

# CONSTITUTION of the DIRECT DEMOCRACY FORUM

## 1. PREAMBLE

The **DIRECT DEMOCRACY FORUM** (hereinafter referred to as **The Party**), is a political party in the process of formation in the Republic of South Africa and is founded to contest seats in the National Assembly of the Republic of South Africa, in order to introduce an upper house of parliament (the SENATE) drawn from the streets by a process of random selection from amongst members of pre-defined peer groups, and to introduce Total Economic Activity Levy (TEAL) as the sole source of state revenue for the Republic of South Africa and to amend the Constitution of the Republic of South Africa to reflect those two principles, and any other matters they feel should be included or amended in the said constitution, and, in the event that those objectives are achieved, to govern the Republic of South Africa during their term/s of office, in accordance with the amended or redrafted constitution.

The Party will be registered with the Independent Electoral Commission in accordance with the laws and regulations of the Republic of South Africa

## 2. TITLE

The Party shall be known as the **Direct Democracy Party** and / or the **DDF**

## 3 OBJECTIVES

The objectives of the Party are set out in the preamble hereto.

## 4 MEMBERSHIP

There are three classes of members **founder members, ordinary members** and **sponsor members**.

4.1 Founder members are those who together founded the party.

4.1.1 Founder Membership is a lifetime membership.

4.1.2 Founder members may resign their membership if they so desire.

4.2 Ordinary members are South African citizens who register as members on-line or complete membership application forms and submit them to the Party for approval and are then recorded as members in the records of the party.

4.3 Any membership, including founding membership, may be terminated by resignation or for other reasons as determined by the Party Leader/s.

4.4 Any member whose membership is terminated against his or her will has the right to appeal to the National Executive Council, who can recommend that the leader/s reverse the termination. The Leader/s are not obliged to follow such recommendations.

4.5 Membership of the Party does not imply a right to any of the moneys or assets of the Party.

4.5.1 Members are free of any financial liability associated with or arising from membership.

4.6 Except as otherwise specifically provided for, members may not loan or borrow moneys or contract in the name of or on behalf of the Party.

4.7 Membership of the party needs to be witnessed by possession of a valid Party Membership Card.

4.7.1 Party Membership cards may take any form determined by the Party Leaders from time to time.

4.7.2 Party members will be obliged to acquire new forms of membership cards (per 4.7.1 above) by the time the validity of any previous forms of card/s expire.

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## 5. LEGAL STATUS

- 5.1 The Party is a distinct and separate legal entity and body corporate, with the power to acquire, to hold and to alienate property of every and any description whatsoever, and with a capacity to acquire rights and obligations and having perpetual succession.
- 5.2 All actions, proceedings at law or any arbitration shall be brought by or against the Party in the name of the Party and the Party Leaders may authorise any person or persons to act on behalf of the Party and to sign all such documents and to take all such steps as may be necessary in connection with any such proceedings.

## 6. FUNDS OF THE PARTY

- 6.1 The funds of the Party shall consist of donations paid by members and others in cash or kind and such donations, contributions or bequests received by the Party shall remain the property of the Party to be used or disbursed of by the Party in pursuit of the objectives of the Party.
- 6.2 The Party has not been formed and does not exist for the purpose of carrying on any business that has for its objective the acquisition of gain by the Party or its individual members.
- 6.3 The Party shall not distribute any of its funds to any person and shall use its funds solely for the objectives for which it has been formed.

## 7. PARTY LEADERS

- 7.1 The party leaders are John Adrian Barrington, and Nofumene Winifred Mqweba who, as founding members and joint founding leaders, may not be removed from the position of leaders of the Party except by their own voluntary resignation.
  - 7.1.1 Members of the Party who take exception to management by or the management style of the Party leaders or who wish to change goals or direction of the party and who cannot resolve their differences through dialogue and negotiations with the the leaders, are free to resign and form a party which more readily suits their own vision and ideas of how a party should be run and what it's goals should be.
- 7.2 The management of the Party shall be vested in the Party Leaders as they may be from time to time and as they see fit, from time to time, but otherwise in accordance with this, the Party's constitution.
  - 7.2.1 In the event that the Party leaders are themselves not fulfilling their obligations to the party in terms of this constitution, aggrieved members are welcome to respond per 7.1.1 (above) or to have recourse to the courts.
- 7.3 The Party Leaders may appoint persons or institutions to manage the affairs of the Party as they deem necessary from time to time.
- 7.4 New or additional leaders may be appointed by the existing leaders, from time to time.
  - 7.4.1 New leaders must subscribe to the objectives of the Party and agree to act in support of those objectives.
  - 7.4.2 Failure to act in accordance with, or, acts in conflict with 7.4.1 (above) will summarily invalidate any such appointments.
- 7.5 In the event that the party finds itself without leaders, for whatever reason, the courts may be approached to appoint new leadership, provided such appointments comply with the objectives of the Party and the principles set out in the Party's constitution.

