



# CONSTITUTION OF THE SOUTH AFRICAN NATIONAL CIVIC ORGANISATION

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## **i. PREAMBLE**

- A. The South African National Civic(s) Organisation ("SANCO"), pledge our commitment to a unified, democratic, non-sexist, non-racist, non-exploitative South Africa based on the freedoms, rights and values enshrined in the Bill of rights of the Constitution of the Republic of South Africa Act 108 of 1996.
- B. SANCO, as a progressive revolutionary civic movement, is constituted by the paid-up members who are residents of the Republic of South Africa and is founded on the basic needs, aspirations and expectations of the people, our guiding principles are "People-Centred and People-Driven Development".
- C. SANCO believes that the commitment referred to above and the attainment of our aims and objectives can only be achieved in a united country with strong governance, an effective civic movement and a vibrant civic society.
- D. SANCO believes that whilst it is a South African organisation it has a responsibility to link with regional, continental and global civil society organisations that share similar aims and objectives, it will therefore endeavor to collaborate with such civil society organisations.
- E. SANCO endeavors to promote nation-building, the notion of a developmental state, socio-economic and political development, reconstruction, transformation, peace, prosperity and social cohesion.
- F. SANCO is a non-political organisation with a political interest;
- G. SANCO therefore, commits itself to the attainment of the following goals:
  - i. Improvement of the living conditions of all the residents of South Africa;
  - ii. Eradication of homelessness and insecurity;
  - iii. Eradication of poverty, unemployment and inequality
  - iv. Building of a united South Africa;
  - v. Promotion of socio-economic and political justice for all;
  - vi. Creation of empowerment structures for effective economic empowerment;
  - vii. Job creation, wealth creation and distribution of resources in particular to the indigent component of our communities;
  - viii. Attainment of social security and comfort for all;
  - ix. Contribution to the promotion and protection of the freedoms, rights and values enshrined in the Constitution of the Republic of South Africa;
  - x. Promoting the participation of youth, women and people with disabilities in all its activities that would better their situation;
  - xi. Support and promotion of the struggle for the rights of children and people with special needs;
  - xii. Contribution to the reconstruction and development in South Africa;
  - xiii. Elimination of all vestiges of apartheid;
  - xiv. From time to time, collaborate with organisations and civil society formations, with similar objectives, that will support it to attain its aims and objectives;
  - xv. From time to time, collaborate with regional, continental and international civil society formations to attain its aims and objective. It will further collaborate and support regional, continental and international civil society formations to share information



and support their campaigns in achieving their respective aims and objectives in line with our broad solidarity activities; and deepening democracy

- xvi. To ensure that the principles enshrined in the Freedom Charter are implemented and or achieved in South Africa

## ii. DEFINITIONS

1. **“SANCO”** means South African National Civic Organisation
2. **“NEC”** National Executive Committee
3. **“NWC”** means National Working Committee
4. **“NOB”** means National Office-Bearers
5. **“NGC”** means National General Council who reviews and or assesses performance of the National Executive Committee
6. **“PEC”** means Provincial Executive Committee
7. **“PWC”** means Provincial Working Committee
8. **“PGC”** means Provincial General council
9. **“POB”** means Provincial Office-Bearers
10. **“REC”** means Regional Executive Committee
11. **“RWC”** means Regional Working Committee
12. **“RGC”** means Regional General Council
13. **“ROB”** means Regional Office-Bearers
14. **“ZEC”** means Zonal Executive Committee
15. **“ZOB”** means Zonal Office-Bearers
16. **“BBC”** means Biennial Branch Conference
17. **“BEC”** means Branch Executive Committee
18. **“BGM”** means Branch General Meeting
19. **“BOB”** means Branch Office-Bearers
20. **“AC”** means Area Committee
21. **“SC”** means Street Committee
22. **“Branch”** means a primary unit of SANCO the demarcation of which is determined by township, a suburb and or a specific area where residents reside, or any area determined by the PEC and ratified by NECA branch shall be the prime structure of the organisation and shall be the principal representative of members at all conferences of SANCO.
23. **“Constitution”** means this constitution.
24. **“Sub-Committees”** means a sub-committee of all executive structures as determined by the respective executive structures from time to time as and when the need arises, with sub-committee cluster conveners.
25. **“Cluster convener”** means convener of the sub-committee





26. **“Executive Committee Member”** means a person elected and holds office within SANCO, either nationally, provincially, regionally, locally or at branch level.
27. **“Interim Structure”** means an Interim Coordinating Committee where a formal structure has been dissolved in terms of this Constitution by higher level or is in the process of being re-established.
28. **“Leadership”** means an Executive Committee member at all levels. Clarify
29. **“Member”** means a person who has filled a membership application form, obtained membership confirmation of membership, and who has not been expelled and agrees in writing by signing the electronic and or physical membership application form to adhere to organisational code of conduct as outlined in this constitution.
30. **“Provisional membership”** means any person or entity who applies to join the organisation for the first time or who re-join after a lapse of time.
31. **“National Office-Bearers”** means the President, Deputy President, National Chairperson, General Secretary, Deputy General Secretary, National Organisator and the National Treasurer.
32. **“Executive structure”** means and functional structure of SANCO which has executive powers.
33. **“Organisation”** means SANCO.
34. **“Province”** means a province as demarcated in the Constitution of the Republic of South Africa Act 108 of 1996.
35. **“Quorum”** means fifty percent plus one (50% +1) of serving members present as determined by the composition stipulated in each structure and shall apply to all SANCO meetings, councils and conferences at all levels unless specifically prescribed.
36. **“Region”** means an area, which has been determined by the province with the NEC ratification.
37. **“Zones and or sub-regions”** means an organ as defined by the boundary of a local municipality
38. **“Area”** means an organ defined by the Region.
39. **“Desk”** a Desk constitutes a Women's Desk, youth desk, disability desk and veterans' desk.
40. **“Voting Rights”** means a right bestowed on a member of SANCO to vote.





