or Regional Executive Committee concerned: provided that the Branch Executive must also be consulted in respect of a Local Government representative.

12. Termination of Membership

- (1) A member ceases to be a member of the Party when he: -
 - (a) fails to renew his membership on or before the due date as stipulated in this Constitution;
 - (b) publicly declares his intention to resign and/or publicly declares his resignation from the Party;

- (c) publicly declares his intention to join another Party and/or publicly declares that he has joined another Party;
- (d) becomes or remains a member of another Party other than one approved under this Constitution;
- (e) has his membership application refused in terms of Section 11 and any appeal in terms of Section 11(5) has been dismissed or the time period for lodging an appeal has expired;
- (f) canvasses other Party members to resign from the Party;
- (g) canvasses other Party members to join or support another Party;
- (h) stands or accepts nomination against an official candidate of the Party in any public election;
- (i) after having been warned to desist, publicly and unreasonably disparages the Party or decisions taken by its Structures;
- (j) fails to resign his position after the procedures stipulated in Schedule C have been followed;
- (k) is found guilty of any offence listed in Schedule 1, 2, 5, 6 or 7 of the Criminal Procedure Act;
- (l) 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 is in arrears and fails to make satisfactory arrangements or fails to comply with such arrangements for payment of the arrears;
- (m) being a Public Representative of the Party in a legislative body, in any meeting of that legislative body, votes in a manner other than in accordance with a Party caucus decision which is consistent with Party policy, in that legislative body, or being a single Public Representative in a caucus votes in a manner inconsistent with the instructions of higher Party Structures or Party policy: save in the case where the Party allows a free vote on the issue being voted on, or the caucus has given permission for that member to vote in a particular manner;

- (n) being a Public Representative of the Party in a legislative body, introduces a motion of no confidence in any government controlled by the Party, or in which the Party is in coalition, or Office-bearer in such a government, except with the leave of the National Executive Committee; and
 - (o) being a Public Representative of the Party in a legislative body, in any meeting of that legislative body, leaves the meeting at a time a vote is to be taken on a matter that has been agreed by the caucus, in a situation in which leaving the meeting prevents the decision from being taken, or which causes or results in a decision being taken that is contrary to the agreed caucus position.
- (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 also loses the office which he occupies by virtue of his membership, with immediate effect.
 - (3) The process or processes to be followed in the case of cessation under this Section will be determined by the rules and regulations of the ATM.

13. Membership Subscription Fee

- (1) The National Convention determines from time to time the non-refundable minimum membership subscription fee of the Party and the date for payment. That minimum subscription fee will be uniform for all members save to say that non-earning members or those on reduced incomes will pay such fees as determined by the National Executive Committee from time to time.
- (2) A Branch may request members to pay a voluntary contribution in addition to the prescribed membership subscription, in which case the amount in excess of the prescribed fee shall be deemed to be a donation and will be allocated to the Branch in accordance with the Finance Policy of the ATM.

- (3) A member may pay the membership fee for his spouse(s), partner, child, parent or dependant(s) living at the same address. Sponsored membership in any form or for any person or class of persons other than in terms of this Section or of Section 13(1) is not allowed.

14. Rights of Members

A member of the ATM is entitled to:-

- (1) take a full and active part in the discussion, formulation and implementation of policies of the ATM;
- (2) receive and impart information on all aspects of the ATM policies and programs;
- (3) offer constructive criticism of any member, official and policy program of the ATM within its Structures;
- (4) submit proposals or statements to the Branch, sub-region, Region, Province and NEC, provided such proposals or statements are submitted through the appropriate Structures; and
- (5) Take part in Elections and be elected or appointed to any Committee, Structure, Commission or Delegation of the ATM.

15. Duties and Responsibilities of Members

- (1) A member of the ATM shall:-
 - (a) belong to and take an active part in the life and tasks of his Branch, in particular to belong and participate in the Integrated Service Delivery Committee (ISDC);

- (b) ensure that he understands the social, cultural and economic problems of the country and how these are addressed by policies and programs of the ATM;
 - (c) take all necessary steps to understand and carry out the aims, objectives, policies and Programmes of the ATM; to defend them and to propagate and explain them to other members and to members of the public;
 - (d) observe discipline, behave loyally and carry out reliably decisions of the majority and decisions of higher bodies of the ATM;
 - (e) report to his Branch Coordinator and Branch Committee Secretary before moving to another area and on arrival in that new area, to report to the Branch Coordinator and to the Branch Committee Secretary of the new Branch;
 - (f) refrain from publishing or disbursing any media statements, without authorization, which purports to be the view of any organized grouping, faction or tendency within the ATM;
 - (g) in particular all Senior Members (those 18 years and above), ensure that they are registered as voters in the Voting District [Ward] where they reside;
 - (h) as Public Representatives, be deployed at Local, Provincial or National level, be members of the appropriate caucus of the Party, to function within its rules and to abide by its decisions under the provisions of this Constitution and the Constitutional Structures of the ATM;
 - (i) fight against tribalism, racism, sexism and political or religious intolerance or any other form of chauvinism or discrimination; and
 - (j) acquaint himself of the contents of the ATM Constitution, Codes of Ethics and Conduct, and Disciplinary Measures and Principles.
- (2) Only members in good standing for at least 30 days are eligible to serve in any elected position in the ATM.

- (3) Only ATM members can serve on the representative and other Structures of the ATM and be Public Representatives of the ATM.
- (4) If the membership of a Public Representative is terminated in terms of Section 12 or if a Public Representative ceases to be a member of the Party by virtue of Section 12(1), the relevant Provincial Secretary as the case may be, must notify the relevant public authorities of the vacancy which has arisen.

16. Dual Membership

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

CHAPTER 5: BRANCH STRUCTURES AND AUTHORITY

17. ATM Branches

- (1) A Branch may only be established with the prior approval of the REC (or PEC where no REC exists) under which that Branch falls, 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.
- (2) Every member of the ATM shall belong to a Branch, the smallest unit of the ATM and whose boundaries shall correspond with the official boundaries of a Municipal Ward.
- (3) A Branch shall be a service delivery engine of the ATM. Each member is obliged, upon joining the ATM, to choose and belong to one or more Integrated Service Delivery Committees [ISDC] of that Branch. Almost all of them shall work hand in hand with various Government Departments responsible for service delivery. Members shall know, inform the public and secure all services offered by Government for the benefit of everyone in their Branch.
- (4) The Branch shall: -
 - (a) be registered with the PEC and composed of a minimum of hundred (100) registered members. On exceptional circumstances, the PEC may allow deviation to this minimum number.
 - (b) meet as often as possible, but at least once a month, in a Branch General Meeting (BGM).
 - (c) the quorum for the BGM and any other Branch meeting for policy decisions matter, nomination of candidates or public representatives, election of BEC members or launching of a Branch, shall be fifty percent plus one (50% + 1) of the total paid up members of that particular Branch.

- (d) be the place where members exercise their basic democratic rights to discuss and formulate policy.
 - (e) elect, at a Biennial (once every two years) General Meeting, a Branch Executive Committee (BEC) consisting of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, and seven (7) other Additional Committee Members.
- (5) A Branch ceases to exist if its members drop below 50 as certified by the membership audit. The remaining members of ceasing Branch must then be transferred to an adjoining Branch as determined by the REC.

18. Election and Composition of Branch Executive Committee

- (1) Except otherwise stipulated in this Constitution, the Branch Executive Committee (BEC) shall be elected by the show of hands and hold office for a period not exceeding two years, and shall be constituted as follows:
- (a) Branch Chairperson.
 - (b) Deputy Branch Chairperson.
 - (c) Branch Secretary.
 - (d) Deputy Branch Secretary.
 - (e) Branch Treasurer.
- Branch Top Five (5) or
Branch Office Bearers**
- (f) Not more than seven (7) additional members of the ATM Branch Executive Committee, which shall be elected by the majority vote of the Branch General Meeting (BGM).
 - (g) The Branch Chairperson or Branch Secretary of the ATM Women’s League and ATM Youth League shall be ex-officio members of the ATM Branch Executive Committee, with full participatory and voting rights.

- (2) When a vacancy arises among the BEC members, the next Branch General Meeting (BGM) shall appoint a replacement, who will serve for the remainder of the period until the next Regional Convention.
- (3) The Ward or Proportional Representative Councillor allocated to a Ward must give political leadership to the activists of the Branch by guiding strategies and activities and participating in these as an identified leader of the Party. This must be done without interfering with the duties of the BEC.
- (4) A member of the Party can be a member and be a delegate from or office bearer of only one Branch. Public Representatives may attend and speak at all the Branches in the area of jurisdiction that they represent, or which has been allocated to them, but they are entitled to vote only in the Branch of which they are members.
- (5) Public Representatives shall automatically be members of the Branch Executive Committee of the Branch of which they are members.

19. Powers and Functions of Branch Executive Committee

- (1) The Branch Executive Committee (BEC) shall: -
 - (a) meet as soon as possible after its election and allocate tasks and functions among its members to enable it to carry out the day-to-day activities of the Branch;
 - (b) meet on a regular basis, but not less than once a month, at times, dates and venues determined by the Branch Chairperson;
 - (c) in general, manage and guide the activities of the Party within their area of jurisdiction and ensure that the Programme of Action (PoA) of the Party is implemented as far as possible;
 - (d) give effect to the decisions of higher formations of the Party;

- (e) at least monthly, submit to the Sub-RC, regular reports on its work, local ideas and opinions, activities and progress of the Branch;
- (f) communicate with members of the Party and the broader public in order to mobilise support for the Party; and
- (g) develop rules and regulations necessary to facilitate their work.

(2) The Branch Executive Committee (BEC) may: -

- (a) co-opt not more than three (3) members, in order to provide for any reason they deem necessary; and
- (b) The BEC may invite any ATM member in good standing to attend its meetings. The number of invitees shall be limited by the BEC. An invitee may be given a specific assignment by the BEC, but cannot speak on behalf of the BEC. An invitee may speak or participate at such meetings, but shall not vote.

CHAPTER 6: SUB-REGIONAL STRUCTURES AND AUTHORITY

20. ATM Sub-regions

- (1) Under the supervision of the PEC, the REC shall divide its Region into Sub-regions for more efficient and democratic functioning of the ATM.
- (2) Sub-regions shall be demarcated to correspond strictly with Local Municipal boundaries in each Region.
- (3) The Top Five (5) Office Bearers (Sub-regional Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer) of the Sub-region shall be appointed by the respective REC, after due consultation with the PEC.
- (4) The Chairperson and Secretary of each League in that Sub-region shall be ex-officio members of the Sub-regional Committee.
- (5) Subject to the provisions of this Constitution, the Sub-regional Secretary shall be a full-time functionary of the ATM.
- (6) Each Sub-region shall hold a Sub-regional Convention biennial (once every two years), which will elect the members of the Sub-regional Committee (Sub-RC), subject to Section 20 (4) of this Constitution.
- (7) In the event the outgoing Sub-regional Committee fails to convene the Sub-regional Convention on the said date, it is obliged to convene it within 90 days after the due date.
- (8) Each Branch in good standing within that Sub-region shall be entitled to send delegates to the Sub-regional Convention in proportion to its members and as determined by the REC.