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### 8. PARTY STRUCTURES AND APPOINTMENT OF COUNCILLORS:

- 8.1 The Party is organised into Councils.
- 8.2 The most senior council is the National Executive Council (NEC).
  - 8.2.1 Membership to the NEC is
    - 1) Appointed by vote of and by Provincial Executive Councils (up to two members each) and
    - 2) Founder members who have lifetime appointments to the NEC.
- 8.3 The next most senior councils are the Provincial Councils (PCs).
  - 8.3.1 Membership to the PCs are appointed by vote of and by members of the City and Town Councils (one member each).
- 8.4 The next most senior councils are the City and Town Councils (CTCs)
  - 8.4.1 Membership of the CTCs are appointed by vote of and by members of the ward councils (one member each)
- 8.5 The lowest councils are the Ward Councils (WCs).
  - 8.5.1 Membership of Ward Councils are appointed by members resident in the wards.
  - 8.5.2 Ward councils should consist of between six to twelve members, depending on the number of the members in a given ward, so as to give reasonable members' representation on the ward councils.
- 8.6 Councils may also invite non elected members to join their councils as non-voting members.
  - 8.6.1 Such membership is intended to draw in persons of particular skills not otherwise represented in the elected council members.
- 8.7 Terms of Office:
  - 8.7.1 NEC Councillors who are Founder Members have lifetime membership of the party and of the NEC.
  - 8.7.2 All other elected or appointed councillors have a one year term of office from the date of their election or appointment and in any event will resign at the next meeting held to elect council members.
- 8.8 Elections to Councils:
  - 8.8.1 Wards will meet annually in February to appoint ward councillors from amongst their members and to appoint their CTC councillor.
  - 8.8.2 City and Town Councillors will meet annually in March so as to appoint their PC councillor.
  - 8.8.3 Provincial Councillors will meet annually in April so as to appoint their to NEC councillors.
- 8.9 Termination of Council Membership:
  - 8.9.1 Councillors, elected or appointed, may resign at will.
  - 8.9.2 Except for founding members, councillors may be removed from office:
    - 8.9.2.1 for non-fulfilment of duties.
    - 8.9.2.2 for three consecutive non-attendances at scheduled meetings.
    - 8.9.2.3 for behaviour which effectively brings the council, its members or The Party into disrepute.
    - 8.9.2.4 for acts or omissions which conflict with the objectives of the Party.
    - 8.9.2.5 by a special council meeting in terms of section 12.3 hereof.
  - 8.9.3 Removals from office per 8.9.2 (above) must be ratified by the Party Leaders.
  - 8.9.4 Members who feel they have unjustly been removed from council membership may appeal their termination with the Party Leaders.
- 8.10 Replacement of Council Members:
  - 8.10.1 Councils may replace terminated members by co-option ratified by simple majority vote at a formal council meeting, the agenda of which includes that specific replacement.

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### 9. ROLE OF COUNCILS:

The role of all levels of the councils and councillors is:

- 9.1 To convey upward to the more senior councils, each in turn, the needs of the ward members.
- 9.2 To elect council members to their immediately senior councils, each in turn.
- 9.3 To advise the party leadership on matters related to the party and the attainment of its objectives.
- 9.4 To disseminate and promote the aims and objectives of the Party.
- 9.5 To arrange functions to promote 9.4 above, said functions to require:
  - 9.5.1 Approval in principle of the Party Leaders.
  - 9.5.2 The specific and detailed budget approval of the Party Leaders.
- 9.6 To arrange a physical presence in the wards or Cities and Towns so as to adequately represent the party in those Cities, Towns and Wards, such activities to require:
  - 9.6.1 approval in principle of the Party Leaders
  - 9.6.2 specific and detailed budget approval of the Party Leaders.
- 9.7 Any funding required for such activities per 9.5 or 9.6 to come directly from the bank account maintained by the Party Leaders or by WCs or CTCs or PCs, from local bank accounts opened by the Party Leaders and run on an imprest system, for the purpose of funding elements of those activities which cannot realistically be funded through a centralised bank account nor be funded by direct donations of goods or services from local communities.
- 9.8 Appoint from its members a chairperson, a treasurer and a secretary to manage the affairs of the council.
- 9.9 To hold regular meetings (at least quarterly) to discuss the business of the council and to provide written reports, including accounts, to the successively senior councils on that business, such reports to be copied to the Party Leaders.
- 9.10 To mentor and motivate subordinate councillors and councils in the realization of 9.4 to 9.6 (above).