## 1. INTERPRETATION

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

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

## 2. THE SANCO IDENTITY

- 1.1 The name of the organisation shall be **South African National Civic Organisation**, hereinafter referred to as “**SANCO**”.
- 1.2 The colours of SANCO shall be *black, green, gold, and red* with gold being the dominant color of the logo, T-shirts & banners, with the letters SANCO beneath the logo.
- 1.3 The slogan in the banner shall be “**People-Centered and People-Driven development**”.
- 1.4 The National Office (**Headquarters**) of SANCO shall be in Gauteng Province and its actual location shall be determined by the NEC from time to time.
- 1.5 In its documents SANCO shall use English, but promotes use of other official languages as and when is required and or whenever possible.
- 1.6 Any person or entity desirous of utilizing the name, logo or brand of SANCO may only do so with the express written consent by the General Secretary of SANCO.

## 3. THE MISSION OF SANCO

- 2.1 The mission of SANCO is to build an independent, democratic, mass based and effective organisation through among others, mobilizing, recruiting, organising and concertizing the people of South Africa with special regard to the needs of communities, women, the youth, people with disabilities, the poor and previously disadvantaged individuals (PDIs);

- 2.2 To collaborate with civil society organisations in South Africa, the Southern African Region, the African Continent and globally. To this extent SANCO will participate in the regional, continental and global institutions and structures where civil society input is required.

## 4. AIMS AND OBJECTIVES

The Aims and Objectives of SANCO shall be the following:

- (1) To achieve the goals set out in the preamble;

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- (2) To promote and advance effective empowerment and capacity-building of its leaders, members and the community at large, through projects, programs, campaigns, education and training;
- (3) To represent and negotiate, on behalf of its members or society, with other parties, organisations, and authorities on any matter affecting their interests and or rights;
- (4) To lobby authorities to propose favorable legislation and to comment on any proposed law, action or policy of any authority affecting the interests and or rights of its members and or society in general;
- (5) To institute legal proceedings and any other action on behalf of its members, and to defend residents' legal interests and or rights either individually or collectively;
- (6) To co-operate with those progressive organs of civil society locally, regionally and internationally which have similar aims and objectives;
- (7) To conduct, co-ordinate and publish research on developments pertaining to socio-economic and political issues and any other issues of public interest affecting members and residents;
- (8) To form a Trust on behalf of its members, which Trust shall be the shareholder of a SANCO related investment entity;
- (9) To establish and promote community projects and co-operatives;
- (10) To do such things as may be in the interest of the organisation, its members, as specifically provided for in the constitution.
- (11) To establish a SANCO development Institute (SDI) whose key responsibility shall be to manage community projects and build the capacity of SANCO members on behalf of SANCO. The institute shall further be responsible to raise operational and project funding for SANCO and or as instructed by the NEC

## 5. MEMBERSHIP

- (1) Membership shall be open to:-
  - (a) All citizens and or residents in the Republic of South Africa irrespective of race, colour, sender, political affiliation, class and geographical location over the age of 18 years;
- (2) All members of SANCO shall abide by its Constitution and code of conduct.
- (3) All individual members of SANCO shall be registered into the branch membership database;
- (4) The Branch Executive Committee in consultation with the NEC shall have the power to accept or refuse any application for membership. If the BEC does not exist the REC or PEC shall assume responsibility. In a case where an centralized electronic membership system is introduced, signing into the electronic system shall be regarded as an acceptance of membership by SANCO
- (5) Membership cards may be issued by the NEC to registered members of SANCO and to persons whose application for membership has been accepted, subject to payment of the subscription fee as determined from time to time by the NEC.
- (6) A person or organisation whose application for membership has been temporarily accepted, subject to finalisation (review) shall be issued with the following:
  - i. A temporary membership proof as acknowledgement of provisional membership detailing the branch and or constituency in which the applicant/ temporary member resides;
  - ii. A temporary membership number





- iii. A copy of the constitution of SANCO directly or through an electronic link
- (7) A member who signs into the membership system electronically and or physical automatically bind himself and or herself to the following:
  - i. To abide by the constitution of SANCO without reservations
  - ii. Grants SANCO the right to share their information with other parties to further its interest within the constraints of the laws of the Republic of South Africa.
- (8) An individual shall cease to be a member of SANCO on the happening of any of the following:
  - i. If found guilty by the court of law for any crime which the NEC in its discretion, regards as serious and warranting termination of membership and may include, but limited to, crimes involving dishonesty or any violation of human rights;
  - ii. If he/she dies; and if he/she is expelled from the organisation after a Disciplinary Hearing has been held.

## 6. RIGHTS AND DUTIES OF MEMBERS

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

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- h) Deepen his/her understanding of the social, cultural, political and economic problems of his/her community and country as a whole;
- i) Take all the necessary steps to understand and carry out the aims, policies, programmes and activities of SANCO; and
- j) Observe discipline; behave honestly and carry out the decisions of the majority and those of higher structures within SANCO.
- k) Attend capacity building programs as decided by the NEC and or other structures.