- (9) There shall at least be one (1) Sub-regional General Council during each year, with each Branch being entitled to send at least one delegate. Additional Sub-regional General Council meetings may be convened by the Sub-RC or the REC on the request of at least one-third of the existing Branches in good standing.
- (10) Unless indicated otherwise in this Constitution, the Sub-RC members must also be members of one of the Branches within that Sub-region.
- (11) In its functioning, the Sub-RC shall be accountable to the respective REC. The powers of the Sub-RC are such powers as delegated to it by the REC.

21. Election and Composition of Sub-Regional Committees

- (1) Subject to Section 20(4) and except stipulated otherwise in this Constitution, the Sub-RC shall be elected by secret ballot and hold office for a period not exceeding five years, and shall be constituted as follows:
 - (a) Sub-regional Chairperson.
 - (b) Deputy Sub-regional Chairperson.
 - (c) Sub-regional Secretary.
 - (d) Deputy Sub-regional Secretary.
 - (e) Sub-regional Treasurer.

**Sub-regional Top Five (5) or
Sub-regional Office Bearers**

 - (f) Not more than seven (7) additional members of the ATM Sub-regional Committee, which shall be elected by the majority vote of the Branch General Meeting.
 - (g) The Sub-regional Chairperson or Sub-regional Secretary of the ATM Women’s League and ATM Youth League shall be ex-officio members of the ATM Sub-regional Committee, with full participatory and voting rights.

- (h) The Chairperson and the Secretary of each elected Branch Executive Committee shall be ex-officio members of the ATM Sub-regional Committee, with full participatory and voting rights.
- (2) In-between nomination and election, the REC members presiding over the Sub-regional Convention shall ensure that nominated names are subjected to Vetting and Screening Committee (VSC) which will approve or disapprove the inclusion of a name to the ballot paper.
- (3) When a vacancy arises among the Sub-RC members, the next Sub-RC meeting shall appoint a replacement, who will serve for the remainder of the period until the next Sub-regional Convention.

22. Powers and Functions of Sub-Regional Committees

- (1) Subject to the directions and instructions of the REC, the Sub-RC should exercise the following powers and functions:
 - (a) Carry out the policy and program of the ATM in the Sub-region and do all things necessary to further its interests, aims and objectives;
 - (b) Ensure implementation of the Programme of Action, and decisions and instructions of the Regional Convention, Regional General Council, REC, Sub-regional Convention and Sub-regional General Council;
 - (c) Manage and control the assets and funds of the ATM in the Sub-region;
 - (d) Submit reports to the REC, Sub-regional Convention and Sub-regional General Council on the state of the Organisation, the financial position of the Sub-region and such other matters as may be specified, and as often, as is required;
 - (e) Request and receive reports from the Branches and other Sub-structures in the Sub-region;

- (f) Supervise and direct the work of the ATM and all its organs in the Sub-region, including the ATM Local Government caucuses; and
 - (g) Recommend to the REC the suspension or dissolution of a BEC.
- (2) The Sub-RC may co-opt not more than three (3) members, in order to provide for any reason they deem necessary.
- (3) The Sub-RC may invite any limited number of ATM members in good standing to attend and participate in its meetings, but without voting powers. An invitee may be given a specific assignment by the Sub-RC, but cannot speak on behalf of the Sub-RC.

CHAPTER 7: REGIONAL STRUCTURES AND AUTHORITY

23. ATM Regions

- (1) Under the supervision of the NEC, the PEC shall divide its Province into Regions for more efficient and democratic functioning of the ATM.
- (2) Regions shall be demarcated to correspond strictly to the District and Metropolitan Municipal boundaries in each Province.
- (3) The Top Five (5) Office Bearers (Chairperson, Regional Chairperson, Secretary, Deputy Secretary and Treasurer) of the Region shall be appointed by the respective PEC, after due consultation with the NEC.
- (4) The Regional Chairperson and Secretary of each League in that Region shall be the ex-officio members of the Regional Executive Committee.
- (5) Subject to the provisions of this Constitution, the Regional Secretary shall be a full-time functionary of the ATM.
- (6) Each Region shall hold a Regional Convention every three (3) years, which will elect the members of the Regional Executive Committee (REC), subject to Section 23 (4) of this Constitution.
- (7) In the event the outgoing REC fails to convene the Regional Convention on the said date, it is obliged to convene it within 90 days after the due date.
- (8) Each Branch in good standing within that Region shall be entitled to send delegates to the Regional Convention in proportion to its members and as determined by the PEC.
- (9) There shall be at least one (1) Regional General Council during each year, with each Branch being entitled to send at least one delegate. Additional Regional

General Council meetings may be convened by the REC or the PEC on the request of at least one-third of the Sub-regions.

(10) In its functioning, the REC shall be accountable to the respective PEC. The powers of the REC are such powers as delegated to it by the PEC.

24. Election and Composition of Regional Executive Committees

(1) Subject to Section 23(3) and except stipulated otherwise in this Constitution, the REC shall be elected by secret ballot and hold office for a period of not more than five years, and shall be constituted as follows:

- (a) Regional Chairperson.
 - (b) Deputy Regional Chairperson.
 - (c) Regional Secretary.
 - (d) Deputy Regional Secretary.
 - (e) Regional Treasurer.
- Regional Top Five (5) or
Regional Office Bearers.**
- (f) Not more than twelve (12) additional members of the ATM Regional Executive Committee, which shall be elected by the majority vote of the Regional Convention.
 - (g) The Regional Chairperson or Regional Secretary of the ATM Women's League and ATM Youth League shall be ex-officio members of the ATM Regional Executive Committee, with full participatory and voting rights.
 - (h) The Chairperson and Secretary of each elected Sub-regional Committee shall be ex-officio members of the ATM Regional Executive Committee, with full participatory and voting rights.
 - (i) Unless indicated otherwise in this Constitution, the REC members must also be members of one of the Branches within that Region.

(2) In-between nomination and election, the PEC members presiding over the Convention shall ensure that nominated names are subjected to Vetting and

Screening Committee (VSC) which will approve or disapprove the inclusion of a name to the ballot paper.

- (3) Where a vacancy arises among the REC members, the next REC meeting shall appoint a replacement, who will serve for the remainder of the period until the next Regional Convention.

25. Powers and Functions of Regional Executive Committees

- (1) Subject to the directions and instructions of the PEC, the REC should exercise the following powers and functions:
 - (a) Carry out the policy and program of the ATM in the Region and do all things necessary to further the interests, aims and objectives of the Organisation;
 - (b) Ensure implementation of the Programme of Action, and decisions and instructions of the Provincial Convention, Provincial General Council, PEC, Regional Convention and Regional General Council;
 - (c) Manage and control the assets and funds of the ATM in the Region;
 - (d) Submit reports to the PEC, Regional Convention and Regional General Council on the state of the Organisation, the financial position of the Region and such other matters as may be specified, and as often, as is required;
 - (e) Request and receive reports from the Sub-regions and other Sub-structures in the Region;
 - (f) Supervise and direct the work of the ATM and all its organs in the Region, including the ATM Local Government caucuses; and
 - (g) Recommend to the PEC the suspension or dissolution of a Sub-regional Structure or BEC.
- (4) The REC may co-opt not more than three (3) members, in order to provide for any reason they deem necessary.

- (5) The REC may invite any limited number of ATM members in good standing to attend and participate in its meetings, but without voting powers. An invitee may be given a specific assignment by the REC, but cannot speak on behalf of the REC.

CHAPTER 8: PROVINCIAL STRUCTURES AND AUTHORITY

26. ATM Provinces

- (1) For purposes of the ATM Structures, the Republic of South Africa shall be divided into nine (9) Provinces whose boundaries correspond strictly to official Provincial boundaries established in the Constitution of the Republic of South Africa, namely: Gauteng, Western Cape, Kwa Zulu-Natal, Eastern Cape, Limpopo, Mpumalanga, North West, Free State and Northern Cape.
- (2) The Top Five (5) Office Bearers (Chairperson, Deputy Chairperson, Secretary, Deputy Secretary and Treasurer) of the Province shall be appointed by the respective NEC and announced in the Provincial Convention immediately after the confirmation of credentials and adoption of the Political, Organisational and Treasurer's Reports.
- (3) The Chairperson and Secretary of each League in that Province shall be the ex-officio members of the Provincial Executive Committee (PEC).
- (4) Subject to the provisions of this Constitution, the Provincial Secretary shall be a full-time functionary of the ATM.
- (5) Each Province shall hold a Provincial Convention every four (4) years, which will elect the members of the Provincial Executive Committee (PEC), subject to Section 26 (2) of this Constitution.
- (6) In the event the outgoing PEC fails to convene the Provincial Convention on the said date, it is obliged to convene it within 90 days after the due date.
- (7) Each Branch in good standing within that Province shall be entitled to send delegates to the Provincial Convention in proportion to its members and as determined by the NEC.

- (8) There shall be at least one (1) Provincial General Council during each year, with each Branch being entitled to send at least one delegate. Additional Provincial General Council meetings may be convened by the PEC or the NEC on the request of at least one-third of the existing Regions.
- (9) In its functioning, the PEC shall be accountable to the NEC. The powers of the PEC are such powers as delegated to it by the NEC.

27. Election and Composition of Provincial Executive Committees

- (1) Subject to Section 26(2) and except stipulated otherwise in this Constitution, the PEC shall be elected by secret ballot and hold office for a period of not more than five years, and shall be constituted as follows: -

- (a) Provincial Chairperson.
- (b) Deputy Provincial Chairperson.
- (c) Provincial Secretary.
- (d) Deputy Provincial Secretary.
- (e) Provincial Treasurer.



- (f) Not more than twenty (20) additional members of the ATM Provincial Executive Committee, which shall be elected by the majority vote of the Provincial Convention.
- (g) The Provincial Chairperson and Provincial Secretary, together with another member (3 members from each League) of the ATM Women’s League and ATM Youth League, as determined by the respective Leagues, shall be ex-officio members of the ATM Provincial Executive Committee, with full participatory and voting right.
- (h) The Chairperson and Secretary of each elected Regional Executive Committee shall be ex-officio members of the ATM Provincial Executive Committee, with full participatory and voting rights.