### 10. ACCOUNTS.

- 10.1 The Party Leaders will ensure that timely and accurate accounting records are kept and that monthly statements of account are made available to members of the NEC and Party Leaders.
- 10.2 The accounts should include budgets.
- 10.3 In particular the Accounts should reflect budget variances, if any, with explanations..

### 11 AUDITOR

- 11.1 The Annual Party Conference shall elect or appoint an Auditor or Auditors for the coming year.
- 11.2 The Auditor/s shall examine and audit all of the books and accounts of 'The Party' annually, and have the power to call for all books, papers, accounts, receipts and other records of 'The Party' and report thereon to the next Annual Party Conference.
- 11.3 The auditor should be a member in good standing of The South African Institute of Chartered Accountants who is registered with the IRBA.

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### 12. ANNUAL PARTY CONFERENCE AND COUNCIL MEETINGS:

#### 12.1 Annual Party Conference

members participating in the annual conferences or in any of the councils or in the election of any councils must be card carrying members.

12.1.1 The Annual Conference of 'The Party' must be held within six months of the end of 'The Party's' financial year.

12.1.2 The Secretary shall give at least thirty (30) days notice of the date of the Annual Conference, to members.

12.1.3 All card carrying members may attend the Annual Conference.

12.1.4 The quorum at the Annual Conference, shall be a minimum of thirty members.

12.1.5 The agenda for an Annual Conference shall be:

- ó Opening of Meeting
- ó Apologies
- ó Confirmation of Minutes of previous Conference
- ó Matters arising from the minutes
- ó Presentation of Annual Report
- ó Adoption of Annual Report
- ó Presentation and adoption of Treasurer's statement
- ó Appointment of Auditor
- ó Notice/s of Motion/s
- ó Other business (itemize)
- ó Vote of thanks to the NEC
- ó Closing

#### 12.2 Annual Council Meetings

12.2.1 Annual Council meetings will be held per section 8.8 hereof.

12.2.2 The Secretary of each council shall give at least fourteen (14) days notice, in writing, of the date of the Council Meetings to all the members of the councils. Notice of Council Meetings shall set out clearly the venue, time and business of the meeting. No other business shall be dealt with at that Meeting.

12.2.3 The quorum at all Council Meetings shall be a minimum of five members.

#### 12.3 Special Council Meetings

12.3.1 Special Council Meetings may be called by the a Council's Superior Council or at the request of the Party's leaders or at the written request of twenty card carrying party members in good standing of 'The Party', which the council represents.

12.3.2 The Secretary shall give at least fourteen (14) days notice, in writing, of the date of the Special Council Meeting to all the card carrying members whom the council represents. Notice of Special Council Meetings shall set out clearly, in a written agenda, the time, date venue and business for which the meeting has been called. No other business shall be dealt with at that Special Council Meeting.

12.3.3 The quorum at any Special Council Meeting shall be a minimum of 50% of the council members.

#### 12.4: Quorums:

If, at the end of 30 minutes after the time appointed in the notice for the opening of an Annual Conference or an Ordinary or Special Council Meeting, there be no quorum, the meeting shall adjourn to the same time and place one week hence. If at such meeting there is no quorum those members present shall be competent to discharge the business of the meeting.

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### 13. VOTING

#### 13.1 Voting powers at the Annual Conference and Council Meetings:

13.1.1 The Chairperson shall be entitled to an ordinary vote and, in the event of a tied vote, the Chairperson shall exercise a casting vote.

13.1.2 Subject to 13.1 (above), each individual member or council member present shall have one (1) vote.

13.2 Voting shall be by a show of hands unless a secret ballot is requested by a member.

### 14. FINANCE:

14.1 The Party's funds will be managed by the Party's Leaders for the purpose of pursuing the objectives of the Party.

14.2 All Party bank accounts will be in the Party's name and be subject to dual signatories.

14.3 All the party's funds will be banked intact in a bank account maintained by the Party leaders for that purpose.

14.4 All expenditure requires written motivation and approval by different members, who should not be the signatories to the bank accounts from which such payments are made except:

10.3.1 Where they are the same as those controlling the bank account, their signatures on the approval and motivation document should be countersigned by two other members.