## **7. LEGAL STANDING AND COMPOSITION OF SANCO**

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

## **8. STRUCTURES / ORGANS OF SANCO**

- (1) SANCO shall be sub-divided into National, provinces, regions, zones, branches, areas, villages and streets, but shall retain its four spheres namely national, provincial, regional and branch, all of which shall all be answerable and or accountable to the National Executive Committee (NEC)



- (2) Any elected executive member of SANCO can attend any meeting of a lower structure provided that due protocol is observed.
- (3) SANCO consists of the following structures, existing in five spheres:
  - a) National Conference
  - b) National Executive Committee (NEC)
  - c) National Working Committee (NWC)
  - d) National Office-Bearers (NOB)
  - e) National General Council (NGC)
  - f) Provincial Conference
  - g) Provincial Executive Committee (PEC)
  - h) Provincial Working Committee (PWC)
  - i) Provincial General council (PGC)
  - j) Provincial Office-Bearers (POB)
  - k) Regional Conference
  - l) Regional Executive Committee (REC)
  - m) Regional Working Committee (RWC)
  - n) Regional General Council (RGC)
  - o) Regional Office-Bearers (ROB)
  - p) Zonal Conference
  - q) Zonal Executive Committee (ZEC)
  - r) Zonal Office-Bearers (ZOB)
  - s) Biennial Branch Conference (BBC)
  - t) Branch Executive Committee (BEC)
  - u) Branch General Meeting (BGM)
  - v) Branch Office-Bearers (BOB)
  - w) Area Committee (AC)
  - x) Street Committee (SC)
  - y) Block committee
  - z) Village committee sphere

## 9. THE NATIONAL CONFERENCE

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

## 10. COMPOSITION

The National Conference shall be composed of;

- a) 80% branch delegates. Each branch delegation shall be proportional to the membership of each branch according to the formula to be determined by the NEC from time to time. This determination shall be binding on all branches.
- b) 20% of all NEC, PEC, REC, ZEC members in good standing at the time of conference.
- c) Non-voting delegates invited as per NEC resolution.





## **11. POWERS AND DUTIES**

1. The National Conference shall:
  - a) Elect the National Executive of forty five (45) members inclusive of the National Office-Bearers;
  - b) Decide and determine the policy, programme and constitution of SANCO.
  - c) Receive and discuss the reports of the NEC, including the Presidential address, Treasurer's report and the General Secretary's report. The latter report shall include a report on the work and activities of all SANCO structures;
  - d) Has powers to review, ratify, alter or rescind any decision taken by any of the constituent bodies, structures or officials of SANCO; and which is inconsistent with the national policy as determined from time to time by the NEC;
  - e) Has the power to elect or appoint any commission or committee and assign special tasks and duties to such commission or committee, as the case may be.

## **12. NATIONAL EXECUTIVE COMMITTEE**

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

## **13. COMPOSITION**

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

## **14. MEETINGS**

- (5) The NEC shall ordinarily meet at least once every four (4) months on a date fixed by the National Working Committee. Special meetings of the NEC shall be called by the General Secretary upon resolution of the NWC or upon written requisition of not less than two thirds of the provinces.
- (6) Seven (7) days' notice of the NEC meeting shall be given to each provincial representative provided that in the case of a special or urgent meeting, shorter written notice of not less than three (3) days shall be given. All NEC leadership must confirm attendance within 2 days of receipt of notification.

## **15. POWERS AND DUTIES**

- (7) The NEC shall:
  - a) Establish Sub-Committee and appoint Conveners for those Sub-Committees;
  - b) Carry out the resolutions of the National Conference and the National General Council;
  - c) Issue and send directives and instructions to and receive reports from provinces;





- d) Set-up committees and determine their nature, membership and scope;
- e) Enforce discipline in terms of relevant clauses in this Constitution;
- f) Develop programmes and establish projects in accordance with the aims and objectives of the organisation;
- g) Endeavour to mediate and settle any disputes within and between structures;
- h) Dissolve the leadership of the province, region, zone, branch or area committee after consultation with the immediate upper structure where it deems it necessary and establish an Interim Coordinating Committee immediately;
- i) Terminate in consultation with the Branch the membership of any individual member after following due process in terms of this Constitution;
- j) Open and operate a central banking account in the name of SANCO into which monies raised shall be placed and administer such funds;
- k) Acquire, either by purchase, lease, or otherwise any movable or immovable asset on behalf of SANCO;
- l) Approve annual audited financial statements and balance sheets of the organisation and approve the budget presented by the NWC;
- m) Co-opt and appoint any person or persons to fill vacancies within the NEC, provided such vacancies are not more than 25% of the NEC and are not in the NOB; such persons shall enjoy two-thirds support of provinces as represented by Provincial Chairpersons and Secretaries.
- n) In the case of NOB, the NEC shall fill the vacancies in acting capacities with members from the NEC pending the consideration of the NGC;
- o) Deal with such matters as are specifically delegated to it by the National Conference;
- p) Facilitate and encourage co-operation among SANCO structures;
- q) Demand and receive reports from provinces;
- r) Manage and control all national property and funds for SANCO;
- s) Convene meetings of the National Conference and the National General Council;
- t) Issue and send directives and instructions to all other structures of SANCO through their immediate higher structures;
- u) Afford legal and other assistance to all SANCO structures and members in furtherance of the aims and objectives of SANCO;
- v) Ensure that all structures of SANCO function effectively and democratically;
- w) Ensure that all leadership structures have a minimum of thirty percent (30%) representation of women;
- x) Within sixty (60) days the NEC shall hold its first meeting during which fifteen (14) national working Committee members shall be elected from the forty three (43) directly elected and or co-opted members of the NEC.
- y) Enter into relationships with progressive civil society formations locally, regionally, continentally and globally.



## 16. NATIONAL WORKING COMMITTEE

- (1) There shall be a National Working Committee (NWC).