- (2) In-between nomination and election, the NEC members presiding over the Provincial Convention shall ensure that nominated names are subjected to Vetting and Screening Committee (VSC) which will approve or disapprove the inclusion of a name to the ballot paper.
- (3) When a vacancy arises among the PEC members, the next PEC meeting shall appoint a replacement, who will serve for the remainder of the period until the next Provincial Convention.

28. Powers and Functions of Provincial Executive Committees

- (1) Subject to the directions and instructions of the NEC, the PEC should exercise the following powers and functions:
 - (a) Carry out the policy and program of the ATM in the Province and do all things necessary to further the interests, aims and objectives of the Organisation;
 - (b) Ensure implementation of the Programme of Action, and decisions and instructions of the National Convention, National General Council, NEC, Provincial Convention and Provincial General Council;
 - (c) Manage and control the assets and funds of the ATM in the Province;
 - (d) Submit reports to the NEC, Provincial Convention and Provincial General Council on the state of the Organisation, the financial position of the Province and such other matters as may be specified, and as often, as is required;
 - (e) Supervise and direct the work of the ATM and all its organs in the Province, including the ATM Provincial and Local Government caucuses;
 - (f) Request and receive reports from the Regions and other Sub-structures in the Province; and

- (g) Recommend to the NEC the suspension or dissolution of a Regional or Sub-regional Structure.
- (2) The PEC may co-opt not more than three (3) members, in order to provide for any reason they deem necessary.
- (3) The PEC may invite any limited number of ATM members in good standing to attend and participate in its meetings, but without voting powers. An invitee may be given a specific assignment by the PEC, but cannot speak on behalf of the PEC.

CHAPTER 9: NATIONAL STRUCTURES AND AUTHORITY

29. ATM Spiritual Head

- (1) The ATM Spiritual Head will remain the Chief Apostle of the TACC in office, at any given time.
- (2) The first Spiritual Head of ATM is the Spiritual Head of the Main Founder Church (TACC), which as of now is Chief Apostle Professor Caesar Nongqunga.
- (3) The ATM Spiritual Head is authorised to perform the following functions:
 - (a) Continue to be a vision bearer of the ATM and from time to time give direction to the ATM and intervene where he deems fit;
 - (b) Appointment, removal from office and induction of the Council of Elders (CoE);
 - (c) Together with the President and Secretary General, the Spiritual Head shall be a signatory for final approval of the ATM Constitution and Policies, including amendment thereof. He should be the main signatory in these documents;
 - (d) Approval of the final National, Regional, Provincial and Local Government List of Candidates before submission to IEC;
 - (e) Appointment into and removal from the office of the first National Executive Committee of the ATM during the Foundation Phase;
 - (f) Appointment, deployment and recall of Chaplains for the ATM;
 - (g) Appointment, deployment and recall of Chaplains to other organisations that are linked to the ATM;
 - (h) Appointment, deployment and recall of Peace Keeping personnel and related Committees;

- (i) Involved in and lead all high level negotiations and discussions with the ATM, especially with the outside organisations;
 - (j) Lead the ATM delegation in any international mission;
 - (k) Approval of all alliances and coalitions with the ATM; and
 - (l) Approval of dissolution or reformation of the ATM.
- (4) In the absence of the Spiritual Head, his duties shall be temporary performed by the President of ATM.
- (5) The Spiritual Head has got veto powers on any decisions taken by any Structure of the ATM.

30. Election and Composition of Council of Elders

- (1) The Council of Elders (CoE) shall be an ATM Committee composed of the minimum of five (5) members and a maximum of eleven (11) members as shown below:
- (a) Chairperson;
 - (b) Deputy Chairperson;
 - (c) Secretary;
 - (d) Deputy Secretary; and
 - (e) A maximum of seven (7) Additional Members.
- (2) The Council of Elders (CoE) shall be members of the ATM that have no personal interest and cannot be elected as members of the National Top Seven or members of the ATM National Executive Committee. Members of the CoE are not allowed to sit in any Committee of the NEC and its sub-structures.
- (3) The CoE shall be appointed by the Chief Apostle of the Main Founder Church, which is the Twelve Apostles' Church in Christ (TACC) for a period not exceeding five (5) years. In case of incapacity or nonexistence of the Council of

Elders, the Chief Apostle of the TACC shall be responsible for the execution of all the duties of the Council of Elders.

- (4) The CoE shall be responsible for the appointment of the National Office Bearers (National Top Seven) of the ATM, which shall be announced by the Chairperson during the National Convention. This appointment is not subject to the adoption by the Conference as it is final once adopted by the Council of Elders.
- (5) After announcing the National Top Seven in the National Convention, the CoE shall assist the National Office Bearers in running and ensuring the success of the National Convention.
- (6) If the ATM President is also the President of the Republic of South Africa or not a Public Representative, the CoE is responsible for the appointment of the Party Leader in government in consultation with the Spiritual Head.
- (7) The CoE may be given additional duties by the Chief Apostle of the TACC.
- (8) The CoE shall participate and have full voting rights during the National Convention.
- (9) The CoE shall sign a confidentiality agreement with the Chief Apostle of TACC.
- (10) The CoE reserves the right to invite any person that will contribute towards the fulfilment of its mandate, save to say that the invited person shall not have voting rights.

31. National Convention

- (1) The National Convention shall be convened by the outgoing NEC, at least once in every five (5) years at a time and place determined by the outgoing NEC. It must be convened on the last date of the duration or end of the term of office for the outgoing NEC.

- (2) In the event the outgoing NEC fails to convene the National Convention on the said date, it is obliged to convene it within 90 days after the due date.
- (3) If two-thirds majority vote of the NEC or request by a petition signed by two-thirds majority of the Branches in good standing, the National Convention must be convened at any time subject to clause 29(3) of this Constitution.
- (4) The NEC determines the agenda of the National Convention. All the business of the National Convention shall be determined and conducted in the spirit of the Founding Provisions, Objectives, Core Values and Political Principle of the ATM.
- (5) The NEC shall be part of the National Convention Committee (NCC), which shall be chaired by the Secretary General and consist of 10 NEC members (inclusive of all seven National Office Bearers) and all Provincial Secretaries. The Secretary General shall appoint the other three (3) NEC members that will serve in the NCC. The NCC will circulate the necessary Convention documentation and information well in advance to ensure that Convention delegates are able to prepare for the Convention.
- (6) The NCC shall determine the precise procedure for selection of delegates and indicate how membership can ensure that their relevant concerns are on the agenda.
- (7) Subject to Section 29 of this Constitution, the National Convention in session is the policy formulating body of the ATM. It shall be constituted of Voting and Non-voting Delegates, which shall be composed as follows:

(a) *Voting Delegates:*

- (i) At least seventy percent (70%) of delegates at the National Convention shall be from Branches in good standing, elected at appropriately organized Branch General Meetings. The number of delegates per Branch shall be in proportion to its paid-up membership,

provided that each Branch in good standing shall be entitled to at least one delegate.

- (ii) The number of delegates to be allocated to each Province to attend National Convention shall be fixed by the NCC in proportion to the paid-up membership of each province.
- (iii) All members of the CoE and NEC shall attend and be full participants and voting delegates.
- (iv) The NCC shall allocate the thirty percent (30%) of remaining voting delegates at the National Convention among the Provincial Executive Committee (PEC) members and National Executive Committee (NEC) members of Women's League (WL) and Youth League (YL).
- (v) Each delegate shall vote in person and no proxy vote shall be allowed.

(b) Non-voting Delegates:

- (vi) The NCC may invite individuals, who have made a special contribution to the ATM or nation building, or who have special skills or experience, to contribute to the success of the National Convention.
- (8) The National Convention shall determine its own procedures in accordance with democratic principles, subject to prescripts of this Constitution.
 - (9) Voting on key issues shall be by secret ballot if at least one third of the delegates at National Convention demand it.
 - (10) An attendance register for all voting members shall be completed, in order to constitute a National Convention.

32. Powers and Functions of National Convention

The National Convention shall:

- (1) decide on all aspects of the Party, Constitution, policy, procedures, finance, discipline and programmers of the ATM, and all such decisions are binding on the Party provided that it may not repeal or alter the Values or Principles of the Party as set out in this Constitution, unless that repeal or alteration is agreed to by not less than two thirds of the registered delegates at that Convention;
- (2) receive and discuss the reports of the NEC which shall include the Presidential Address, the Secretary General's Report and the Treasurer General's Report, which shall include a report on the work and activities of the ATM's Youth League (YL), Women's League (WL), and African Transformation Students Movement (ATSM);
- (3) deliberate on national and provincial political issues and formulate strategy thereon, in line with the Constitution;
- (4) deal with matters of interest referred to it by the Provinces, Constituents Structures or Alliance Partners;
- (5) have the right and power to review, ratify, alter or rescind any decision taken by any of the constituent structures, units or Office Bearers of the ATM;
- (6) elect the remaining 60 additional members of the National Executive Committee [NEC], subject the prescripts of this Constitution; and

33. National General Council (NGC)

- (1) A National General Council may be convened by the NEC from time to time, provided that the NEC shall convene a National General Council not later than 30 months after National Convention.
- (2) The NEC will, after consultation with Provinces, determine the composition of the National General Council.

(3) The National General Council shall:

- (a) Subject to paragraph (d) below, determine and review the policies and programmes of the ATM;
- (b) Receive and discuss reports of the NEC;
- (c) Have the right to ratify, alter or rescind any decision taken by any of the constituent bodies (except National Convention), units or officials of the ATM, including the evaluation of the performance of members of the NEC;
- (d) Have the power to discuss any issue it deems necessary taking into account policies and directives of the National Conference; and
- (e) Subject to Section 34(4) of this Constitution, it may fill vacancies that have arisen in the NEC provided that such vacancies do not exceed 50% of the NEC.

34. Election and Composition of National Executive Committee

(1) The National Executive Committee (NEC): -

(a) subject to Section 29(4) and except stipulated otherwise in this Constitution, shall be elected by secret ballot and hold office for a period of not more than five years, and shall be constituted as follows:

- (i) President.
- (ii) Deputy President.
- (iii) National Chairperson.
- (iv) Deputy National Chairperson.
- (v) Secretary General.
- (vi) Deputy Secretary General.
- (vii) Treasurer General.

