



**ACDP**

**AFRICAN CHRISTIAN  
DEMOCRATIC PARTY  
RULES AND  
PROCEDURES  
MANUAL**

To be read with the ACDP Constitution as amended at the National Convention in 2001.  
Amended by the National Executive Committee 26 July 2003.  
Amended by the National Executive Committee 8 May 2004.  
Amended by the National Executive Committee 5 March 2005.  
Amended by the FCOP 20 May 2005.  
Amended by the National Executive Committee 20 April 2006.  
Amended by the National Executive Committee 28 July 2007.  
Amended by the National Executive Committee 6 March 2008.  
Amended by the National Executive Committee and ratified by the FCOP on 16 April 2021.  
Amended by the National Executive Committee and National Convention on 3 November 2022.  
Amended by the National Executive Committee and ratified by the FCOP on 4 March 2023.  
Amended by the National Executive Committee (5 June 2023) and ratified by the FCOP (28 July 2023).

Prepared by the ACDP National Constitutional Committee.



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# AFRICAN CHRISTIAN DEMOCRATIC PARTY

## RULES AND PROCEDURES MANUAL

### A THE CONSTITUTIONAL COMMITTEE

#### Establishment

- 1 There shall be a Constitutional Committee appointed by the NEC as a subcommittee.
- 2 The Constitutional Committee shall consist of at least three members, of which one member will be a legally trained person.
- 3 The Chairperson of the Constitutional Committee shall be appointed by the NEC.

#### Functions and Powers

- 4 The Constitutional Committee may:
  - 4.1 only make recommendations to the NEC;
  - 4.2 develop and propose rules to the NEC concerning proceedings, procedures, orders and practices relating to the business of the Party;
  - 4.3 recommend rules to the NEC concerning the management, administration and functioning of the Party;
- 5 The Constitutional Committee must:
  - 5.1 report to the NEC regularly or when requested by the NEC;
  - 5.2 carry out all its tasks and responsibilities as laid down by the NEC.

### B MEMBERSHIP <sup>1</sup>

- 7 There will be an annual membership fee to be recommended by the NEC, which must be determined by the Annual National Convention.
- 8 The membership fee should be paid by all ACDP members on or before the 1st of April of each year.<sup>2</sup> Membership cards to be issued without delay to any member that requests this. All members should be card bearing. This also assists the financial controls of membership.
- 9 Provincial and Regional structures must account to the NEC every 6 months concerning paid-up membership of each of their branches.

<sup>1</sup> Clause 6 of the Constitution

<sup>2</sup> Clause 6.1.4

## Deadline for New Membership and Renewal of Membership

- 10.1 There is a deadline of 60 days before each National GC, when every branch should give an account in writing of its paid-up members to the Province (PEC), which shall in turn, at least 30 days prior to the National GC, give an account in writing to the National Secretary General, of all the paid-up members in each Branch of the particular Province.
- 10.1A The number of delegates that a branch may have at all Regional Council, Regional General Convention, Provincial Council, Provincial General Convention and National General Convention is determined as follows: 5% of members rounded up with a maximum of 6 according to the following table:

NO. OF PAID UP MEMBERS	NO. OF DELEGATES
15-29	2
30-49	3
50-69	4
70-89	5
more than 89	6

- 10.1B The National Membership Database will be used to determine the number of paid-up members in each branch.
- 10.2 The Provincial Secretary General shall be held accountable for such reporting to the National Secretary General.
- 10.3 Any Branch formed within 60 days<sup>3</sup> prior to the GC will only have observer status at the GC.
- 11 All Party membership fees collected will go to the PEC of the relevant Province where the fees were collected. Each PEC must contribute an amount of 10% of all its income, i.e. membership fees and any other income raised, on a quarterly basis to the NEC, to sustain the functioning of the Party at National level<sup>4</sup>.
- 12A No Branch Executive, REC or PEC may refuse the renewal of an existing member's membership as a form of discipline, without affording the member a hearing.
- 12B Members who have not paid their annual membership fees before or on the 1st of April must be informed in writing by the Branch Secretary that their membership fee is outstanding. Such members will be given 30 days to pay their membership fee, failing which will result in the member losing his/her right to vote at Branch meetings and may not represent the Branch at regional, Provincial or National level.<sup>5</sup>

<sup>3</sup> The rule has been change to allow for more time and to agree with rule 10.1.

<sup>4</sup> There have been

<sup>5</sup> New rule on 1 February 2002

## Prohibition on Membership

- 12C A Party member may not also hold membership of any secret organization or any other organization that may be determined by the NEC from time to time; Membership of Private Military or semi-military or any similar organization that aspires to bring about political change by violent means, is not permitted<sup>6</sup>.
- 12D No member may hold any publicly elected or executive position in the party whilst he or she is employed in the office of a political office bearer of any party, other than the ACDP.
- 13 When a person applies for Party membership, this should be granted or rejected within 30 days<sup>7</sup> upon the receipt of such application by the relevant REC or PEC. Membership to the Party may be refused on conditions as determined by these rules.
- 14 When a PEC or REC fails to respond to a member's application within 30 days after the PEC or REC has received the member's application, the member's application will have been deemed to have been accepted<sup>8</sup>.

## DISCIPLINE AND APPEAL

Subject to the provisions relating to the Cessation of Membership in the party constitution and rules, the Disciplinary and Appeal Process shall be conducted according to the definitions, rules and procedures contained in the Disciplinary Code attached hereto as Annexure "A". The 2021 amendments will apply to all disciplinary matters where the conduct complained of took place after the FCOP meeting on 16 April 2021, when the amendments were accepted. Matters arising from conduct before this date or which have not been concluded by this date will be dealt with in terms of the Rules prior to the 2021 amendments. The 2022 amendments will apply to all matters when the conduct complained of took place after the National Convention on 2 November 2022.

- 15 As soon as the National Whip receives prima facie evidence which indicates that a member's membership has ceased by virtue of the provisions of clause 6.1.6 of the constitution, then this evidence must be referred to the Cessation of Membership Panel, appointed by the NEC, and consisting of one to three members, one or more of whom who can be either be party members serving at the same or higher level as the affected member, or qualified legal practitioners.
- 16 As contemplated in clauses 6.1.6.1, 6.1.6.2, 6.1.6.3 and 6.1.6.4 of the constitution, where a member publicly declares his/her resignation or intention to resign from the party or intention to join another party or joins another party, or becomes or remains a member of another party, or canvasses other party members to resign from the party, or join or support another party, the mere tendering of proof by means of a visual or audio clip from the relevant electronic medium, or a screen shot from the relevant social media platform and/or a copy of

6 New rule on 1 February 2002

7 Amended from 21 to 30 days to allow for more time

8 New Rule

a printed letter, report or article in the case of print media constituting such public declaration of his/her resignation or intention to resign from the party or intention to join or joining another party, or showing the member becoming or remaining a member of another party, or canvassing other party members to resign from the party, or to join or support another party, shall constitute sufficient proof of such resignation, intention to resign, intention to join or joining another party, or becoming or remaining a member of another party, or canvassing other party members to resign from the party or to join or support another party.