## 17. COMPOSITION

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

## 18. POWERS AND DUTIES

- (3) The National Working Committee shall:
- Carry out decisions and instructions of the NEC;
  - Submit a report at each NEC meeting;
  - Delegate its powers in between the meetings of the National Working Committee, to the National Office-Bearers, who will take whatever decisions they deem appropriate for SANCO on behalf of the National Working Committee;
  - Deal with such matters as are specifically delegated to it by the NEC and the National Conference; and
  - Assume all powers of the National Executive Committee in between National Executive Committee meetings as provided for in clause 11 (5)
  - Institute and/or defend legal proceedings against SANCO and to appoint a person or persons to sign any documents for or on behalf of the organisation;
  - Be responsible to oversee all commercial investments of the organisation;
  - Appoint Trustees subject to letters of authority being issued by the Master of the relevant High Court to the respective SANCO Trusts and approve/ratify appointment of SANCO business ventures at all levels of SANCO structures;
  - Appoint and or recommend directors to the SANCO Development Institute and or other entities where SANCO is a shareholder.
  - Supervise and direct the work of SANCO generally;
  - The NWC shall ordinarily meet at least bi-monthly on the date to be fixed by the National Office-Bearers.
- (4) Special meetings of the NWC shall be called by the National Office-Bearers through the General Secretary upon resolution of NOB or written requisition of not less than two-thirds of the NWC members.
- (5) The NWC shall have the powers to hold a special meeting should it be deemed necessary.
- (6) Seven (7) days' notice of the NWC meeting shall be given to each NWC members provided that in the case of a special or urgent meeting, shorter written notice of not less than three (3) days shall be given. All NWC leadership must confirm attendance within 2 days of receipt of notification.





- (7) If an NWC member does not attend a committee meeting, there must be a written apology or explanation for non-attendance forwarded to the Secretariat before the meeting, failing which such member shall be guilty of misconduct.
- (8) Should a member fail to attend three (3) consecutive committee meetings without accepted apologies or explanation apologies, such member shall be deemed to have abandoned his/her office and will be notified in writing within 7 days of non-attendance of last meeting.
- (9) The member should be replaced in the next NEC (or special NEC) meeting.
- (10) However should the member be an NOB member the matter shall be referred to the NEC for determination

## 19. NATIONAL OFFICE-BEARERS

### GENERAL DUTIES OF NATIONAL OFFICE-BEARERS

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

### SPECIFIC DUTIES OF NATIONAL OFFICE-BEARERS

- (2) The **President** shall:
  - a.) Be a political head and face of the organization (SANCO);
  - b.) Make pronouncements for and on behalf of the NEC, outlining and explaining the policy of SANCO on any question, provided that this is done within the values and principles of SANCO;
  - c.) Be leader of SANCO delegations in meetings with all persons and organisations;
  - d.) Be responsible for presenting the National Conference with Comprehensive political statement of the political situation generally at relevant levels;
  - e.) Be one of the signatories of SANCO national bank account;
  - f.) Be the custodian of SANCO policies, principles and guidelines.
- (3) **Deputy Presidents** shall, over and above deputizing the President,
  - a.) carry out all tasks as given to him/her by the NEC or the NWC;
  - b.) In the event of the death or permanent incapacity of the President and or the Deputy President, the NEC shall, as soon as possible, appoint an acting President or deputy until such time as the National Conference meets;
  - c.) Be responsible for policies advocacy with alliance, allies and Internal Relations matters;
  - d.) Ensure that provincial PEC's are supported in between NEC's;
  - e.) Be responsible for civic education and cadre development within NEC

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- (4) The **National Chairperson** shall;
- a.) preside over all meetings of the National Conference, NGC, NEC, NWC, NOB and all other national functions;
  - b.) Act as President during the absence of both the President and the Deputy President;
  - c.) have the authority to take decisions after consultation with the President about any meeting that is subjected to peculiar conditions foreign to the organisation;
- (5) The **General Secretary** shall;
- a.) be a full-time office bearer, head of administration, accounting officer, CEO and appointing officer of the organisation provided that the organization is able to meet his or her financial obligations;
  - b.) be responsible for processing and record-keeping of all correspondence in the National Office;
  - c.) generally administer the affairs of SANCO at national level; and keep the NOB informed with regard to relevant developments;
  - d.) co-ordinate meetings of SANCO at national level and be responsible for the distribution of minutes and all other relevant documentation;
  - e.) attend all meetings of SANCO and be responsible for the minute-taking at all meetings;
  - f.) head the administration, co-ordinate commercial ventures and receive reports from all structures of SANCO;
  - g.) present and submit to the National Conference, NGC, NEC and NWC, an assessment and evaluation report on the performance and external impact;
  - h.) after consultation with the President, issue press statements and deal with the media to make SANCO's aims and objectives, policies and principles known to the public;
  - i.) engage employees of the organisation and fix their conditions of employment and define their duties based on recommendations from the NOB;
  - j.) Be responsible for performance of staff and sub-committees.
  - k.) Shall sign-off approval of existence of each branch.
  - l.) Be one of the signatories of the national bank account.
- (6) **Deputy General Secretary** shall;
- a) Deputize the General Secretary; and
  - b) Over and above deputising the General Secretary, shall
    1. Be responsible for coordinating provincial reports
    2. Ensure that constitutional structures of provinces are active and hold meetings as required by the Constitution
    3. Be responsible for logistical arrangements at NGC and national conference
    4. Carry out such additional tasks as the NEC or NWC may instruct.
    5. Be responsible for performance of staff and sub-committees
- (7) The **National Organiser** shall;
- a. Be part of the Secretariat collective
  - b. Be head of the recruitment drive of the organisation;
  - c. Ensure that a unitary membership system is in place
  - d. Ensure that renewal of membership is up-to-date;



- e. Oversee the production and distribution of membership cards;
- f. Ensure that campaigns are undertaken and rallies and marches are conducted safely and lawfully;
- g. Keep, update and reconcile membership statistics;
- h. Ensure that structures of the organisation are properly launched.
- i. Submit monthly reports to the Secretariat.
- j. Shall be responsible to organise SANCO Campaigns.
- k. Maintain a credible register of all SANCO branches. Each branch on the register shall show a sign-off approval by the General Secretary.