**National Top Seven (7) or
National Office Bearers**

- (viii) Not more than sixty (60) additional members of the ATM National Executive Committee, which shall be elected by the majority vote of the National Convention.
 - (ix) The National President and National Secretary, together with three other members (5 members from each League) of the ATM Women's League and ATM Youth League, as determined by the respective Leagues shall be ex-officio members of the ATM National Executive Committee, with full participatory and voting rights.
 - (x) The Chairperson and Secretary (9 Provinces x 2 = 18) of each elected Provincial Executive Committee shall be ex-officio members of the ATM National Executive Committee, with full participatory and voting rights.
- (b) shall in-between nomination and election, ensure that nominated names are subjected to Vetting and Screening Committee (VSC) which will approve or disapprove the inclusion of a name to the ballot paper.
- (2) When a vacancy arises among the NEC members, the next NEC meeting shall appoint a replacement, who will serve for the remainder of the period until the next National Convention.
 - (3) If any Provincial Chairperson or Secretary is elected to the NEC in his own right or as a National official, such person shall vacate the Provincial position. Provided that the Province makes representations to the NEC, in a special case, extraordinary circumstances may warrant an exception to this rule. However, when such a Provincial officer is allowed to retain his NEC position, the Province shall not be entitled to an additional member on the NEC.
 - (4) The NEC may co-opt not more than five (5) additional members at any time during its term of office in order to provide for any reason they deem necessary.
 - (5) The quorum for meetings of the NEC shall be fifty percent plus one (50%+1) of its total membership.

- (6) The NEC may decide as to which of its members, if any, shall be full time functionaries of the ATM.
- (7) Subject to the provisions of this Constitution, the Secretary General, Deputy Secretary General and Treasurer shall be full-time functionaries of the ATM.
- (8) The NEC may invite any the ATM member in good standing to attend its meetings. The number of invitees shall be limited by the NEC. An invitee can be given a specific assignment by the NEC, but cannot speak on behalf of the NEC. An invitee may speak and participate at such meeting, but shall not vote.

35. Powers and Functions of National Executive Committee

- (1) When the National Convention is not in session, the National Executive Committee (NEC) is the supreme governing and policymaking body of the ATM.
- (2) Subject to this Constitution, the NEC should exercise the following powers and functions:
 - (a) Controls and directs all activities of the ATM including performing the functions and exercising the powers of the National Convention when the National Convention is not in session;
 - (b) Take all decisions relevant to the organisation of the National Convention including the date, venue and agenda.
 - (c) Carry out the policy and program of the ATM nationally and do all things necessary to further the interests, aims and objectives of the Organisation;
 - (d) Ensure implementation of the Programme of Action, and decisions and instructions of the National Convention, National General Council and NEC;
 - (e) Manages and controls the assets and funds of the ATM nationally and internationally;

- (f) Submit reports to the National Convention and National General Council on the state of the Organisation, the financial position of the Party and such other matters as may be specified, and as often, as is required;
 - (g) Request and receive reports from the Provinces and other National and International Sub-structures;
 - (h) Supervise and direct the work of the ATM and all its organs nationally and internationally, including the ATM National, Provincial and Local Government caucuses;
 - (i) Have the powers to appoint any Commission or Committee and assign specific tasks and duties to such Commission or Committee.
 - (j) Approves the formation of any coalition government the ATM is to enter into; and
 - (k) Have powers to suspend or dissolve any Provincial or Regional Structure.
- (4) The NEC may co-opt not more than three (3) members, in order to provide for any reason they deem necessary.
- (5) The NEC may invite any limited number of ATM members in good standing to attend and participate in its meetings, but without voting powers. An invitee may be given a specific assignment by the NEC, but cannot speak on behalf of the NEC.
- (6) The NEC 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 as it may deem necessary, but not inconsistent with this Constitution.

36. National Working Committee (NWC)

- (1) As soon as the NEC is constituted, it shall appoint among themselves a National Working Committee (NWC) and the NEC shall have power to delegate

any of its powers to the NWC, or to the Office Bearers or to the Secretary General.

- (2) Members of the NWC shall be the President, Deputy President, National Chairperson, Deputy National Chairperson, Secretary General, Deputy Secretary General, National Treasurer, 25 NEC members elected by it to serve in the NWC and three representatives of the Leagues. Each League shall appoint one person from its NEC to represent it in the NWC].
- (3) The NEC may decide as to which of its members, if any, shall be full time functionaries of the ATM.
- (4) As an arm of the NEC, the NWC shall carry out instructions of the NEC, ensures that all Structures of the ATM, including the ATM Parliamentary or Local Government caucuses, carry out the decisions of the ATM, and then frequently report the NEC.
- (5) The NWC may invite any ATM member in good standing to attend its meetings. The number of invitees shall be limited by the NWC. An invitee can be given a specific assignment by the NWC, but cannot speak on behalf of the NWC. An invitee may speak and participate at such meeting for the purpose for which he or she was invited, but shall not vote.

37. Duties of National Working Committee (NWC)

- (1) Carry out decisions and instructions of the National Convention and the NEC.
- (2) Conduct the current work of the ATM and ensure that Provinces, Regions, Branches and all other ATM Structures, such as parliamentary caucuses, carry out the decisions of the ATM.
- (3) Submit a report on its activities, work and decisions taken, to each NEC meeting.

- (4) NEC may delegate any other additional work to the National Working Committee.

38. Electoral Commission

- (1) The outgoing NEC shall appoint an Electoral Commission, which is an independent body of at least three members whose task will be to: -
 - (a) Prepare the ballot papers;
 - (b) Make provision for ballot boxes or other means of secret voting;
 - (c) Create machinery for the counting of ballot papers and the effective supervision and monitoring of the counting of votes;
 - (d) Announce the results of all ballots and make known the number of votes received by each successful candidate; and
 - (e) Establish procedures for voting and to determine any dispute raised with regard to elections and election procedures and to determine how any tied vote should be resolved.
- (2) The names of the members of the Electoral Commission whose work is to commence before the National Convention opens, shall be submitted to the National Convention for endorsement, and they will then be reinforced by a representative appointed by each Provincial delegation.

39. National Finance Committee (NFC)

- (1) The NEC shall appoint the National Finance Committee which is composed of the following: -
 - (a) Treasurer General, who chairs the National Finance Committee;
 - (b) Secretary General;
 - (c) Deputy Secretary General;

- (d) Chief Executive Officer, without voting powers;
- (e) Senior Accountant, without voting powers;
- (f) Provincial Treasurers (x 9); and
- (g) Not more than six (6) Additional Members coopted by the NFC in consultation with the NEC.

(2) The duties and functions of the National Finance Committee are as follows: -

- (a) Meet at least once a quarter or more regularly as determined by the Treasurer General, and report to the NEC at least twice a year on the finances (including budget, revenue and expenditure, procurement, investments, fundraising, assets, liabilities and properties) of the Party;
- (b) Develop and amend, as and when required, the Finance Policy, Fundraising Policy and Procurement Policy, which must be approved by the NEC and must be adhered to by all the Structures of the Party and the professional staff of the Party;
- (c) Be the first level of approval for any financial deviations from the Policy;
- (d) Prescribe financial Guidelines and Procedures to be followed by all Structures of the Party;
- (e) Ensure that there is equity and fairness in the distribution of resources among the Structures and Organs of the Party;
- (f) Monitor and ensure adherence by all Structures and Organs of the Party to agreed Policy and Guidelines of financial matters;
- (g) Ensure that all National, Provincial and Regional bodies conduct annual financial audits and table Audited Financial Statements within six (6) months after the end of the financial year;
- (h) Review the Annual and Medium Term Income and Expenditure Budget for the activities of the Party which must be tabled before and approved by the NEC;

- (i) Review on a quarterly basis the Income and Expenditure Statements of the Party at a National level and reports to the NEC any matters of concern from such reviews; and
- (j) Resolve any disputes of a financial nature which may arise amongst the Structures of the Party.

40. Powers and Functions of National Office Bearers

The President

- (1) As the Political Head of ATM and Leader of the House at a National Convention, the President shall be responsible for the following:
 - (a) Is the champion of ATM policies and related policy matters and is responsible for the development and interpretation of these policies;
 - (b) Is the Chief Spokesperson of the Party locally and abroad, sets the tune in the Party and is charged with ensuring that the image, the good name and the reputation of the Party is advanced and defended;
 - (c) Presents to the National Convention, and NGC, NWC and NEC meetings a comprehensive statement of the state of the nation and the general (local, continental and global) political analysis and overview;
 - (d) Is the Party Leader in government if he or she is not the President of the Republic of South Africa, and interprets and makes the policy of the Party in Parliament, provided that policy-making is limited to decisions urgently required in respect of new matters or new situations. If the ATM President is also the President of the Republic of South Africa or is not a Public Representative the CoE will appoint the Party Leader in Government in Consultation with the ATM Spiritual Head;
 - (e) As the Party Leader, he or she is the Spokesperson of the Party on matters related to Parliament and is specifically charged with ensuring that

the image, the good name and the reputation of the Party is advanced and defended;

- (f) As a Party Leader, he or she initiates campaigns and Programmes of Action in Parliament to implement the Values, Principles, Policy and Programmes of the Party;
- (g) Assist the Spiritual Head in leading all national delegations and deputations of the Party and is responsible for all those functions in the absence or incapacity of the Chief Apostle;
- (h) He or she is the co-signatory to the ATM Constitution;
- (i) Is the co-signatory in all National bank accounts of the Party;
- (j) Is the co-signatory in all Coalition and Alliance Agreements;
- (k) May delegate part of his functions to any ATM member, Committee or NEC member;
- (l) Is an ex-officio member of the National Working Committee; and
- (m) Performs any other additional tasks or functions that are delegated or entrusted to him or her within the provisions of this Constitution, by the National Convention, NGC, NWC and NEC, from time to time;
- (n) In the simultaneous absence or incapacity of both the National Chairperson and Deputy National Chairperson, the President will assume their duties.

The Deputy President

(2) The Deputy President is charged with the following duties:

- (a) Assist the President when necessary and deputises him or her in case of his or her absence or incapacitation;
- (b) Performs any other additional tasks or functions that are delegated or entrusted to him or her within the provisions of this Constitution, by the President, National Convention, NGC, NWC and NEC, from time to time;

- (c) Responsible for the co-ordination and alignment of Party policy; and
- (d) He or she will be the ex-officio member of the NWC.

The National Chairperson

- (3) The National Chairperson is charged with the following duties:
- (a) Presides over and maintains order in the National Convention, National General Council, NWC and NEC meetings, including developing rules for these meetings;
 - (b) Is the custodian of meeting minutes of the National Convention, National General Council, NWC and NEC meetings, and ensures that resolutions and decisions taken in these meetings are implemented on time;
 - (c) Remains the custodian of the policies adopted and decisions taken by the National Convention and National General Council and ensures that all organs of the ATM implement decisions taken by the National Convention, National General Council, NEC and NWC and that they operate within the parameters of policy set out by the National Conference, National General Council and the NEC;
 - (d) Develops good working relations with the IEC and other Chapter 9 Institutions;
 - (e) He or she is the custodian of the ATM Code of Conduct and Ethics and ensures that the ATM Disciplinary Committee is functional and effective;
 - (f) Works hand in glove with the President;
 - (g) Is an ex-officio member of the National Working Committee; and
 - (h) Performs any other additional tasks or functions that are delegated or entrusted to him or her within the provisions of this Constitution, by the National Convention, NGC, NEC and NWC, from time to time.