- 17 As contemplated in clauses 6.1.6.5 and 6.1.6.6 , the mere tendering of a document or written statement of a criminal conviction or a financial statement from the relevant party financial office shall constitute sufficient proof of the conduct referred to in these clauses;
- 18 As contemplated in clauses 6.1.6.7 and 6.1.6.8, the mere tendering of proof by means of a visual or audio clip from the relevant electronic medium, or a screen shot from the relevant social media platform and /or a copy of a printed letter, report or article in the case of print media, of the conduct referred to in these clauses shall constitute sufficient proof of the conduct referred to in these clauses;
- 19 A letter of cessation of membership, including a sufficient description of the relevant conduct committed by the member must be sent or delivered to the affected member. This letter shall state that the member has twenty- four (24) hours, after such a letter of cessation has been delivered to the member to provide the National Whip with clear and unequivocal written reasons why his or her membership did not cease.
- 20 The National Whip must as soon as possible after receipt of the written reasons contemplated in Rule 19 hereof, or upon completion of the twenty-four (24) hours as set out in paragraph Rule 19 hereof, present to a Cessation of Membership Panel:
  - 20.1 A copy of the public declaration, statement or a visual or audio clip from the relevant electronic medium, or a screen shot from the relevant social media platform and /or a copy of a printed letter, report or article in the case of print media, document, written statement, or financial statement, which constitutes sufficient proof of the conduct resulting in the cessation of membership;
  - 20.2 A copy of the letter of cessation of membership; and
  - 20.3 The written response, if any, by the affected member.
- 21 Upon receiving the documents set out in Rule 20, the panel must without undue delay make a determination on the papers as presented to it and communicate this determination to the NEC.
- 22 In the event that a determination is made that the member's membership has ceased, this determination must be presented to the NEC, which may then confirm the determination of the cessation of the membership of the affected member.
- 23 In the event that a determination is made by the panel, or a resolution is passed



by the NEC that the written reasons provided by the affected member sufficiently dispute the facts on which cessation may be based in terms of the constitution, the matter may be referred to the National Whip for a disciplinary hearing in terms of these rules.

- 24 The Whip and the affected member shall have the right to appeal within 48 hours of the NEC's decision, to a Cessation of Membership Appeal Panel, appointed by the NEC, and consisting of three members, one or more of whom can be members serving at a higher level than the affected member, or qualified legal practitioners, who shall deal with the appeal on papers without undue delay, and report its findings to the NEC.

25 – 58. Deleted

## CODE OF CONDUCT

- 58 There shall be a Code of Conduct for Party members in public office, e.g. Members of Parliament; Members of Provincial Legislatures and Councillors.

## MOTION OF NO CONFIDENCE

- 59 Motion of No Confidence

59.1 Any executive member of the Party at any level has the right to move a motion of no confidence in an executive office bearer, provided that such a motion is supported by at least two other members of the same Executive, and where the motion is introduced against a member of another Executive, the motion must be supported by at least two members at the level of the member against which the motion is introduced.

59.2 Debates of a motion of no confidence are conducted by the Executive committee at the level of the member against who it was introduced together with the relevant Council, be it regional, provincial or the FCOP.

For the purposes of this clause, the President and Deputy President are considered members of the NEC.

59.3 A motion of no confidence may only be introduced against an executive office bearer after the Matthew 18 principle has been applied.

59.4 When a motion so introduced, is carried by a two-thirds majority, the person against whom it has been carried shall immediately be relieved of his or her duties<sup>9</sup>.

59.5 A motion of no confidence may not be introduced against any office bearer in absentia, unless the reasons for absentia are not considered to be reasonable.

## PRESS STATEMENTS

- 60 Designated Party members at each appropriate level may only make public and/or press statements at that appropriate level e.g. the NEC may make press

<sup>9</sup> The issue of no-confidence debates needs to be debated, but is included here for consideration.

statements pertaining to National legislation and issues; the PEC may make press statements pertaining to Provincial and Regional matters and the Branch Executive may make press statements pertaining to local matters.

- 61 The NEC has overriding powers on press statements made by any other structure at Provincial, Regional or Local level. <sup>10</sup>

## GUARDIAN COMMITTEES

- 62 The NEC should ensure that the Guardian Committees at National, Provincial and Regional level monitor the integrity of Party policies and leaders regularly. <sup>11</sup>
- 63 Annual <sup>12</sup> reports from the various Guardian Committees may <sup>13</sup> be submitted to the NEC.
- 64 In the event where no Guardian Committees are active in a Province, the NEC may appoint such Committees.
- 65 The National Guardian Committee (NGC) shall be appointed as soon as possible after an GC has been held. The previous NGC may be re-appointed.
- 66 All ACDP structures shall be informed in writing by the appropriate Party structure within 21 days after the election of the new Party structure who the new Guardian Committee members are at the various levels and what their functions are as set out in the Constitution.
- 67 The Constitution allows the PEC to appoint a Provincial or Regional Guardian Committee<sup>14</sup>. If two or more Branches object to such an appointed Provincial Guardian Committee within 14 days after having been advised who the new Guardian Committee members are in terms of rule 31, that it is not representative, they shall jointly have a right of appeal to the National Guardian Committee or in the absence of the NGC sitting, an appeal may be made to the National Executive Committee (NEC).
- 68 Party members who are standing for public office shall be screened only once at each appropriate level. <sup>15</sup>
- 69 Screening of a Party member by the National Guardian Committee overrides any other screening that has been done at a lower level.
- 70 If an appeal to a higher body is allowed, the reasons for failing a candidate must be given to the Appeal Body, which has to do the re-screening. <sup>16</sup>
- 71 Full documentation (Questionnaire, CV, certified copies of qualifications, letter from pastor, two character references and copy of identity document) must be provided to the Guardian Committee prior to a candidate being screened.

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10 The desirability of this rule must be discussed by the NEC.

11 Clause 9.1

12 Quarterly reports may be too much work for the Guardian Committees.

13 'Should' has been removed, in order to make the reports optional.