#### **(8) National Treasurer**

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

#### **20. SUB-COMMITTEES**

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

#### **21. NATIONAL GENERAL COUNCIL**

(1) A National General Council shall be held 2 years and 6 months of the term of the NEC to consider the following:

- a) Assessment of the performance of the organisation, based on conference resolution;
- b) Adopt policies needed in organization





- c) Review existing policies of the organisation's and make recommendations as and when applicable
- d) To fill vacancies and to evaluate decisions taken by the NEC since the last National Conference
- (3) The National General Council shall be the highest decision-making body in between the National Conference.

## **22. PROVINCIAL CONFERENCE**

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

## **23. PROVINCIAL EXECUTIVE COMMITTEE**

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

## **24. COMPOSITION**

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

## **25. POWERS AND DUTIES**

- a) The PEC shall:
  - (3) Establish Sub-Committees and appoint Conveners for those Sub-Committees;
  - (4) Carry out the resolutions of the National Conference,
  - (5) Issue and send directives and instructions to and receive reports from regions;
  - (6) Set-up committees and determine their nature, membership and scope;
  - (7) Enforce discipline in terms of relevant clauses in this Constitution,
  - (8) Develop programmes and establish projects in accordance with the aims and objectives of the organisation;
  - (9) Endeavour to mediate and settle any disputes within and between structures;





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



## **26. PROVINCIAL WORKING COMMITTEE**

(1) There shall be a Provincial Working Committee.

## **27. COMPOSITION**

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

## **28. POWERS AND DUTIES**

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

## **29. MEETINGS**

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





### **30. PROVINCIAL OFFICE BEARERS**

#### **GENERAL DUTIES OF PROVINCIAL OFFICE-BEARERS**

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

### **31. PROVINCIAL GENERAL COUNCIL (PGC)**

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

### **32. COMPOSITION**

- (2) A PGC shall comprise:
  - a) PEC members;
  - b) At least one (1) representative from each branch;
  - c) Some REC members/ and or regional office bearers;

### **33. POWERS AND DUTIES**

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

### **34. REGIONS**

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



### 35. REGIONAL CONFERENCE

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

### 36. COMPOSITION

- (3) a) Each branch within the region shall be entitled to send delegates to the regional conference proportional to its membership.
- (4) The Regional Conference shall be composed of:
  - (i) Voting delegates as follows:
    - a) At least 90% (ninety percent) of the delegates at the Conference shall be from Branches in the Region, elected at properly constituted Branch Executive Committees and or Branch General Meetings.
    - b) The number of delegates per Branch shall be in proportion to their paid up membership, provided that each Branch in good standing shall be entitled to at least 1 (one) delegate.
    - c) All members of the Regional Executive Committee shall attend ex-officio as full participants in and as delegates to the Conference.
  - (ii) Non-voting delegates

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

### 37. POWERS AND DUTIES

The Regional Conference shall:

- a) Promote and implement the decisions and policies of the PGC, the PEC, the PWC, and the POBs;
- b) Receive and consider reports by the Regional Executive Committee, which shall include the Chairperson's Address, the Secretary's report;
- c) Elect the Regional Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer and 15 (fifteen) additional members who shall hold office for 3 (three) years. A person must have been a member of SANCO for at least 3 (three) years before he or she can be nominated to a Regional Executive Committee of SANCO.





- d) Each Branch in good standing within a Region shall be entitled to send delegates to the Regional Conference in proportion to its members.
- e) A member elected to the REC shall resign from any position held in a lower structure in the ANC.
- f) There shall be at least one Regional General Council meeting in the course of each year with each Branch being entitled to send at least one delegate.
- g) A Special Regional General Council meeting may be convened by the Regional Executive Committee or the PEC or at the request of at least one third of the delegates.

#### **38. REGIONAL EXECUTIVE COMMITTEE**

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

#### **39. COMPOSITION**

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

#### **40. POWERS AND DUTIES**

- (a) The REC shall be accountable to the PEC for its functioning;
- (b) The powers of the REC are those as may be delegated to it by the PEC. In addition, the REC may, subject to the directions and instructions of the PEC, exercise the following powers:
  - (c) Meet as soon as possible after its election to elect the Regional Working Committee and meet as and when necessary but at least once a month;
  - (d) Carry out the policy and programme of SANCO in the Region and do all things necessary to further the interests, aims and objectives of the organization;
  - (e) Carry out the decisions and instructions of the Provincial Conference, the Provincial General Council, the PEC, the Regional Conference and the Regional General Council;
  - (f) Receive reports, supervise the work of, and delegate such functions to the RWC, as it considers necessary;
  - (g) Manage and control funds and assets of SANCO in the Region;
  - (h) Submit reports to the PEC, the Regional Conference and the Regional General Council, as often as required, on the state of the organization, the financial position of the region, and such other matters as may be specified;

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- (i) Request and receive reports from the Branches and other sub-structures in the Region;
- (j) Recommend to the PEC the suspension or dissolution of a BEC, A Zonal Committee or a Sub-Regional Committee;
- (k) The REC may co-opt not more than 3 (three) persons, in order to provide for a balanced representation that reflects the true character of the South African people.
- (l) In accordance with the above, not less than 50% (fifty percent) of the directly elected and co-opted members of the REC must be women.
- (m) Convene an RGC at least twice annually.
- (n) The REC shall divide the Region into Sub-Regions and Zones after consultation with the PEC.
- (o) Organise, establish and service (ensure that they are existing and that they are functioning and provide assistance) to branches in the region and supervise the work of the zones/ sub- regions in the region;
- (p) Establish Sub-Committees and appoint Conveners for those Sub- Committees. Within thirty (30) days the REC shall hold its first meeting during which eight RWC members shall be elected of which Six of these members are to be from the ROB.