The Deputy National Chairperson

- (4) The Deputy National Chairperson is charged with the following duties:
- (a) Assist the National Chairperson when necessary and deputises him or her in case of his or her absence or incapacitation;
 - (b) Is an ex-officio member of the National Working Committee; and
 - (c) Performs any other additional tasks or functions that are delegated or entrusted to him or her within the provisions of this Constitution, by the National Chairperson, National Convention, NGC, NEC and NWC, from time to time.

The Secretary General

- (5) As the Political Chief Administration Officer and the Accounting Authority of the Party, the Secretary General is charged with the following functions, which he/she is expected to perform them on a full time or virtually full time basis:
- (a) Is entrusted with and responsible for the overall organisation and administration of the Party, and for developing and maintaining a high degree of efficiency in the Party;
 - (b) In consultation with the President and National Chairperson, he or she convenes and co-ordinates all National Convention, National General Council, NWC and NEC meetings, including developing agenda or programmes and sending out meeting notices;
 - (c) Securely keep the minutes of the National Convention, NGC, NWC and NEC meetings, as well as any other important records of the ATM;
 - (d) He or she is the custodian of and co-signatory to the ATM Constitution;
 - (e) Is the co-signatory in all National bank accounts of the Party;
 - (f) Is the co-signatory to all Coalition and Alliance Agreements;

- (g) Initiates Campaigns and Programmes of Action (PoA) to implement the Values, Principles, Policy and Programmes of the Party;
- (h) Co-ordinates operations and work of the National Executive Committee;
- (i) Receives and consolidates reports for the NEC members;
- (j) Prepares Secretary General's reports to the NEC meetings;
- (k) Presents organisational report to National Convention, NGC, NWC and NEC meetings;
- (l) Receives analyse and process reports from Provinces;
- (m) Deploys NEC members to Provinces and Provincial and Regional Conventions;
- (n) In consultation with the Spiritual Head, President and National Chairperson is responsible for the National, Regional, Provincial and Local Government Party list of Public Representatives;
- (o) Deals with the incoming and outgoing correspondence for and on behalf of the NEC and the NWC;
- (p) Communicates and implements the decisions and instructions of the National Convention, the National General Council, NWC and NEC to the Provincial Executive Committees, and see to it that all units and organs of the ATM carry out their duties properly;
- (q) Prepares annual reports on the work of the NEC and the NWC and such other documents which may, from time to time, be required by the NGC, NWC and NEC;
- (r) Monitors and supports National caucuses;
- (s) Approves the audit reports of the Branches;
- (t) Present to the National Conference, National General Council, NWC and NEC meetings a comprehensive statement of the state of the organisation and the administrative situation of the ATM;
- (u) In the absence of the President or the Deputy President, the Secretary General shall assume their the functions;
- (v) Works closely with the Spiritual Head, President and the Chairperson;

- (w) Be an ex-officio member of the NWC;
- (x) Performs any other additional tasks or functions that are delegated or entrusted to him or her within the provisions of this Constitution, by the National Convention, NGC, NWC and NEC, from time to time; and
- (y) Has the power to delegate any of these powers and functions to the Chief Executive Officer or other appropriate persons.

The Deputy Secretary General

- (6) The Deputy Secretary General is charged with the following duties:
 - (a) Assist the Secretary General when necessary and deputises him or her in case of his or her absence or incapacitation;
 - (b) Is an ex-officio member of the National Working Committee; and
 - (c) Performs any other additional tasks or functions that are delegated or entrusted to him or her within the provisions of this Constitution, by the Secretary General, National Convention, NGC, NEC and NWC, from time to time.

The Treasurer General

- (7) As the chief custodian of the funds of the ATM, the Treasurer General is charged with the following duties, which he/she is expected to perform them on a full time or virtually full time basis:
 - (a) Receives and bank monies on behalf of NEC, and handles finances (budget, revenue and expenditure) and all other assets of the Party, including intellectual property and trademarks;
 - (b) Keep such books of accounts as may be necessary to record clearly the state of financial position and performance of the Party;

- (c) He or she presides over all the meetings of the Finance Committee;
- (d) Be responsible, with the National Finance Committee, for working out and executing plans for fund raising and resource mobilisation;
- (e) Ensure that levies are paid on time by all Public Representatives and ATM members pay their membership fees on time;
- (f) May recommend to the National Finance Committee and NEC a percentage or amount of levy to be paid by each Public Representative;
- (g) Submit a comprehensive report of the state of the finances (financial position and financial performance) of the ATM to every National Convention, National General Council meeting, and submit periodic financial reports (income and expenditure account and balance sheet) of the Party when required to do so by the NWC or NEC;
- (h) Interpret the provisions of the Finance Policy when required to do so for the benefit of the Party;
- (i) Have free access to all Party financial records held in any and organs of the Party;
- (j) Be supplied with any reasonable report on the finances of the Party whether on an ad hoc or a regular basis;
- (k) Ensure that the Annual Financial Statements of all the organs of the Party are audited and report tabled not later than six (6) months after the end of each financial year;
- (l) Commission internal and external annual and ad hoc financial audits including of forensic audits and investigations of the finances of the Party;
- (m) Ensure that there is a Finance Policy, Resource Mobilisation and Fundraising Policy, Procurement Policy and Asset Management Policy, including all relevant Procedure Manuals for the Party;
- (n) Ensure that all financial deviations allowed by the Policy are reported in the next NEC meeting for final approval;
- (o) Is the co-signatory in all National bank accounts of the Party;

- (p) Work closely with the President, Secretary General, Chief Executive Officer and Senior Accountant;
- (q) Performs any other additional tasks or functions that are delegated or entrusted to him or her within the provisions of this Constitution, by the General, National Convention, NGC, NEC and NWC, from time to time;
- (r) Is an ex-officio member of the National Working Committee; and
- (s) Has the power to delegate any of these powers and functions to the Chief Executive Officer or other appropriate persons.

41. Resignation, Death or Incapacity of National Office Bearers

- (1) If any Office Bearer resigns, dies, or becomes permanently incapacitated, the deputy of that Office Bearer, if there is one, will fill that position until a successor is elected. Such election shall take place forthwith by the body which elected the Office Bearer.
- (2) In the event of any Office Bearer being temporarily unavailable, its deputy, if there is one, will fill that position. If there is no deputy, that Office Bearer may nominate a temporary replacement for the duration of that unavailability, provided that is not in excess of a period of four weeks, in which case the approval of the National Office Bearers (Top Seven) must be obtained.

42. The National, Provincial and Regional Chaplaincies

- (1) There shall be National, Provincial and Regional Chaplaincies that shall be appointed by the Spiritual Head to provide spiritual guidance to ATM and its members.

- (2) The remuneration of these Chaplaincies shall be determined by the Secretary General in consultation with the Treasurer General, Spiritual Head and Chief Executive Officer of the ATM.

CHAPTER 10: ORGANISATIONAL DISCIPLINE

43. Organisational Discipline

- (1) The organizational discipline will entail the following:
 - (a) All members, without exception, must abide by the Constitution of the ATM and the Rules and Regulations, the Standing Orders and Codes of Ethics and Conduct, as adopted or amended from time to time as well as all policies and decisions properly adopted or made in terms of the Constitution;
 - (b) Every candidate representing the ATM during an election at any level of government, must undertake, in writing, prior to the elections, to abide by the Constitution of the ATM and the relevant Codes of Ethics and Conduct for elected representatives, to submit to and abide by any disciplinary proceedings instituted against him in terms of the Constitution or such Codes, directly or indirectly arising from his conduct as a Public Representative of the ATM; and
 - (c) All members and Public Representatives of the ATM are, without exception, subject to discipline of the ATM and must submit to the provisions of the Constitution, Rules and Regulations, Standing Orders and Codes of Ethics and Conduct with regard to the regulation of the conduct of members and Public Representatives and the applicable Disciplinary Procedures.
- (2) Disciplinary proceedings against a member and Public Representative of the ATM shall be confined to violations of the ATM Constitution, Rules and Regulations, Standing Orders, Codes of Ethics and Conduct and Policies and decisions of the ATM properly adopted or made in terms of the Constitution, and shall not be: -

- (a) Used as a means of shifting debate or denying members their basic democratic rights; and
 - (b) Instituted as a means of solving private problems or as a means of interfering in the private lives of members where the norms of the Organisation are not directly affected, unless such conduct itself constitutes a violation or an offence affecting the Organisation.
- (3) If the NEC, PEC, REC, BEC or any relevant body, as the case may be, exercising its right to invoke Disciplinary Procedure, is warranted against a member or Public Representative, in respect of any conduct or any other misconduct prohibited in terms of the Constitution, it may decide to institute disciplinary proceedings against such member in respect of such misconduct and then refer the matter to the NDC, PDC, RDC, as the case may be, or any other body authorized in terms of the Constitution to conduct disciplinary proceedings, to proceed with such disciplinary hearing.
- (4) A Disciplinary Committee, which has conducted a disciplinary hearing in terms of this Constitution, may find any member or Public Representative guilty of any misconduct prohibited referred to in Section 43(5) or any other misconduct prohibited in terms of this Constitution, only if it is satisfied that the evidence presented is of such a convincing and sufficient nature as to prove the guilt of such member or Public Representative, on a balance of probabilities.
- (5) The following conduct by a member or Public Representative shall constitute an alleged misconduct in respect of which disciplinary proceedings may be invoked and instituted against him or her: -
- (a) Conviction in a court of law and being sentenced to a term of imprisonment without the option of a fine for any serious non-political offence;
 - (b) Conviction in a court of law for any serious non-political offence;