14 Clause 9.4

15 Clause 9.7

16 Clause 9.8

## THE NATIONAL CONVENTION

- 72 National Conventions will be held on a rotational basis to allow each functioning Province to host a Convention. The next National Convention will be announced at the preceding Convention.
- 73 The NEC and PEC of the host Province shall be responsible for organizing the National Convention.
- 74 Notice of the General Convention should be given to all branches 60 days in advance. The Provincial Secretary-Generals should all be part of this process to ensure that all paid-up branches receive the appropriate notices. This rule implies that the National Secretary General should be informed about the state of all branches nationally at least 90 days before the next AGC. <sup>17</sup>

## THE ELECTION OF ACDP OFFICE BEARERS AT THE GENERAL CONFERENCE

The following criteria must be taken into consideration when members are making themselves available to stand for political office in ACDP structures at National, Provincial, Regional and Local level.

## CRITERIA GOVERNING THE CHOICE OF PARTY OFFICE BEARERS

- 75 In addition to the spiritual qualities needed for leadership as an ACDP office bearer other qualities are needed for persons seeking to become political representatives for the ACDP at local, provincial and national level. Both the spiritual and temporal requirements are outlined here:
  - 75.1 From a Christian perspective, office bearers should be born again, committed in a local church, fulfil the Elders requirements of 1 Peter if married and must be in good standing in the community, work place etc. To this end, a letter could be obtained from their spiritual oversight confirming their spiritual standing and commitment.
  - 75.2 Office bearers must be paid up, functioning and committed members of the party with a proven track record within the ACDP structures including membership recruiting and renewal.
  - 75.3 They must have a thorough working knowledge of the constitutional principles, structures and functioning of the ACDP and must regularly attend caucus meetings as an indication of their desire to develop further politically.
  - 75.4 Persons wishing to hold office in the ACDP must show themselves to be interested and involved in their communities.
  - 75.5 Office bearers should have a good understanding of the new SA constitution particularly the Bill of Rights, and all the essential constitutional issues and debates by the all other political parties, as well as the ACDP's policy on particularly the human rights issues.

<sup>17</sup> Clause 10.3.1

- 75.6 Office bearers should have a good understanding of the biblical approach to the main political issues, such as the economy, capital punishment, abortion, Christian education and home schooling, social security and the welfare state, taxation, the justice system and the courts. Office bearers should have the ability to distinguish between secular and biblical policies on local, provincial and national level.
- 75.7 Save in exceptional circumstances, no person shall be elected to any position in the party in absentia.

## THE ELECTION OF THE PARTY PRESIDENT AND DEPUTY PRESIDENT

- 76 Both the President and Deputy President shall be elected (unless this requirement has been changed by the ACDP Constitution) by all delegates at each National Convention.
- 76.1 Nominations for the two above positions shall be called 60 days before the Convention and the closing date shall be 30 days<sup>18</sup> before the National Convention.
- 76.2 Nominations for the above two positions may be received from the NEC, FCOP, Provincial Council, PEC's, REC's and Branch Executive structure and all nominations in a particular Province must have the support ( 50% + 1) of the Provincial Council at a properly held Provincial Council meeting and must be forwarded to the National Secretary General of the Party by the Provincial Secretary General.<sup>19</sup>
- 76.3 Each nomination must have a Proposer and Secunder, and the nominee must approve the nomination in writing by means of his/her signature.
- 76.4 In the event where there is only one nomination for each above portfolio, the above two office bearers will be considered as being elected unopposed.
- 76.5 Where more than one nomination has been received for the President, elections will be held by means of an open ballot.
- 76.6 Where more than one nomination has been received for the Deputy-President, elections will be held by means of a secret ballot.

## RATIFICATION OR ELECTION OF THE FCOP AT THE NATIONAL CONVENTION

- 77 The Constitution indicates that the size of the FCOP is not static, but dynamic, especially with reference to which Provinces are active and which are not.
- 78 The six FCOP delegates of each Province must include a Women of Destiny and a

<sup>18</sup> The amendment from 30 to 60 days is to agree with the cut-off time given to Branches to be registered. Changed back to 60 and 30 days respectively.

<sup>19</sup> The following Rule has been deleted to accommodate the new 75.3 'Nominations from the Branch and Regional structures must be approved in writing by each appropriate PEC before it can be considered by the AGC.'

Youth Foundation representative if such structures are active in the province and, save for the Women of Destiny and Youth Foundation representatives who are appointed by their respective bodies, shall be appointed by the PEC.

## THE FEDERAL COUNCIL OF PROVINCES (FCOP)

- 79 The following rules govern the holding of FCOP meetings and also relate to its general business <sup>20</sup> :
- 79.1 The duly elected FCOP Chairman, Deputy Chairman and Secretary are automatically awarded FCOP delegate status for the full term of their elected office, or until removed from office by the FCOP or after tendering a resignation.

## THE NATIONAL EXECUTIVE COUNCIL (NEC)

- 80 The NEC shall meet at least SIX times per annum (once every two months)
- 81 All NEC portfolio holders will report in writing about progress in his/her portfolio, as well as all work done, to the NEC at each meeting.
- 82 Any NEC member who is not productive, may be requested in writing by the President (or Deputy), Chairman or Secretary General, after consultation with all other NEC members, to vacate the position. <sup>21</sup>

## THE MANAGEMENT COMMITTEE

- 83 There shall be Management Committee (MC) as appointed by the NEC, and the MC shall function as a sub-committee as appointed in terms the Constitution. <sup>22</sup>
- 84 The NEC may request the MC to:
- 84.1 Implement any decisions taken at NEC meetings;
- 84.2 Prepare reports for the NEC or any other ACDP structure;
- 84.3 Assist generally with the day to day management of the Party at National level.
- 85 Proceedings of Meetings held by the MC must be minuted and circulated to all NEC members, and any NEC may attend ALL MC meetings.
- 86 All travelling expenses to and from MC meetings shall be for the NEC member's own account (i.e. no subsidies will be paid.)
- 87 All decisions taken by the MC must be ratified by the subsequent NEC meeting.
- 88 FINANCE, FUNDING AND THE NATIONAL BUDGET
- 88.1 There shall be a National Asset Register containing a record of all the movable and

<sup>20</sup> The Constitution stipulates that the FCOP should determine its own rules in Section 11.1.9.

<sup>21</sup> If recall of an NEC member is not possible, the NEC will have to wait until the next AGC before such a member could be removed; by that time the damage would have been done.

<sup>22</sup> Secs 11.2.6.2 and 11.2.6.5

immovable property of the Party.