#### **41. REGIONAL WORKING COMMITTEE**

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

#### **42. COMPOSITION**

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

#### **43. POWERS AND DUTIES**

The RWC shall:

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





#### **44. MEETINGS**

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

#### **45. REGIONAL OFFICE BEARERS**

##### **GENERAL DUTIES OF REGIONAL OFFICE-BEARERS**

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

#### **46. REGIONAL GENERAL COUNCIL**

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

#### **47. COMPOSITION**

An RGC shall be composed of:

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

#### **48. POWERS AND DUTIES**

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



#### **49. ZONAL / SUB REGIONAL CONFERENCE**

- (1) Each zone/ sub-region shall hold a conference once in every two years to elect Zonal Executive Committee and Seventy percent (70%) of branches in good standing within the zone/ sub- region shall constitute a threshold to hold a zonal conference.
- (2) Each zone/ sub- region shall ensure social dialogue on civil society matters are discussed and local development plans based on people's power should emerge
  - a) Mass mobilisation strategy and tactics to be localised and detailed programmes developed
  - b) Accountability and reporting on programmes and solutions are critical

#### **50. COMPOSITION**

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

#### **51. ZONAL/ SUB- REGIONAL COMMITTEE**

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

#### **52. COMPOSITION**

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

#### **53. POWERS AND DUTIES**

- (a) The Sub-Region shall be a coordinating structure with no executive powers other than those delegated to it by the REC in writing.
- (b) The Sub-Region shall hold a meeting at least twice every month to consider branch reports.
- (c) The Sub-Region shall submit a report monthly to the regional office.
- (d) The Sub-Region has a right to make recommendations to the REC for considerations.
- (e) The Sub-Region shall convene an Annual General Meeting (AGM) where all BEC members within a zone shall attend.





- (g) Be responsible for carrying out the decisions and directives of the Sub-Regional Conference, PEC and REC;
- (h) Organise, establish and service branches in the sub-region and supervise the work of the branches in the sub-region;
- (i) Carry out the policies and programmes of SANCO and do all things necessary to further the interests, aims and objectives of the organisation;
- (j) Consult with REC on issue relating to policy matters.

#### **54. BRANCH**

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

#### **55. BIENNIAL BRANCH CONFERENCE**

##### **COMPOSITION**

1. (a) The biennial branch conference shall be attended by members in good standing.
- (b) The BEC shall attend the meeting with full voting rights.
- (c) A deployee from the REC without voting rights shall attend the meeting.

#### **56. POWERS AND DUTIES**

2. The biennial branch general meeting shall:
  - a. Elect the Branch Executive Committee.



- b. Determine the branch programme.
- c. Consider branch reports from the Chairperson, Secretary and Treasurer.

## **57. BRANCH EXECUTIVE COMMITTEE**

### **COMPOSITION**

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

## **58. MEETINGS**

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

## **59. POWERS AND DUTIES**

- 3. (a) The BEC shall divide the branch into areas, in accordance with voter district (VD) demarcation.
- (b) The BEC shall establish area, block, village and street committees.
- (c) The BEC shall receive and consider membership applications.
- (d) The BEC may reject membership application of any potential member on the grounds consistent with this constitution.
- (e) The BEC shall state reasons in writing for the rejection of the application and advise such unsuccessful applicant of his/her right to appeal the PEC subject to being notified in writing as to whether or not the BGM has sanctioned such rejection within 10 working days of receipt of such notification
- (f) The BEC shall present a report on rejected applications to the BGM for consideration as to whether or not such applicant should be accepted
- (g) The term of office of the BEC shall be two years.
- (h) The BEC shall implement national conference resolutions, aligned to Provincial, regional situations.
- (i) The BEC shall ensure that the local communities within its auspices are aware of their basic human rights and to do all things necessary in this regard.
- (j) The BEC shall ensure regular community outreach programmes and consultations with the community in respect of their basic human rights.
- (k) The BEC shall ensure that alliance relations are cordial.

## **60. BRANCH OFFICE BEARERS**

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





- e) Be competent to take decisions and make recommendations to the BEC.

## **61. COMMITTEES, SUB-COMMITTEES AND SPECIAL COMMITTEES**

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

## **62. ELECTIONS AND VOTING**

- I. Nomination procedure and conduct of elections shall be made by resolution of NEC, PEC, REC and BEC preceding the conference where elections are to be held.
- II. All SANCO structures shall have the right to vote by means of secret ballot.
- III. Independent electoral officers shall be appointed by the NEC to conduct national and Provincial elections.
- IV. Elections of all the structures below shall be conducted by the immediate higher structure and or by the Independent Electoral Officers appointed by the immediate upper structure.
- V. Each voting delegate shall be entitled to one vote.
- VI. At a national, provincial, regional, zonal and branch level, only mandated delegated and executive committee members of each relevant level shall be entitled to participate in the elections save where specifically provided for in this Constitution.
- VII. No interim structure shall have voting rights and no persons from an interim structure shall be eligible to be voted into office at higher level unless otherwise that person serves in a particular structure in the organisation.
- VIII. The following periods of membership applies before a member can qualify to be elected to hold an executive office in the organisation:
  - (a) 5 years for National Executive Committee;
  - (b) 4 years for Provincial Executive Committee;
  - (c) 3 years for Regional Executive Committee;
  - (d) 2 years for Zonal Executive Committee; and
  - (e) 2 years for Branch Executive Committee.
- a. These conditions shall not apply to members and or candidates who are already serving and or have served in structures of allied organisations.