- (c) Behaviour which brings the Organisation into disrepute or which manifests a flagrant violation of the moral integrity expected of members and Public Representatives or conduct unbecoming that of a member or Public Representative;
- (d) Sowing racism, prejudice, tribalism, religious and political intolerance, regionalism and any form of discrimination;
- (e) Engaging in sexual or physical abuse of women or children or abuse of office to obtain sexual or any other undue advantage from members or others;
- (f) Abuse of elected or employed office in the Organisation or in the State to obtain any direct or indirect undue advantage or enrichment;
- (g) Behaving corruptly in seeking or accepting any bribe for performing or not performing any task;
- (h) Misappropriation of funds or the resources of the Organisation or destruction of its properties or assets;
- (i) Behaving in such a way as to provoke serious divisions or a break-down of unity in the Organisation;
- (j) Undermining the respect for or impeding the functioning of the Structures of the Organisation;
- (k) Participating in an organized factional activity that goes beyond the recognized norms of free debate inside the Organisation and threatens its unity;
- (l) Supporting a political organization or Party other than an organization in alliance with the ATM in a manner contrary to the aims, objectives and Policy of the ATM;
- (m) Standing in an election for local, Provincial or National government or acts as the election agent of a person standing for such election in opposition to a candidate duly endorsed by the NEC or PEC;
- (n) Joining a Political Organisation or Party other than the ATM or a Party in alliance with the ATM;

- (o) Prejudicing the integrity or repute of the Organisation, its personnel or its operational capacity by:
 - (aa) Impending the activities of the Organisation;
 - (bb) Creating division within its ranks or membership;
 - (cc) Doing any other act, which undermines its effectiveness as an Organisation; or
 - (dd) Acting on behalf of or in collaboration with:
 - (i) counter-revolutionary forces;
 - (ii) a Political Organisation other than an Organisation in alliance with the ATM in a manner contrary to its Aims and Policies;
 - (iii) intelligence or Security Services of other countries; and
 - (iv) any person or group who seriously interferes with the work of ATM or prevents it from fulfilling its mission and aims.
- (p) Fighting or behaving in a grossly disorderly or unruly way;
- (q) Deliberately disrupting meetings and interfering with the orderly functioning of the Organisation;
- (r) Payment of or assisting or facilitating the payment of membership subscription of the Organisation for a person or persons or a group of persons who would otherwise be unwilling or unable to pay their own subscriptions;
- (s) Offering a reduced rate membership to those known by the individual or group making the offer to be ineligible for that category of membership;
- (t) Recruitment of members who do not reside at an address claimed, where this is done in order to manipulate Branch meetings or the outcome of organizational votes; and
- (u) Giving, collecting or raising of funds for campaigning activities within the ATM aimed at influencing the outcome of a Convention or meeting.

- (6) The NEC shall appoint a National Disciplinary Committee (NDC), from among its membership and from other Structures of the ATM, which will consist of at least five (5) but not more than eleven (11) members. At least three (3) members of the NDC shall constitute its quorum. The National Office Bearers, the NWC or the NEC may refer any violation or misconduct directly to the NDC for determination of a complaint.
- (7) In addition, the NEC shall appoint the National Disciplinary Committee of Appeal (NDCA), from among its membership and from other Structures of the ATM, which will consist of at least three (3), but not more than five (5) members, provided that its members may not serve in the NDC. The NDCA shall hear and determine appeals from the NDC as provided for in Section 43, or deal with any complaint or query of a disciplinary nature from a member or organ of the ANC, or referred to it by the NEC or NWC.
- (8) The decisions of the NDCA shall be final, except that the NEC may, in its discretion, review a decision. Such a review shall be regulated by Standing Orders adopted by the NEC.
- (9) Each BEC shall appoint a Branch Disciplinary Committee (BDC). Each REC shall appoint a Regional Disciplinary (RDC). Each PEC shall appoint a Provincial Disciplinary Committee (PDC). These respective Disciplinary Committees must be appointed as soon as possible after the election of the respective Executive Committees and will consist of at least three (3), but not more than five (5) members. At least three (3) members of a Disciplinary Committee shall constitute its quorum.
- (10) Disciplinary proceedings will normally be conducted at the level where the alleged violation or misconduct took place, namely the Branch, region, province or National level, and may be heard by the relevant Structure.
- (11) Disciplinary proceedings may only be instituted at Branch level if the relevant PWC has granted that Branch written permission to do so.

- (12) The NWC may direct that the disciplinary proceedings should be heard at a higher level than where the alleged violation or misconduct took place.
- (13) As soon as possible, after the election of the respective Executive Committees at any level of the Organisation, the: -
- (a) NEC shall appoint a Chief National Presenter, to be assisted by not more than three (3) other suitably competent members, to represent the case of the ATM, in any NDC and NDCA hearing;
 - (b) PEC shall appoint a Chief Provincial Presenter, to be assisted by not more than three (3) other suitably competent members, to represent and present the case of the ATM, in any PDC hearing; and
 - (c) REC shall appoint a Chief Regional Presenter, to be assisted by not more than five (5) other suitably competent members, to represent the case of the ATM, in any RDC hearing or any BDC hearing within its region.
- (14) No member of a Disciplinary Committee may participate in a decision to institute disciplinary proceedings against a member. Such a member of the Disciplinary Committee should recuse himself from such discussions and decision, save in the exceptional circumstances contained in Section 43(6). However, this does not prohibit such member from participating in any political discussion on any issue, which later becomes the subject of a discussion and decision to institute such disciplinary proceedings against a member.
- (15) Any person faced with disciplinary proceedings shall receive written notice of any hearing and of the basic allegations and charges against him and be afforded a reasonable opportunity to make his defense.
- (16) Any person faced with disciplinary proceedings is entitled to be represented by a member in good standing and who is a paid-up member for at least three months prior to the receipt of such written notice referred to in Section 43(15).

- (17) If disciplinary proceedings are instituted against a member and such member does not appear at the venue and at the time determined for such proceedings or does not remain in attendance when required to do so, the relevant Disciplinary Committee, if satisfied that such member was properly and timeously notified of such venue and time, may order that the proceedings continue in the absence of such member. The Disciplinary Committee may form an opinion of the evidence led, after applying the test provided for in Section 43(4), and it may proceed and make a finding of guilty or not guilty, as the case may be, even if such member was absent from part or the whole of the proceedings.
- (18) Penalties or sanctions, which may be imposed by a Disciplinary Committee, for proven violations of the Constitution, other relevant instrument, principles, norms, policies and decisions of the ATM, will include reprimand, payment of compensation and or the performance of useful tasks, remedial action, suspension of membership or expulsion from the ATM, and in the case of a Public Representative also the removal from any list or instrument which entitles such person to represent the ATM at any level of government.
- (19) A Disciplinary Committee may suspend the imposition of any of the penalties or sanctions in Section 43(18), with or without certain conditions for a period to be determined by such Disciplinary Committee.
- (20) Any member found guilty of the misconduct referred to in Section 45(5)(m)&(n), shall be ineligible to be or remain a member, and shall be expelled from the organisation.
- (21) A decision of a Disciplinary Committee only takes effect once the internal appeal procedures and remedies provided for in terms of Section 43 have been exhausted.
- (22) A person who is not happy with the verdict of a Disciplinary Committee, either the complainant or accused, has the right, within fourteen (14) days from the

date of being notified of the verdict, to appeal against the conviction or sentence, to the Disciplinary Appeal Committee of the next highest body of ATM. A member is only entitled to one appeal to such next highest disciplinary body, whose decision shall, subject to Section 43(23) below, be final and binding, provided that the NDCA may, upon application to it and if it deems it necessary, grant a further appeal to be heard by itself. The NWC may direct that a body higher than the one to which the appeal has been made should hear any appeal. An appeal against the decision of a Branch Disciplinary Committee should be channeled to the Provincial Disciplinary Committee.

(23) Where a Disciplinary Committee arrives at a decision to suspend or expel a Local Government Councilor or a member of a Provincial Legislature or Parliament, such a decision shall be suspended, pending the outcome of an automatic appeal to the National Disciplinary Committee of Appeal. The National Disciplinary Committee of Appeal must commence with such an appeal within fourteen (14) days of the notification of the decision of such Disciplinary Committee.

(24) All disciplinary proceedings shall be disposed of expeditiously, but within six (6) months from the date that notice of the charge has been delivered to the member, provided that the NDCA may, upon application from the relevant Disciplinary Committee, in writing, at any stage before or after the expiry of such period extend this period in a particular case, if it deems it necessary.

(25) The relevant Disciplinary Committee shall, in writing, report the outcome of each disciplinary proceeding to the Secretary of the Executive Structure which established it and then the decision shall be publicly announced by the relevant Disciplinary Committee.

(26) Temporary Suspension entails the following:

(a) The Provincial Disciplinary Committee or the PWC, with regards to disciplinary matters not being dealt with at a National level, and the

National Disciplinary Committee or the NWC, may summarily suspend the membership of any member, by acting in accordance with the prescribed procedures in Section 43(26);

- (b) Before any of the above Structures make such a decision, it must have due regard to the nature and seriousness of an alleged violation or misconduct by a member and or Public Representative only after the accusations have been put to him for comment by the person or body tasked with such duty by the relevant Structure, and he has had an opportunity to respond, provided that if such member has been given proper and timeous notice of such opportunity, and or does not attend or does not stay in attendance, the matter may be proceeded within his absence;
- (c) Exceptional circumstances, as determined by the NWC or National Disciplinary Committee or PWC, as the case may be, may warrant an immediate decision of temporary suspension of a member without eliciting the comment of such member, as provided for in Sub-section (b) above;
- (d) Such a member or Public Representative shall immediately be informed of such suspension;
- (e) In the case of the suspension of an elected Public Representative, the relevant Structure making the decision must also provide for any terms and conditions, which will regulate his participation and conduct as a Public Representative during the period of suspension;
- (f) The member or Public Representative shall immediately be informed of such terms and conditions;
- (g) When a PWC or PDC imposes a temporary suspension on a member or a Public Representative, it must immediately forward a report of such suspension and the reasons for it, to the NDCA and the NDCA may, if circumstances warrant it, at any stage set aside such suspension;

- (h) The temporary suspension shall lapse if a notice of a charge relating to such suspension is not delivered to the member within thirty (30) days of the date of the commencement of the temporary suspension;
- (i) Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period;
- (j) The temporary suspension shall, subject to Sub-section (g), remain in force until the finalization of the disciplinary proceedings, including any appeals, provided that the NDCA may, upon application and if the circumstances so warrant, at any stage set aside such suspension; and
- (k) The temporary suspension may at any stage be set aside by the Structure, which imposed it, if it deems it necessary.

(27) The NEC must adopt Rules and Regulations provided for in Schedule C of this Constitution for the regulation of the effective and appropriate implementation and functioning of Section 43 dealing with disciplinary proceedings in the ATM.

(28) Without prejudice to the generality of Section 43(5), the NEC may, in regulations, prescribe further conduct by a member or public representative, constituting misconduct in respect of which disciplinary proceedings may be invoked and instituted against him or her.