- 88.2 The National Asset Register, which shall be updated annually, shall account for all the assets of the Party at National, Provincial, Regional and Branch level.
- 88.3 The National Treasurer, in consultation with the Finance and Constitutional Committees, will be responsible for drafting rules relating to the financial management, sources of funding, the Party's annual Budget, and Income and expenditure of the Party at national level.
- 88.4 The National Treasurer, in consultation with the Finance and Constitutional Committees, may also be responsible for drafting rules relating to the manner in which the ACDP should purchase, sell, hire, lease, mortgage, pledge or in any other way alienate or deal with both movable and immovable property <sup>23</sup> or any other related financial matter.
- 88.5 The National Treasurer, in consultation with the Finance and Constitutional Committees may draft rules regarding the insurance of all the assets of the Party.
- 88.6 The National Treasurer, in consultation with the Finance and the Constitutional Committees, shall also draft rules on how the various structures in the Party should account for moneys received and collected in the name of the Party. <sup>24</sup>
- 88.7 An audited financial report should be given at each Annual Convention. The present auditors are confirmed or new ones are appointed. <sup>25</sup>

## PROVINCIAL ORGANISATION

- 89 A new Provincial Council (PC) shall be elected before each National Convention (e.g. If the National Convention (NC) is held in October, all PC's must be elected a month or two before the NC.
- 89A A Provincial Council (PC) shall comprise of all members of the PEC and a representative from each of the Women of Destiny and Youth Foundation and either regional delegates or branch delegates but not both. The Provincial General Convention must decide whether the PC shall comprise of regional delegates and if so how many per active region, or branch delegates. If branch delegates are decided upon, then rule 10.1A will determine how many each active branch is entitled to.
- 90 Each PC must meet at least FOUR times per annum to discuss relevant Party matters, such as policy.
- 91 The NEC may oversee the regular holding of PC meetings in any Province where a PC meeting has not been called for the past FOUR months.
- 92 An active ACDP Province is a Province which:
- 92.1 Has at least 15 registered, active Branches, consisting of at least 15 members each;

<sup>23</sup> Clause 5.2

<sup>24</sup> 'Sec5.3 All moneys received and collected in the name of the Party shall vest in the Party itself.'

<sup>25</sup> 10.2.2.7 Appoint auditors.

- 92.2 Had at least TWO PC meetings in the last twelve months;
- 92.3 Had at least FOUR PEC meetings in the last twelve months;
- 92.4 Has forwarded the minutes of all its PEC meetings and its financial reports regularly and timeously to the NEC; <sup>26</sup>
- 92.5 Performs all its national duties, such as regularly attending FCOP meetings, National Project workshops, and responding timeously to correspondence from the NEC or FCOP.
- 92.6 Performs all its provincial duties, such as: regularly launching new branches; actively signing up new members on an ongoing basis; regularly discussing Party policy during Provincial Caucus meetings; having an active Provincial Guardian Committee, etc.
- 92.7 Provinces which neglect one or more of the above duties, may, in the discretion of the NEC after consultation with the PEC, be defined as an inactive ACDP Province. An inactive province may have its IEC budget allocation temporarily (partially or fully) withheld at the discretion of the NEC. An inactive province must, upon a decision of the FCOP be given observer status without voting rights in the FCOP, until most of the requirements as described in the ACDP Rules have been met.
- 92.8 The status of an inactive Province may be assessed and reviewed at each FCOP meeting, and the FCOP, in consultation with the NEC, may restore the status of a Province from an inactive to an active one with full voting rights.

## REGIONAL ORGANISATION

- 93 An active region is a region which:
  - 93.1 Has at least 5 registered, active branches
  - 93.2 Had at least TWO Regional Council meetings in the last twelve months as evidenced by minutes provided to the Provincial Office (except in the year that the region is first constituted)
  - 93.3 Had at least FOUR REC meetings in the last twelve months as evidenced by minutes provided to the Provincial Office (except in the year that the region is first constituted).
  - 93.4 Has forwarded the minutes of all its REC meetings and its financial reports regularly and timeously to the PEC;
  - 93.5 Performs all its regional duties, such as: regularly launching new branches; actively signing up new members on an ongoing basis; regularly discussing Party policy during Council Caucus meetings; having an active Regional Guardian Committee, etc.
  - 93.6 Regions which neglect one or more of the above duties, may, in the discretion of

<sup>26</sup> This is a Constitutional requirement; section 12.6.4

the PEC be defined as an inactive ACDP Region, and may, upon recommendation of the PEC to the Provincial Council, be given observer status without voting rights at the Provincial Annual General Convention or Provincial Council meetings, until most of the requirements as described in the ACDP Rules have been met.

- 93.7 The status of an inactive Region may be assessed and reviewed at each PC meeting, and the PC, in consultation with the PEC, may restore the status of a Region from an inactive to an active one with full voting rights.

## BRANCH ORGANISATION

- 94 An active branch is a branch which:
- 94.1 Had at least FOUR monthly BEC/branch meetings including an annual branch meeting in the last twelve months as evidenced by minutes provided to the Regional Office (or Provincial Office).
- 94.2 Has forwarded the minutes of all its BEC meetings and its financial reports regularly and timeously to the REC (or PEC) (except in the year that the region is first constituted).
- 94.3 Performs all its regional duties, such as: actively signing up new members on an ongoing basis; regularly discussing Party policy during branch meetings; etc.
- 94.4 Branches which neglect one or more of the above duties, may, in the discretion of the REC (or PEC) be defined as an inactive ACDP Branch, and may, upon decision of the REC (or PEC) be given observer status without voting rights at the Regional General Convention, Provincial Council meetings, the Provincial General Convention until most of the requirements as described in the ACDP Rules have been met.
- 94.5 The status of an inactive branch may be assessed and reviewed at each REC (or PEC) meeting, and the REC (or PEC) may restore the status of a branch from an inactive to an active one with full voting rights.
- 95 Save in the case of REC (or PEC) approval, henceforth membership is restricted geographically to the nearest branch where the member is ordinarily resident or domiciled. A member can only hold membership at one branch.
- 96 Save in the case of specific approval by the PEC for reasons of distance, no more than one branch may be established in a ward from members residing in that ward.

## PUBLIC OFFICE BEARERS

- 97 All members elected to public office are required to contribute part of their income from public office back to the party. Such contributions must be made on a monthly basis to the party structure to which they are accountable. Local government councillors are required to contribute 3.5% of gross income and MP's and MPL's a fixed amount as determined by the NEC from time to time.
- 98 All members elected to public office must submit quarterly activity reports in a specified format, to the appropriate party structure.



- 99 All members elected to public office are expected to attend all relevant regional council, provincial council and NAGC meetings.