## **IX. Objections**

- a. Any delegate has a right to object citing admissible and not inflammatory reasons why a specific candidate nomination must not be accepted by the Electoral Commission.
- b. Such an objection shall be in writing and comprehensive.
- c. The ruling of the Independent Electoral Officer on the objection raised shall be final



- d. Any objection to the election results once election have been declared free and fair by both the Electoral Commission and the observes should be submitted to the General Secretary within seven days of the conference.
- e. The ruling of the Independent Electoral Commission on such an objection shall be final.

### **63. SANCO EMPLOYEES**

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

### **64. BANKING ACCOUNTS**

- a. Any person or entity opening a bank account in the name of SANCO must from the effective date of this constitution have written consent from the National Treasurer to open such account.
- b. Any account to be opened in the name of SANCO after the effective date shall only be done by written authority, provincially by the PS and nationally by the NS.
- c. The National team will be tasked with the responsibility of ensuring all accounts in the name of SANCO are accounts approved by the NEC and PEC in the case of provinces.
- d. Any current accounts not approved by structures should be terminated on the effective date of the constitution.

### **65. FINANCE AND FUNDING**

- 1. Any funding required will have to be approved by the General Secretary.
- 2. Any person may if they have their own funding utilize such funds with the approval of the General Secretary, bearing in mind the audit process in place in terms of the Constitution.
- 3. A person/s in their ordinary capacity will be personally liable should they fail to obtain the requisite approval from the General Secretary.
- 4. Each Province shall be liable for all financial implications emanating from the use of funds of that Province.

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5. Funding for legal assistance:
  - a. Any person requiring funding for legal assistance must have approval by the General Secretary;
  - b. Should such funding for legal assistance not be approved by the then any person requiring such funding may seek assistance from Human Resources alternatively the Legal Aid Board.
6. Any institution established on behalf of SANCO shall be underpinned by clearly defined reporting and accounting processes, and such entities shall be fully accountable to SANCO inclusive of SANCO Development Institute (SDI).
7. In respect of the SANCO Development Institute (SDI) all assets shall vest in SANCO and shall be the sole and exclusive property of SANCO.
8. The board of directors, Chief Executive Officer and Chief Finance Officer of such institutions shall be appointed by the NWC and ratified by the NEC of SANCO

#### **66. FORMER PRESIDENTS OF SANCO**

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

#### **67. CODE OF CONDUCT**

- (1) The NEC shall develop a code of conduct and rules and regulations for all members and these shall be in line with this Constitution. Which rules and regulations shall at least include Clause 27 (1) of this Constitution constitutes minimum rules and regulations.
- (2) The relationship among Executive Committee members at any level and ordinary members shall be as follows:
  - a) When a committee member has erred, another committee member shall first attempt corrective action before the issue is brought to the attention of the committee;
  - b) No member of any committee of SANCO shall unfairly criticise another member outside of a meeting or in public;
  - c) No member of SANCO shall be insulted or treated in a disrespectful manner by another member;
  - d) Character assassination, gossiping and unfair criticism is strictly prohibited ;
  - e) All members shall obey with the SANCO aims, objectives, principles and policies as well as this Constitution;
  - f) All members shall be disciplined, obedient and loyal to SANCO at all times;
  - g) Any SANCO member who transgresses the Code of Conduct shall be subjected to fair disciplinary action.

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- h) No member of SANCO may promote the interests of another organisation whose policies, aims and objectives differ or are contrary to those of SANCO;
- i) No member of SANCO may act in a manner that places the organisation into disrepute;
- j) A member of SANCO who contravenes this code of conduct or any provision of this Constitution relative to conduct shall be guilty of an offence and on being found guilty by the Disciplinary tribunal, be given an appropriate sentence.
- k) No leader of SANCO shall be sexually involved with employees of the organisation at all levels of the organization save in the event of married couples.
- l) A leader of SANCO should conduct himself and or herself in a manner that it promotes the integrity of the organisation
- m) No leader shall attend any meeting whilst under the influence of drugs or alcohol. Any leader found to be addicted to substance will be subjected to disciplinary hearing
- n) Any leader who is found guilty of rape, sexual abuse of women and or minors should be subjected to disciplinary hearing
- o) All members of SANCO shall conduct themselves in a caring manor to all community members.

## **68. RULES AND REGULATIONS**

1. The following rules and regulations shall be observed by all SANCO members:
  - a) The abuse of drugs and related narcotic substances is not allowed, and alcohol abuse is discouraged.
  - b) Abuse and disrespectful behavior towards other people is prohibited.
  - c) Behaving in a manner brings SANCO into disrepute shall constitute misconduct.
  - d) Unauthorised use of SANCO's property is strictly prohibited.
  - e) Disrupting meetings and interfering with the orderly functioning of SANCO is strictly prohibited and shall constitute misconduct.
  - f) Establishing parallel structures to existing constitutional structures shall be treated as a serious offence and may result in termination of membership. Attending meeting whilst intoxicated is strictly prohibited.

2. Any official who is alleged to have abused their authority to solicit undue favors shall be subjected to disciplinary hearings. This includes but not limited to money, unsavory relationships, and employment.

## **69. DISCIPLINARY CODE**

- (1) There shall be a disciplinary Committee at all levels of SANCO.
- (2) An appeal or a review from the decision of a disciplinary committee at any level will be heard by an immediate higher disciplinary structure.
- (3) For purposes of disciplinary hearings the disciplinary committees at all levels shall sit to deal with disciplinary matters as referred to them by the respective structures.
- (4) The highest disciplinary committee shall be the appointed Subcommittee of the NEC, referred to in 33(1)a.
- (5) Each disciplinary committee shall for the purposes of adjudicating on a matter, co-opt a person with a legal expertise.
- (6) All disciplinary committees shall be composed of





at least three members of the Executive Committee and where necessary a co-opted/appointed person with a legal expertise;

- a. For each disciplinary committee, the President or Chairperson, as the case may be, shall appoint a case presenter who will present the case for the organisation.
- b. Any person facing disciplinary action shall have the right to be represented if he / she so chooses by a SANCO member of good standing.