(29) The NEC shall adopt guidelines for the interpretation of Section 43 and for the rules of procedures applicable during disciplinary proceedings, including time limits to be followed before, during and after a hearing

(30) The NEC may:

- (a) authorize other Structures of the ATM to constitute disciplinary proceedings and establish appropriate Structures to implement or make the appropriate arrangements to apply disciplinary provisions; and
- (b) establish appropriate structures to implement or make the appropriate arrangements to apply the provisions of Section 43, including a proper and appropriate investigative capacity at all levels of the Organisation to

investigate all complaints received, as contemplated in Section 43 (13), which may lead to disciplinary proceedings being instituted.

44. Rules and Regulations

(31) The NEC may adopt Rules and Regulations as provided for in Schedule C, for the better carrying out of the activities of the ATM.

(32) The PECs may adopt Rules and Regulations for the better functioning of the ATM in their respective Provinces. If the PEC does not have any Rules and Regulations in place, the Rules and Regulations provided for in Schedule C of this Constitution shall apply. Provincial Rules and Regulations shall be consistent with the National Rules and Regulations.

(33) All such Rules and Regulations shall be consistent with the constitutional norms of the ATM, and Rules and Regulations framed by the PEC shall only become operative when approved by the NEC or on a provisional basis pending approval by the NEC or by the NWC.

(34) The NEC may frame a Code of Conduct or Code of Ethics to cover all Structures, Officials, Public Representatives, Office Bearers and Members.

CHAPTER 11: SUBSIDIARY ORGANISATIONS

45. Subsidiary Organisations

- (35) National Executive Committee may establish such organisations as it deems fit to complement the work of the Party and to further the Objectives, Values, Principles, and Programmes of the Party. Such organisations shall be regulated by rules to be approved by the National Executive Committee after certification by the National Legal Committee.
- (36) Any organisation that exists shall continue to exist unless National Executive Committee decides otherwise and shall continue to enjoy representation to Structures of the Party as provided in this Constitution.
- (37) Such organisations may apply to the National Executive Committee to make use of existing Party Structures to elect representation to Regional, Provincial and National Structures.
- (38) No office bearer of a subsidiary organisation may act in that position for a period of longer than twelve months without being elected to that position. Within that twelve-month period, an election must be held to fill the position.
- (39) Subsidiary organisations shall exercise their roles and responsibilities through the Party Structures set out in Chapter 2.

CHAPTER 12: RELATIONSHIP WITH OTHER ORGANISATIONS

46. Relationship with Other Parties

- (1) Any relationship with other Parties may only be concluded and approved by the National Executive Committee. The National Executive Committee may delegate the discussions and engagements for relationship with other Parties to the Provincial Executive Committee or Regional Executive Committee.
- (2) An election or any other agreement with any other political party or independent candidate may not be entered into by the following people or Structure without prior consent of the NEC and disregard of this provision is deemed to be misconduct:
 - (a) Any member, aspirant candidate or public representative;
 - (b) A branch, a regional sub-structure, Regional Council or Provincial Council, or the executives of any of these bodies; and
 - (c) any group of members of the Party.

47. Relationship with International Organisations

Because of what the ATM stands for and because the ATM is a Peace Party, which is of international interest, it may enter into agreements or relationships with international organisations and political parties that could promote the aims and objectives of the Party.

CHAPTER 13: GENERAL

48. Rules and Regulations

- (40) The NEC may adopt rules and regulations for the better carrying out of activities of the ATM.
- (41) The PEC may adopt rules and regulations for the better functioning of the ATM in their respective Province.
- (42) All such rules and regulations shall be consistent with the constitutional norms of the ATM, and rules and regulations framed by the PEC shall only become operative when approved by the NEC or on a provisional basis pending approval by the NEC and by the NWC.
- (43) The NEC may frame a Codes of Ethics and Conduct to cover all Structures, officials, Public Representatives, office bearers and members.

49. Special Convention

- (44) A Special Convention of the ATM may be convened by the NEC at any time or at the request of a majority of the Provinces for a stated purpose.
- (45) Not less than one (1) month's notice of such Convention shall be given.
- (46) Participation at the Convention shall be determined by the NEC, provided that Branches are represented at such a Convention in proportion to their membership.

50. Amendments

(47) Any amendments to this Constitution shall be by a two-thirds majority of delegates present and voting at the National or Special Convention. Notice of intent to propose any amendments to the Constitution should be forwarded to the Office of the Secretary General at least three (3) months before the National or Special Convention. The NEC shall give at least one month's notice for any Constitutional Amendment.

51. Dissolution

(48) The National Convention or any Special Convention may dissolve the ATM and transfer the assets and liabilities of the ATM to any Non-governmental Organisation (NGO) that had been more supportive during the establishment of the Party, by way of a resolution passed by an eighty five percent (85%) majority of duly accredited delegates in good standing who are present and voting, provided that the NEC received notice of such motion from a Structure of the ATM, at least, twelve (12) months before it was voted on by such convention.

SCHEDULE A: ATM Logo, Colours and Flag

1. ATM Logo

The ATM is the sole copyright holder of its logo and colours. The logo of the ATM has a bright **Golden Star** positioned in the midst of communicative colours, namely, **Black, Blue, Green, White** and **Yellow** that also form an outer Star positioned in a clockwise arrangement from the top, with the letters “**ATM**” at the base of the logo, which are also coloured Black, Blue and Green respectively.

The **inner Golden Star** mainly embodies the Lord Christ, a Bright Morning Star and is a redeeming Light to the hopeless community. Equally, African Transformation Movement (ATM at the base) is formed to bring a good stewardship and to deliver God-fearing political governance, which will enable the citizens to benefit equally from the fruits of liberation including minerals from the mines. The golden colour stands for Kingship, Knowledge and Anointment. The **Golden Star** also symbolizes an award and mark of excellence or in recognition of a notable achievement by the Liberation Movement and its allies including those who died during the struggle for liberation.

If we add the letter “I” (for love) to the word “God”, we get the word “Gold”. Gold represent God’s love because His love is more precious and more valuable than all the gold in the world. Love is the gold of God. Gold is a precious metal, of great value, that is highly desired.

The **outer Star** that protects and encompasses the inner Golden Star is made up of five (5) interlocking sides (almost triangular in shape) which are coloured **Black, Blue, Green, White** and **Yellow**. The number five (5) is the most dynamic and energetic of all single-digit numbers, which is always in motion (Movement) and constantly in need of change. The number five (5) is a significant number because God’s creation, the “man” has five fingers (in each hand), five senses and five toes (in each foot). This is a number of God’s grace. The official colours of the ATM, **Black, Blue, Green, White** and **Yellow**, therefore depict the following:

- **Black** colour: stands for ***Ubuntu***, determination, ethnic heritage and suffering. This colour symbolises the majority of Africans and other marginalized racial groups still facing multiple challenges and sufferings but determined to have a better tomorrow.
- **Blue** colour: stands for ***Servant Leadership***, freedom, vigilance, perseverance, justice, prosperity, peace and patriotism. This colour that has positive effects on the mind and body symbolises abundant life, health care, progressive growth, trust, loyalty, wisdom, confidence, stability, divinity and intelligence.
- **Green** colour: stands for ***Transformation***, new life, hope, prosperity, peace, victory, growth, auspiciousness of the land and environmental management. This colour signifies the importance of agriculture in providing food security and means of survival.
- **White** colour: stands for ***Peace***, righteousness, purity, holiness, innocence, safety, spirituality, cleanliness, and successful beginnings. This positive colour symbolises peace, reconciliation and solidarity.
- **Yellow** colour: stands for ***Accountability***, happiness, friendship, resurrection, peace and hope. This colour of optimism and hope symbolises the heat from the sun of Africa coupled with the prudent use of mineral resources, wealth and the flourishing economy that enriches all the citizens equally.

2. ATM Flag

The ATM flag is rectangular in shape. Its length is one and a half ($1\frac{1}{2}$) times longer than its width. Along its length it is quintuple (fivefold) coloured horizontally, from one end of its width to the other end, with equal black, yellow, white, blue and green colours, from top to bottom. At the centre of the flag, it contains a full-size ATM logo with letters ATM written in bold capital letters which are coloured black, blue and green respectively. All this is bordered with a white rectangular colour around it.

SCHEDULE B: ATM Solemn Declaration by a Member

On being accepted in the ATM, a new member shall, in a language he understands well, make the following solemn declaration to the body or person designated to administer such oaths:

“I, [full names and surname], solemnly declare:-

- *that I will abide by the aims and principles of African Transformation Movement as set out in the Constitution and other duly adopted policy positions;*
- *that I am joining the organisation voluntarily and without motives of material advantage or personal gain;*
- *that I agree to respect the Constitution and the Structures and to work as a loyal member of the organisation;*
- *that I will place my efforts and skills at the disposal of the organisation and carry out tasks given to me;*
- *that I will work towards making the ATM an even more effective instrument of liberation in the hands of the people; and*
- *that I will defend the unity and integrity of the organisation and its principles, and combat any tendency towards interference and division.*

SCHEDULE C: ATM Procedure for the Conduct of Disciplinary Proceedings

1. Objective of Disciplinary Procedure

1.1 The objective of disciplinary procedure is to ensure that in all disciplinary proceedings:

- (a) there is a formal procedure;
- (b) there is a just and fair procedure;
- (c) a member is presumed innocent until proven guilty;
- (d) a member has a chance to defend himself; and
- (e) a member has the right to appeal.

2. Charge

2.1 A charge must be made within a reasonable time after the violation or misconduct was allegedly committed as provided for in the Constitution. Disciplinary proceedings are commenced with the service of a charge sheet on the charged member.

2.2 The charge sheet must:

- (a) be in writing and in a language preferred by the member charged;
- (b) set out sufficient details of description of the violation or act of misconduct;
- (c) provide the date and place of the offence;
- (d) identify the provision of the ATM Constitution, the Rule, Regulation, the Standing Order, Resolution and/or Policy of the ATM that was allegedly breached;
- (e) inform the charged member that he has a right to be represented by a member of the ATM in good standing and who has been a member in good standing for a minimum period of 12 (twelve) months before the disciplinary enquiry commences;

- (f) inform the charged member that he has a right to call witnesses, to make his defence, to cross-examine witnesses called for the prosecution of the charge and in mitigation of sanction, to produce supporting documents;
- (g) provide the date, time and venue for the hearing;
- (h) inform the charged member that the Disciplinary Proceedings will be a one-stage inquiry and that he will also be required to lead evidence in mitigation of sanction if so desired;
- (i) draw the attention of the charged member to the relevant provisions of the ATM Constitution pertaining to disciplinary proceedings; and
- (j) inform the charged member that if he does not appear at the venue on the date and time determined for such proceedings or does not remain in attendance when required to do so by the Chairperson of the Disciplinary Committee, the relevant Disciplinary Committee, if satisfied that such member was timeously notified of such venue, date and time, may order that the proceedings continue in the absence of the charged member. However, if the Committee is made aware of any impediment that makes his attendance impossible, it shall postpone the hearing to a date suitable for the charged member.