## QUORA AT PARTY MEETINGS

- 100 A quorum at any meeting of an executive committee of the party at any level shall be 50% plus one of the voting members of the executive committee.
- 100.1 A quorum at a National, Provincial or Regional General Convention shall be 50% plus one of the voting delegates after taking into account the active or inactive status of provinces, regions and branches.
- 100.1A A quorum at a Provincial or Regional Council Meeting will be 50% plus 1 of the total of the qualifying delegates based upon the status of structures at the time of calling the meeting.
- 100.2 The quorum of an inaugural branch meeting, annual branch meeting or a branch meeting shall be 10% of the paid-up members with a minimum of 8 and provided that there are at least the number of paid-up members of the branch as specified in 92.1 when the meeting takes place.
- 100.3 Where unavoidable circumstances necessitate complete or partial absence of an office bearer from an executive committee or council meeting, the period of absence and the reasons therefore need to be indicated in writing to the relevant party office and communicated verbally to the chairman of the meeting, at least 48 hours beforehand. Where the chairman of the meeting is required to be absent, this must be communicated verbally to the President or Provincial Leader as appropriate at least 48 hours beforehand. Office bearers who request leave of absence, must ensure that a written report covering each and every action item for which they are responsible and which will be discussed as a “Matter Arising”, is sent to the relevant party office at least 48 hours beforehand.

## RULES PERTAINING TO THE AMENDMENT OF THE CONSTITUTION

- 101 The following Party officials and structures may propose amendments to the ACDP Constitution: The President and Deputy, Members of the NEC; members of the FCOP; the PEC in its capacity as a structure; the REC in its capacity as a structure; the Branch in its capacity as a structure.
- 102 Branches should inform the REC, who must inform the PEC of proposed amendments at least 90 days before the Convention.
- 103 A branch must at least have the support of its Provincial Council before its amendment to the Constitution is placed on the Agenda for the next National Convention.

DRAFTED AND COMPILED BY THE ACDP CONSTITUTIONAL COMMITTEE  
IN CONSULTATION WITH THE NEC.

# ANNEXURE A

“The Disciplinary Code” should be accepted by every executive member in writing, and includes the DISCIPLINARY CODE OF CONDUCT”, “DISCIPLINARY PROCEDURE” and “LIST OF OFFENCES.” It is subject to the provisions relating to the Cessation of Membership in the party constitution and rules.

## 1 DEFINITIONS

- 1.1 “Accused” shall mean the member being accused of misconduct.
- 1.2 “Appeal Panel” shall mean a panel appointed by the next Executive Committee higher in hierarchy than the one that had appointed the Disciplinary Panel and against whose decision the appeal was made. Such appeal panel shall consist of one to three members of that higher Executive body, members of the Christian Lawyers Association or legal practitioners enrolled with the Legal Practice Council. However, in the case of an appeal against a decision of a Disciplinary Panel appointed by the National Executive Committee, the appeal panel shall consist of at least three members, other than those who served on the Disciplinary Panel, one or more of whom can be either members of the National Executive Committee, members of the Christian Lawyers Association or legal practitioners enrolled with the Legal Practice Council.
- 1.3 “Chairman of the Presiding Officers” shall mean, if only one person was appointed to the Disciplinary Panel, the person thus appointed. If more than one person was appointed, the Presiding Officers shall elect from their rank a Chairman, who shall act as such for the duration of the disciplinary hearing.
- 1.4 “Defence” shall mean the “Accused” and the “Member’s Representative” if the Accused chooses to have representation.
- 1.5 “Disciplinary Panel” shall mean one to three members appointed by the Executive Committee to adjudicate the disciplinary hearing and shall consist of either party members serving at the same or higher level as the accused or members of the Christian Lawyers Association or legal practitioners enrolled with the Legal Practice Council.
- 1.6 “Executive Committee’s and Federal Councils” shall mean the following:
  - 1.6.1 “FCOP”: shall mean the Federal Council of Provinces,
  - 1.6.2 “NEC”: shall mean the National Executive Committee, which is the highest executive committee,
  - 1.6.3 “PC “: shall mean the Provincial Council,
  - 1.6.4 “PEC”: shall mean the Provincial Executive Committee,
  - 1.6.5 “RC”: shall mean the Regional Council,

- 1.6.6 “REC”: shall mean the Regional Executive Committee,
- 1.6.7 “BC”: shall mean the Branch Council,
- 1.6.8 “BEC”: shall mean the Branch Executive Committee.
- 1.7 “Guardian Committees” shall mean the following:
- 1.7.1 “NGC”: shall mean the National Guardian Committee,
- 1.7.2 “PGC”: shall mean the Provincial Guardian Committee,
- 1.7.3 “RGC”: shall mean the Regional Guardian Committee.
- 1.8 “Investigating Officer” shall mean the person delegated by the whip/chairman of the relevant Executive Council and Committee’s to investigate the alleged misconduct or if the whip investigates the matter, the Whip who shall have the powers to interrogate any witness, obtain statements from any person, confiscate any document and/or recording and/or computer/electronic or information technology and/or data and/or storage device for any data, he might need or deem to need to assist in the investigation and to gather all information necessary to conduct the disciplinary hearing;
- 1.9 Masculine will also include the feminine and vice versa and singular the plural and vice versa;
- 1.10 “Member” shall mean any person who has completed a membership application form, has not been refused such membership and whose application has been captured on the Membership Database. Such membership includes all political office-bearers, internal office bearers and all staff members whether remunerated or not;
- 1.11 “Member representative” shall mean a member requested by the “Accused” to assist him / her in the disciplinary hearing.
- 1.12 “THE PARTY” shall mean the “African Christian Democratic Party” or abbreviated as the “ACDP”.
- 1.13 “Suspension” is a sanction and shall mean a period during which an employee and/or member and/or office bearer must refrain from performing his / her duties as stipulated by the Suspension Notice. This period will be determined by THE PARTY and will be without any remuneration or benefits, or, if so determined by THE PARTY, with reduced remuneration and/or benefits.
- 1.14 “Temporary Suspension” shall mean a period during which an employee and/or member and/or office bearer is not permitted to perform any duties as stipulated by the Temporary Suspension Notice whilst a disciplinary investigation or hearing is taking place. This period will be determined by THE PARTY, within its sole discretion, and will be with full pay and benefits.
- 1.15 “Whip” shall mean the person acting on behalf of THE PARTY in presenting the case for THE PARTY at the disciplinary hearing.

- 1.16 “Expelled” shall mean that such a person shall not be regarded as a member nor be allowed to be member during the period of expulsion which period shall be determined by the seriousness of the offence committed, and can be permanent.