## **70. DISCIPLINARY PROCEDURE**

- (1) Any member who contravenes the provision of this constitution shall be subjected to disciplinary proceedings.
- (2) All Executive Committees at each level including branch/area committees shall have powers to suspend a member on reasonable grounds presented to it in writing and furnish such reasons as may be necessary
- (3) Any person facing disciplinary proceedings shall receive timeous written notice of the hearing containing the basic allegation against him. Such notice shall be given not less than fourteen (14) days before the hearing.
- (4) A party to a disciplinary hearing who is aggrieved by the decision of disciplinary structure has a right to note an appeal or review to an immediate higher structure within twenty one (21) days.
- (5) The member facing such disciplinary hearing shall be furnished with copies of statements of witnesses who may be called to testify at such hearings.
- (6) No leader of the organisation in any structure shall be removed from an elected position without due process being following including being approved by the NEC and or designated national structure.

## **71. PROCEDURE BEFORE THE HOLDING OF A DISCIPLINARY INQUIRY**

- (1) The inquiry shall be led by a case presenter who shall perform the following necessary tasks:
  - i) Conduct an investigation regarding the offence;
  - ii) Interview potential witnesses and take statements from them;
  - iii) Formulate the charges to be preferred;
  - iv) Send a written notice to the member informing him about the inquiry. This notice shall:
    - a. Inform the member about the time and venue of the disciplinary enquiry;
    - b. Inform the member about the time-frames within which to submit a request for further particulars to the charges;
    - c. Contain information with respect to the rights of the member. These rights of the accused shall include, among others, the right to:



- i. Be assisted in the presentation of the case by another member of SANCO;
- ii. Challenge the evidence of the witnesses of the case presented by cross-examination;
- iii. Raise preliminary objections, either to the way the charge have been formulated or to raise an objection regarding the composition of the disciplinary tribunal Raise objections during the proceedings, which objection may either be over-ruled or upheld
- iv. have the right to testify in person, if the member so chooses and or call witnesses
- v. Have the inquiry conducted in the language s/he understands, failing which, to request to be provided with an interpreter;
- vi. Be presumed innocent until proven guilty; and

## 72. DISCIPLINARY STRUCTURES

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

### (1) National Disciplinary Committee

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

### (2) National Disciplinary Committee of Appeals

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





### 73. CONDUCT OF THE DISCIPLINARY PROCEEDINGS

- (1) The presiding officer shall first introduce the panel; call upon the member presenting the case on behalf of SANCO to read the charge being preferred against the member.
- (2) The presiding officer shall, thereafter, proceed to explain to the member his rights in the same way that the case presenter did in his notice to the member
- (3) He shall inquire as to how the member intends to plead.
- (4) After these preliminaries, the case presenter shall commence with his case and or proceed to call witnesses, either by giving a summary of the case or proceedings to call his witnesses.
- (5) The member has the right to cross examine and or challenge the evidence of any witnesses.
- (6) The member may raise points in limine to be dealt with before the case begins.
- (7) The member is free to raise objections during the proceedings, which objections will either be overruled or upheld.
- (8) The member shall have the right to present his case present his case as soon as the case presenter has closed the case on behalf of SANCO
- (9) The member may either give an outline of his case and or proceed and or testify in his defense if he so chooses and or call witnesses.
- (10) During the proceedings he shall be given ample opportunity to consult with the person assisting or representing him.
- (11) After the close of the member's case, the presenter will address the tribunal in argument followed by argument by the member or his/ her representative as the case may be.
- (12) The presiding officer may either hand down his decision immediately or postpone to a later date should he/ she deem it necessary.<sup>13</sup> if the member is found guilty he or she has the right to address the tribunal in mitigation of sentence and or call witnesses.
- (13) The presiding officer may also pass sentence immediately or postpone it to a later date if he so chooses.
- (14) Both the case presenter and the accused may appeal the decision of a lower tribunal of a level immediately above that one.
- (15) When the proceedings have concluded, the Disciplinary Tribunal shall forward a written report to the relevant Executive Committee.



#### **74. REMOVAL OF AN ELECTED OFFICIAL**

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

#### **75. DISSOLUTION OF AN ORGAN/STRUCTURE**

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

#### **76. INDEMNITY**

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





## **77. ASSETS OF SANCO**

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

## **78. AMENDMENT OF THIS CONSTITUTION**

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

## **79. DISSOLUTION OF SANCO**

- (1) SANCO may be dissolved by a resolution of two-thirds of those present at a meeting of National Conference called specifically for the purpose.
- (2) Not less than twenty one (21) days' notice shall be given of such meeting and the notice convening such meeting shall clearly state its purpose and shall be circulated to all SANCO structures.
- (3) Upon the dissolution of SANCO the NEC shall be empowered to distributed assets in any manner decided by the special National Conference meeting, provided that such assets shall not be paid to or distributed among members of SANCO, staff members or to any persons associated with business of SANCO.



- (4) For the purpose of winding-up the affairs and dissolution of the assets of SANCO, the NEC may, by ordinary resolution, appoint one or more liquidators and determine the powers to be vested in such liquidators.
- (5) Should SANCO dissolution clause prevail, the assets of SANCO should be distributed or donated as the case may be to NPO's with similar aims and objectives. When the dissolution takes place SANCO would have to have paid all its debts.

**80. SIGNED BY:**

1. Skhumbuzo Mpanza *Skhumbuzo Mpanza* 31 OCTOBER 2015  
General Secretary Signature Date

2. Richard Mdakane *Richard Mdakane* 31/10/2015  
President Signature Date