3. Service of the Charge Sheet

- 3.1 It is preferable that the charge sheet is served personally on the charged member by a member of the ATM so authorised.
- 3.2 A charge sheet shall be served at least 14 (fourteen) calendar days before the date of the hearing.
- 3.3 If personal service is not possible, the charge sheet may be faxed or sent by registered post to the physical or postal address of the charged member or to his email.
- 3.4 Service of the charge sheet on the representative of the charged member shall be deemed to constitute service to the charged member.

Proof of Service

- 3.5 Credible documentary or oral evidence presented to the Disciplinary Committee concerned, that the charge sheet containing the information set out in 2.2 above, was served, shall constitute sufficient proof of such a service.
- 3.6 To avoid postponements, the Presenter shall either simultaneously with service of the charge sheet or within a short time thereafter, provide the charged member or his representative with the documentary evidence, if available, that will be submitted in evidence by the prosecution.

4. Pre-hearing Convention

- 4.1 The Presenter and the representative of the charged member or if he is not represented, the charged member may convene a Pre-hearing Convention for the purpose of exchanging documents, determining the number of witnesses, recording admissions and estimating the duration of the disciplinary proceedings.
- 4.2 At the Pre-hearing Convention the charged member or his representative should provide details of any preliminary points that would be raised at the disciplinary proceedings.
- 4.3 Parties must convene a Pre-hearing Convention if requested by the Chairperson of the Disciplinary Committee concerned.
- 4.4 Parties shall draw a minute of the Pre-hearing Convention and forward it to the Chairperson of the Disciplinary Committee concerned at least two (2) days prior to the commencement of the Disciplinary Proceedings. If any preliminary points are to be raised, the Pre-hearing minute should contain the written arguments of both Parties.

4.5 If both Parties seek a postponement of the disciplinary proceedings the Chairperson of the Disciplinary Committee concerned shall be informed immediately and shall make a ruling and inform the Parties accordingly.

5. Forum and Venue of Disciplinary Hearing

5.1 Disciplinary Proceedings will normally be conducted before a Disciplinary Committee at the level where the alleged violation or misconduct took place, namely the Branch, Region, Provincial or National level.

5.2 Likewise, the venue for the hearing will normally be within the jurisdiction of the Disciplinary Committee concerned.

5.3 The Secretary General or Provincial Secretary concerned may direct that for the sake of convenience or safety concerns, the disciplinary hearing take place at a venue outside the jurisdiction of the Disciplinary Committee concerned.

6. Persons Eligible to be Present at Disciplinary Proceedings

6.1 The following persons must be present at a Disciplinary Proceeding:

- (a) Members of the Disciplinary Committee, one of whom shall act as Chairperson;
- (b) The Presenter of the charge, who may be assisted by not more than two (2) additional persons who must be the ATM members in good standing and who have been members in good standing for a minimum period of twelve (12) months before the commencement of the hearing;
- (c) The charged member;
- (d) The charged member's representative and/or interpreter, both of whom must be members of the ATM in good standing;
- (e) The witnesses (if any);
- (f) The minute taker.

7. Chairperson's Discretion

7.1 The Chairperson shall have the discretion:

- (a) to make interim rulings during the proceedings;
- (b) to disallow the calling of any witness or production of any documentary evidence which is not relevant to the proceedings;
- (c) to allow the Parties to raise any preliminary point;
- (d) to intervene in the proceedings to ensure that the proceedings are held in a fair and equitable manner;
- (e) to determine which Party bears the onus of proof to:
 - (i) determine whether the argument of both Parties should be presented orally or in writing;
 - (ii) to determine the time to be allocated to the Parties to present their evidence, including that of witnesses; and
 - (iii) to investigate such information as contemplated in Section 43(6) of the ATM Constitution and, if necessary, refer the matter for further investigation prior to the commencement of Disciplinary Proceedings or put an immediate stop to such disciplinary proceedings.

8. Procedure at the Hearing

8.1 At the outset, the Chairperson of the Disciplinary Committee shall satisfy himself that the charged member is a member of the ATM and that his representative, if applicable, is a member of the ATM in good standing.

8.2 If the Disciplinary Committee has engaged the services of a Legal Adviser or Minute Taker, that person shall be introduced by the Chairperson.

- 8.3 If the charged member is not a member of the ATM, the proceedings will be halted, and the charged member will be informed that he is free to leave because the Disciplinary Committee does not have jurisdiction over him.
- 8.4 If the representative is not a member in good standing, the representative will be asked to leave the proceedings and the proceedings will continue. The charged member, if he so elects, may engage another representative. However, such engagement may occur at any stage of the proceedings and does not preclude the continuation of the proceedings.
- 8.5 Any preliminary point raised by the charged member shall be dealt with at the outset of the proceedings and the Chairperson shall make a ruling.
- 8.6 Once the preliminary point has been dealt with and if the matter is to be proceeded with, the Presenter shall read out the charge if required and the charged member shall be required to plead to the charge.
- 8.7 If a charged member pleads guilty, the Chairperson shall ask the representative if the plea is in accordance with his instructions from the charged member.
- 8.8 If the representative answers in the affirmative, the Chairperson shall record a plea of guilty.
- 8.9 The Chairperson should question the charged member or the representative about the alleged violation or misconduct to establish whether the charged member understands the nature and consequences of his plea of guilty. The Chairperson shall also consider the minute of the Pre-hearing Convention, if held, to satisfy himself that the charged member understands the nature and consequences of his plea of guilty.
- 8.10 If satisfied, the Chairperson shall record a plea of guilty.
- 8.11 If not satisfied, the Chairperson shall record a plea of not guilty.

- 8.12 The charged member shall have the opportunity to lead evidence in mitigation of sanction and call witnesses or submit documents for that purpose.
- 8.13 Before any oral evidence is led, the Chairperson shall ask the witness, be it the charged member or any of his witnesses, whether they wish to take an oath or make an affirmation.
- 8.14 If the witness wishes to take an oath, the Chairperson should administer the oath and ask the witness to repeat after him or as follows: *"Do you swear that the evidence you are about to give is the truth, the whole truth and nothing but the truth? Raise your right hand and say 'So Help Me God'"*.
- 8.15 If a witness does not wish to take the oath but wants to make an affirmation, the Chairperson shall ask the witness to repeat after him the following: "I do affirm that the evidence I am about to give is true."
- 8.16 After the witness has made an affirmation, he may give evidence.
- 8.17 The Presenter shall be permitted to cross examine the charged member and submit documentary evidence in aggravation of sanction.
- 8.18 The Presenter may also call witnesses to testify in aggravation of sanction.
- 8.19 Witnesses of the Presenter shall be sworn in or affirmed as above.
- 8.20 After all the evidence has been led, the Disciplinary Committee shall deliberate the issues in private and impose an appropriate sanction.
- 8.21 The Disciplinary Committee shall, in writing, report the outcome to the Secretary General or relevant Provincial Secretary and then publicly announces its finding.
- 8.22 The charged member shall be informed of his right to appeal if the relevant Disciplinary Committee sat as a tribunal of first instance.

- 8.23 If a charged member pleads not guilty, the Chairperson shall confirm with the representative whether the plea of not guilty is in accordance with his instructions from the charged member.
- 8.24 If so confirmed, the Chairperson shall record a plea of not guilty.
- 8.25 If the representative does not confirm, then the Chairperson shall briefly adjourn the proceedings to give the representative an opportunity to consult with the charged member before resuming.
- 8.26 The Chairperson shall request the charged member to disclose the basis of his defence to the charge. That member may, but is not obliged, to do so.
- 8.27 Generally, the onus shall be on the prosecution to prove its case on a balance of probabilities.
- 8.28 In certain cases or during the course of the disciplinary proceedings, the onus may shift to the charged member.
- 8.29 The Chairperson of the Disciplinary Proceedings shall be the final arbiter in determining which Party bears the onus of proof for the entire case or when any matter is raised during the course of the Disciplinary Proceedings.
- 8.30 The Chairperson shall request the Presenter to call the complainant's witnesses and, if the complainant wishes to do so, submit in evidence any documents including video material and photographs, in support of its case.
- 8.31 It shall not be necessary for either the Presenter or the charged member to call any witness to confirm the authenticity of any document, video or photograph submitted in evidence.
- 8.32 Witnesses called by the Presenter shall be required to take the oath or make an affirmation.

8.33 The charged member or his representative may cross examine any witnesses called by the Presenter and question the relevance and evidentiary value of any other evidence produced.

8.34 The Presenter may re-examine any witness after the cross-examination.

Close of Complainant's Case

8.35 The complainant shall close its case after presenting the evidence of its witnesses and documentary evidence, and shall inform the Chairperson of the Disciplinary Proceedings accordingly.

8.36 The charged member shall call his witnesses and produce documentary evidence, video material and photographs in defence of his case and, if he chooses, in mitigation of sanction.

8.37 The Prosecution may cross examine any witness called and question the relevance and evidentiary value of any documentary evidence produced.

8.38 The charged member or his representative may re-examine any defence witness.

8.39 The charged member shall close his case after presenting the evidence of witnesses and documentary evidence and shall inform the Chairperson of the Disciplinary Proceedings accordingly.

8.40 Both Parties shall be afforded an opportunity to present argument, orally or in writing, which may include argument in aggravation and/or mitigation of sanction.

8.41 After both Parties have closed their respective cases, the Chairperson of the Disciplinary Committee must:

- (a) ensure that the members of the Disciplinary Committee discuss the issues raised at the disciplinary proceedings in private, immediately after all the evidence has been led or during an appropriate period of adjournment;

- (b) make a finding based on the facts and evidence of the case and make a ruling. If a charged member is found guilty, such ruling shall include a sanction as provided for in the ATM Constitution;
- (c) ensure that the Disciplinary Committee informs the Secretary General or the relevant Provincial Secretary of the ruling and sanction;
- (d) ensure that the charged member is advised of the ruling and the sanction of the Disciplinary Committee together with reasons, and of his right to appeal; and
- (e) ensure that the ruling and sanction is publicly announced.

This Constitution is approved and is in force and operational as from the latest date of the signatories.

Thus signed and endorsed at Bloemfontein on 30 November 2018:

| Name and Surname | Position | Signature |
|------------------------|------------------------------|-----------|
| 1. Caesar Nongqunga | ATM Spiritual Head & Founder | |
| 2. Vuyolwethu Zungula | ATM President | |
| 3. Thandisizwe Khukula | ATM Secretary General | |