#### “THE DISCIPLINARY CODE”

- The implementation of a “DISCIPLINARY CODE” consisting of “Disciplinary Code of Conduct”, “Disciplinary Procedure” and “Disciplinary List Of Offences” (hereafter referred to as “The Disciplinary Code”) by the ACDP is essential for the efficient running of the ACDP and fair treatment of its members and employees.
- “The Disciplinary Code” is intended to ensure that members have knowledge of the disciplinary rules and procedures governing their membership and positions in THE PARTY. It is also a guideline for office-bearers and members on how to conduct certain functions entertained herein.
- “The Disciplinary Code” accordingly also describes the action which might be taken by THE PARTY should a member act against the principles and directives as set out in this document. Any person has the right to submit a complaint in writing to the ACDP should that person become aware of any action by any member of the ACDP contravening any stipulations or code of THE PARTY or acting in contravention of any law, on condition that such complaint is not frivolous or unfair. It is specifically understood that all members shall further obey all laws of the Republic of South Africa, whether statutory acts or common law, in as much as it is not in conflict with The Bible. Failure to do so would constitute actions contrary to the acceptable behaviour of a member of THE PARTY. The seriousness of the offence would determine if action should be taken and if so, what action should be taken. It will however not be applicable to minor traffic offences or a contravention of minor legislative offences.
- “The Disciplinary Code” is not intended to and does not exhaustively set out grounds for termination or suspension of membership. Common-law principles and precedents set for discipline and suspension of membership exist hand in hand with “The Disciplinary Code”. It must furthermore be understood that members must at all times adhere to the principles laid down in the Bible and the Bible shall at all times be the primary guideline for the conduct of the members of the ACDP.

## 2 DISCIPLINARY CODE OF CONDUCT

- 2.1 All members shall comply with all laws of the Republic of South Africa, in as much as it is not in conflict with The Bible. All members shall further comply with the Constitution and the Rules of THE PARTY, as amended from time to time. Failure to do so would constitute action contrary to the acceptable behaviour of a member of THE PARTY. The seriousness of the offence would determine if action should be taken and if so, what action should be taken. It will however not be applicable to minor traffic offences or a contravention of minor legislative offences, for which a fine is imposed, unless the frequency of such offences indicates an unwillingness to comply with the laws of the Republic of South Africa.
- 2.2 Should any member be convinced that another member has acted in a way

which is a contravention of the Rules and Constitution of THE PARTY or a contravention of any law of South Africa, that is not contrary to the Bible, such member shall lodge a complaint in writing, addressed to the Secretary General of the Executive Committee of the same level as the person against whom such complaint is directed. Should there not be a secretary General, the complaint shall be addressed to the Chairman of that body. Should such a complaint be against a member who is a member of the NEC, such complaint shall be directed to the National Secretary General, who shall instruct the National Whip to investigate the complaint. The National Whip shall be deemed to be the highest authority to investigate a complaint and to make recommendations to the NEC regarding the institution of disciplinary action.

- 2.3 No person shall be allowed to directly approach the regional, provincial or national Whip, the provincial leader or the President of the Party, with a complaint. A contravention hereof will be deemed to be cause for disciplinary action. If the matter is deemed to be serious and of national importance, the complainant must submit a written complaint to the national Secretary General of the Party and the Chairman of the NEC, who will then decide on the matter and the steps to be taken.
- 2.4 A complainant must give full details of the complaint providing all relevant facts and information and must be prepared to provide all necessary assistance in the investigation to be conducted by the Investigating Officer. The complainant must be prepared to appear before the Disciplinary panel, at the time and place determined by the Whip or the Disciplinary panel, to give oral evidence if required to do so.
- 2.5 The Investigating Officer must conduct an investigation to determine the seriousness of the allegations. The focus will be on obtaining the relevant facts and / or evidence to proceed with a disciplinary hearing against the member or members involved or against the complainant if malicious persecution is discovered. Frivolous allegations will be dismissed with a written warning.
- 2.6 The relevant Executive Committee can, if it so decides, appoint an Investigating officer and/or officers to investigate any conduct that could be construed as misconduct, irrespective whether a complaint was received or not. Such Investigating Officer shall make recommendations regarding disciplinary matters and, if there is no Whip in that Executive Committee, shall be entitled to act on behalf of THE PARTY as a convening member / prosecuting member representing THE PARTY in disciplinary matters, as if that Investigating officer was the Whip.
- 2.7 The Investigating officer will have the powers and authority to conduct investigations, obtain statements, seize relevant documents, computers and all other assets, belonging to THE PARTY, or that is deemed to belong to THE PARTY, unhindered without outside or other interference. Should any information necessary to investigate the matter or be relevant to the investigation, be stored on any electronic or information technology device of a member, such member shall allow the investigating officer free access to such information. The aim will be to obtain information, statements and evidence in order for the Investigating Officer to evaluate and determine an appropriate course of action. All members must co-operate and give statements if so required – failure to do so will be deemed to be cause for disciplinary action.

- 2.8 The Investigating officer shall, unless clearly restricted from doing so by the Executive Committee appointing such Investigating officer, also have the authority to investigate all other matters arising out of the investigation originally conducted and to make recommendations to the Executive Committee by which the Investigating officer was appointed, regarding further contraventions in respect of the person/s under investigation and/or other members.
- 2.9 Any complaint received by the Whip, shall be investigated by the Whip or the Investigating officer, as the case may be, irrespective if the complainant wishes to withdraw such complaint, once the Whip/Investigating officer has determined that grounds for a complaint exists. The decision to proceed with the investigation shall be within the sole discretion of the Whip.
- 2.10 Should a complainant wish to withdraw a complaint, the complainant shall give full reasons for the decision to withdraw the complaint, in writing, to the Whip.
- 2.11 The Investigating Officer shall give a recommendation on appropriate action to the relevant Executive Committee, after all the facts and evidence have been evaluated by him. If the appropriate Executive Committee is satisfied that disciplinary action should be taken, it shall so direct the Whip to institute the necessary action, who shall proceed to draw up the necessary charge sheets and conduct the disciplinary hearing.
- 2.12 THE PARTY reserves the right to temporarily suspend any member pending the outcome of an investigation or disciplinary hearing. Such temporary suspension can only be imposed by the relevant PEC or NEC. Irrespective of the aforesaid, the NEC will have overriding powers in this regard.
- 2.13 The person being temporarily suspended must be advised of such temporary suspension, as well as the reasons therefore, in writing by WhatsApp, SMS, email or fax, within 7 days in a temporary suspension notice.
- 2.14 A member thus temporarily suspended will vacate his/her party offices immediately on receipt of such notice and will comply with all the requirements and conditions of such notice. Failure to do so will lead to the member's immediate expulsion and dismissal.
- 2.15 The Executive Committee shall appoint a Disciplinary Panel within 7 days after instructions were given to the Whip to proceed with disciplinary action and the Whip shall be advised of the details of the Disciplinary Panel following such appointment.
- 2.16 If the Executive Committee is of the opinion that the offence is of a less serious nature and a first offence, the Executive Committee might direct that the member must be counseled and corrective measures must be taken to prevent a re-occurrence of the incident. In such event it shall not be necessary to conduct a disciplinary hearing.
- 2.17 The Whip shall arrange a date for the disciplinary hearing with the Disciplinary Panel and shall thereafter give the Accused 7 normal days (including Saturdays, Sundays and public holidays) written notice of the date on which the disciplinary hearing shall take place, unless the parties agree to a shorter or longer period, as

the case may be, suitable to them both, in writing.