14.5 The party may invest surplus funds in a bank investment account, provided such account/s yield/s market related interest. Examples are fixed term call accounts, fixed deposits and so on.

14.6 The Party Leaders will ensure that budgets are drawn up and approved by them and that expenditure is kept in line with budgets.

14.7 All accounts due by the Party shall be paid by cheque or by Electronic Funds Transfer (EFT) having first been passed for payment at a Council Meeting. When Immediate payment is necessary, e-mail communications can constitute a meeting of the Council for that purpose. Normal rules for quorums shall apply to such 'electronic meetings'.

14.8 The Treasurer of each council shall operate an imprest Petty Cash system which needs reimbursal per 14.7 (above), and shall keep a record of such expenditure in a Petty Cash Book.

14.9 A statement showing the financial position of council shall be tabled at each Council Meeting.

14.10 A statement of Income and Expenditure, Assets and Liabilities shall be submitted to the Annual Conference. The auditor's report shall be attached to such financial reports.

14.11 The financial year of 'The Party' shall commence on the first day of January each year. The accounts, books and all financial records of the Party shall be audited each year.

14.12 The signatories to 'The Party's' account/s will be the Party Leader/s and any one (1) from;

- Deputy Leader
- Secretary
- Two National Executive Committee members

14.13 All property and income of 'The Party' will be applied solely to the promotion of the objectives of 'The Party' and no part of that property or income shall be paid or otherwise distributed, directly, or indirectly, to party members, except in good faith in exchange for goods and or services rendered in the promotion of these objectives.

14.14 The Party Leaders shall ensure that at all times all Party bank accounts of whatsoever nature, shall be operated by dual signatories.

14.15 The Party shall operate a budgeting system and all expenditure shall comply with duly authorised budget plans.

14.15.1 Annual budgets for the coming year shall be submitted for approval to the National Executive Committee every quarter.

14.15.2 Final approval for the budgets shall be the responsibility of the Party Leaders

14.15.3 Accounts shall reflect actual expenditure and budgeted expenditure for the periods under review.

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### **15. ANNUAL CALLENDAR**

- 15.1 Financial years end on 31<sup>st</sup> December annually so the accounts are ready for audit by the following February.
- 15.2 The goal is for Audit to be completed and accounts to be submitted in time for presentation along with the notice of the Annual Conference.
- 15.3 Annual Conference shall be convened for a date not later than 30<sup>th</sup> June.

### **16. ALTERATIONS TO THE CONSTITUTION AND RULES.**

- 16.1 No alteration, repeal or addition shall be made to the Constitution except at the Annual Conference, or in a Special National Executive Meeting called for that purpose.
- 16.2 Notice and the text of all motions to alter the Constitution shall be given to members thirty (30) days prior to the Annual Conference or thirty (30) days prior to a Special National Executive Council Meeting called for such purpose.
- 16.2 The National Executive Council Secretary shall forward such notices of motion to each member at least thirty (30) days prior to the Annual Conference or thirty (30) days prior to a Special National Executive Council Meeting called for that purpose.
- 16.3 Alterations to the rules can be made only at the Annual Conference or at a Special National Executive Council Meetings provided 30 days notice of the proposed alteration/s has been duly given.
- 16.4 Such motions, or any part thereof, shall be of no effect unless passed by a seventy five percent (75%) majority of those present and entitled to a vote at an Annual Conference or Special National Executive Council Meeting, as the case may be, and are approved by the Party Leaders.
- 16,5 The Party Leaders may alter the Constitution and or the Rules, provided they inform the NEC to that effect within 30 days of the date of the such alterations

### **17. DISSOLUTION**

If, on the winding up of 'The Party', any property of 'The Party' remains after satisfaction of all obligations of 'The Party' and satisfaction of the costs, charges and expenses of winding up the Party, that property shall be distributed:

- 17.1 to another party having objects similar to those of 'The Party'; or
  - 17.2 to a registered charity or charities,
- as determined by resolution of the National Executive Council and approved by the Party Leaders.

This, the Direct Democracy Forum's constitution, is hereby ratified at Johannesburg this \_\_\_\_\_ day of January, 2013.

\_\_\_\_\_  
John Adrian Barrington  
(Joint Leader)

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Nofumene Winifred Mqweba  
(Joint Leader)