- 2.18 This notice shall include the charge sheets setting out the offence/s of which the Accused is being accused, in sufficient detail to allow the Accused to prepare for his/her defence, as well as the time, date and venue of the hearing. The notice shall further include the contact details of the Whip or his/her nominee who will conduct the disciplinary hearing on behalf of THE PARTY.
- 2.19 Every Accused has the right to be represented by another member at a disciplinary hearing. The member may choose not to exercise this right. Should the Accused however decide on representation, the Accused shall advise the Whip accordingly, in writing, no later than five days before the disciplinary hearing, failing which the Accused shall lose such right.
- 2.20 The member representing the Accused, must have been a member of THE PARTY for a period of at least sixty days before the date of the occurrence of the offence that he is representing the Accused on. If the member representing the Accused is a person with legal training or experience, then this must be brought to the attention of the Whip, at the same time as the Accused informs the Whip that he/she will have representation.
- 2.21 THE PARTY and the Accused will not be allowed to have legal representation at the disciplinary hearing from a person who is not a member, as this is an internal matter.
- 2.22 The Defence has the right to a party member interpreting if they so choose. A member exercising this right must advise the Whip 5 days in advance of the date of the hearing. If the Defence fails to do so, the Accused will forfeit his/her right to an interpreter and the language, in which the hearing will be conducted, will be decided upon by the Presiding Officer/s, within his/her/their sole discretion.
- 2.23 A document sent to or delivered to a member's e-mail address or faxed to a member's fax number as registered with THE PARTY, will be deemed to have been received by that member within three days of such mail or fax being sent except if such member can prove otherwise.
- 2.24 A document mailed to a member's postal or residential address as registered with THE PARTY will be deemed to have been received by such member 5 days after such document has been sent except if such member can prove otherwise.
- 2.25 Refusal to accept any notice sent to the address of the Accused as above, shall be deemed to be proper service, irrespective if the Accused can prove that the notice was not received. Failure to accept any such notice shall further be regarded as grounds for disciplinary action.
- 2.26 It is the responsibility of the Accused to ensure that THE PARTY has the correct contact particulars of the Accused.
- 2.27 Full details of the proceedings must be recorded, whether in writing or otherwise. This is the duty of the Whip.
- 2.28 The Accused who wishes to enter into a plea bargain can do so by contacting the

Whip and submitting the plea bargain in writing. The Whip must then present the plea bargain to the Executive Committee within seven days who will then either accept or reject the plea bargain. Once the plea bargain has been accepted, both parties will lose their rights to appeal and the decision confirmed in writing by the Chairman of the Executive Committee will be final.

- 2.29 The Member's representative will have the right to view the disciplinary record of the Accused with the consent of the Accused.
- 2.30 At the completion of the disciplinary hearing the Presiding Officers must evaluate the evidence presented, make a finding as to the guilt of the accused member and advise the Accused member to the reasons for the finding. If the Accused/s is/are found guilty and after hearing mitigating and aggravating factors, the Presiding Officers shall determine the action, sanction and/or penalty applicable. Aggravating circumstances will not lead to a sentence in excess of those laid down in the guidelines
- 2.31 Where provision is made in sentence for restitution, the restitution of damages shall be deemed to be at current market replacement value of the item(s) and the amount of restitution to be made, should not be less than twice the market value of the damage.
- 2.32 THE PARTY's response should always be in good faith with the focus on counsel, correction, reconciliation, restitution and rehabilitation based on Biblical principles provided that the Titus 3 principle has not had to be applied because of continued contravention of the "Constitution" and rules as pertaining to the "Rules And Procedures Manual".
- 2.33 Written warnings for different offences will be cumulative during the period that the written warning is effective. THE PARTY could take into account the entire disciplinary history of a member with a record of continuous offences, as aggravating factors. This could be indicative of a state of mind and actions that are unacceptable and not in the best interest of THE PARTY, members and/or the public.
- 2.34 A "Written Warning" shall lapse after 3 months and a "Final Written Warning" after 9 months. If the Accused refuses to sign for a written warning, he/she shall submit a statement to that effect and his/her reasons for refusing to do so. If an Accused refuses to submit a statement, a witness will be called to confirm that the Accused did indeed receive such a written warning.
- 2.35 When suspension is considered as a sanction, the emphasis should be on correction, reconciliation, restitution and rehabilitation during the period of suspension. The member being suspended may be re-screened to determine his / her fitness for office. If the person is not fit for office, the suspension period should be extended until the person can pass the screening process.
- 2.36 It will be the responsibility of THE PARTY to appoint a person/member suitably qualified to mentor the suspended member. Once the Party is satisfied that the suspended member has adhered to all the conditions of his / her suspension, such member may be re-instated in the position or in a position on the same level. At the discretion of the relevant Executive Committee, the member could be



appointed in a position of a lesser level.

- 2.37 If the relevant Guardian Committee determines during a screening that a suspended office bearer is not suitable for the position he is filling, they then have the right to recall that office bearer after consultation with the relevant Executive Committee.
- 2.38 Any member that has been convicted of any offence pertaining to disciplinary action taken in accordance with chapter 3 and 4 of these disciplinary rules, and that refuses and/or fails to submit and/or adhere to any action or instruction and/or fine issued within the authority and/or powers of these sections, will be immediately expelled from the party until such convicted member has submitted to, complied with and/or adhered to the sentence imposed upon such member. The convicted member may only reapply for membership once there was due compliance with such sentence. Irrespective of anything to the contrary, should the Accused fail to comply with the sanction(s) imposed on the Accused, THE PARTY also reserves the right to proceed with the necessary court action and/or any other remedy it might deem necessary, to enforce such sanction(s).
- 2.39 Disciplinary results provided verbally must be confirmed in writing, whether faxed, e-mailed or by postage, within seven days after such results were made known to the parties. This will be the duty of the Whip.
- 2.40 The Whip and the Accused have the right to appeal against a decision made at the formal disciplinary hearing and must do so in writing to the Executive Committee which appointed the Presiding Officers within 7 days after the findings have been made known.
- 2.41 The Chairman of the Presiding Officers must forward their response to the appeal and the reasons for the verdict and/or sanction, to the next level of Executive authority, or to the NEC, within 7 days from receiving a notice of appeal.
- 2.42 The appeal shall be heard by the Appeal Panel, within 30 days after such response and reasons had been received by the Executive Committee to whom the appeal was made.
- 2.43 The Appeal Panel shall advise the parties of its decision, in writing, within 7 days from the date on which the appeal was heard. Any decision of an Appeal Panel shall be final.
- 2.44 Where THE PARTY has successfully appealed against a sentence, the matter can be referred back to the Presiding Officers who shall be entitled to increase the severity of the penalty where appropriate, or, within its sole discretion, the Appeal Panel may impose such sentence as they deem fit and appropriate.
- 2.45 Where the Accused has successfully appealed against a sentence, the matter shall be referred back to the Presiding Officers who shall be entitled to impose a lighter sentence where appropriate, or, within its sole discretion, the Appeal Panel may impose such sentence as they deem fit and appropriate.
- 2.46 In the event of any office bearer committing an offence for which he/she may be suspended, or any offence of a serious nature, the President of the ACDP, the

chairman of the NEC and the national whip, should be advised of such alleged offence, as soon as the body dealing with it, becomes aware that such an offence might have been committed.

### 3 DISCIPLINARY PROCESS

A disciplinary hearing will be conducted internally according to the following rules and principles:

- 3.1 The Whip will present the charge/charges and all alternative charges to each and every main charge, to the Disciplinary Panel.
- 3.2 The Chairman of the presiding officers will first determine whether the Accused understands the charges and only once satisfied that the Accused understands the charges, ask the Accused whether he/she accepts the charges or the alternatives as being correct or if he/she denies the charges and/or the alternatives. The Chairman of the presiding officers will further also determine whether the Accused understands his/her rights in terms of the Constitution and Rules of THE PARTY.
- 3.3 If the Accused accepts the charges, the Chairman of the presiding officers, will forthwith bring out a verdict of guilty, without hearing further evidence.
- 3.4 If the Accused denies the charge/s, but accepts the alternative/s, the Whip can decide whether the Presiding officers can deal with the alternative/s accepted by the Accused, in which case the main charge/s in respect of those alternatives accepted by the Whip, will automatically be withdrawn.
- 3.5 Should the Accused deny the charge/s, the Chairman of the presiding officers shall ask the Accused what the basis of his/her defense is. He/she can then set out his/her basis of defense, or remain silent. Should he/she set out his/her basis of defense, those allegations admitted in the disclosure of his/her defense, shall be deemed to be proven by the Whip and it would not be necessary for the Whip to lead evidence regarding those admissions.
- 3.6 It is the duty of the Chairman of the presiding officers to explain the procedure in 3.5 (above) to the Accused when he/she is asked if he/she wants to set out his/her basis of defense. The Chairman of the presiding officers must also explain to the Accused his/her right to remain silent.
- 3.7 Should the Accused agree to one or more of the charges and/or the alternatives and it was accepted by the Whip as in 3.4 (above), but denies one or more of the other charges, or if he/she had agreed to one or more of the alternatives that was not accepted by the Whip as in 3.4 (above), the Presiding officers will find the Accused guilty in respect of those charges accepted by him/her, or in respect of those alternatives agreed to by the Whip as in 3.4 (above). The Presiding officers will however not be entitled to bring out sentence in respect of those charges/alternatives if the Whip wishes to proceed to lead evidence in respect of those charges denied by the Accused. Once the Accused has been found guilty in respect of those charges accepted by him/her, the Whip will be entitled to proceed with the rest of the case as if the Accused member had denied the other charges/alternatives pleaded not guilty by the accused, regarding those charges were not

accepted by the Whip.

- 3.8 When the Accused denies the charge/s and/or alternative/s, the Whip will lead evidence to prove the case of the Party. The onus of proof for THE PARTY shall be on a balance of probabilities.
- 3.9 After the Whip has closed its case, the Defence shall be entitled to lead evidence to support his/her defense. The Defense also has the right not to lead evidence and to remain silent.
- 3.10 The Presiding officers, the Whip and the Defence, shall be entitled to cross examine the witnesses.
- 3.11 No party shall be entitled to cross examine his/her own witness, unless such witness was declared a hostile witness by the Chairman of the presiding officers.
- 3.12 No witness shall be allowed to attend the proceedings when the Accused is asked to plea, nor whilst another witness testifies, before such witness has given evidence. The witness shall further not be allowed to attend the hearing after his/her evidence was given, unless so directed by the presiding officer / Whip. No witness shall be allowed to be present in the room where the Accused is asked to plea, nor will a witness be allowed to be in the room whilst evidence is being led, other than to give evidence.
- 3.13 Because of the principal of honesty and good faith, relying on Biblical principles, the Accused shall not be allowed to testify after the witnesses for the Defense had testified.
- 3.14 After the Defense had closed its case, the Whip will address the Chairman of the presiding officers. Thereafter the Defense will address the Chairman of the presiding officers, where after the Whip shall have the right to reply.
- 3.15 The Chairman of the presiding officers, on behalf of the Presiding officers, shall, as soon as possible after the reply, bring out the verdict and the reasons for the verdict.
- 3.16 If found not guilty, the Accused will immediately be acquitted on those charges and/or alternatives he/she was found not guilty of.
- 3.17 If the Accused was found not guilty on a main charge or one or more of its alternatives, he/she can be found guilty on a lesser alternative of those charges or alternatives brought against him/her, but can not be found guilty on a main charge as well as the alternative/s to the main charge, nor to more than one alternative on any one charge. If the Accused member was found not guilty on a main charge, but guilty of an alternative, he/she will only be found guilty of the more serious of those alternative(s) he/she was found guilty of.
- 3.18 When the Accused is found guilty on any charge/s or alternative/s, the Whip will be allowed to prove previous offences, where after the Defense will be allowed to bring evidence in mitigation. Thereafter the Whip will be entitled to bring evidence in aggravation.

- 3.19 The Defense will then address the Chairman of the presiding officers with regard to sentence and the Whip thereafter.
- 3.20 The Chairman of the presiding officers may, within its sole discretion, before a verdict is given, or before sentence, recall any witness who had testified or call any such witness as the Presiding Officers might deem necessary to testify.
- 3.21 The attitude towards reconciliation, repentance and confession by the Accused, must be considered in mitigation of sentence.
- 3.22 A penalty and/or action determined by the Chairman of the presiding officers in accordance with the severity of the offence may be imposed and could range from a warning or counseling to expulsion.
- 3.23 The severity of the sentence imposed by the Disciplinary panels will depend on the on the circumstances of each case and aggravating and mitigating factors will receive proper attention. Penalties and/or actions will be as set out in “4. The List of Offences” and are intended to act as guidelines for the use of Disciplinary Panels, but and shall not deemed to be conclusive or binding on the Presiding Officers.
- 3.24 The Chairman of the presiding officers will be addressed as “CHAIRMAN” or “CHAIRLADY” as the case may be.
- 3.25 If due notice was given to an Accused and he/she fails to attend the hearing without good cause and prior notification the Chairman of the presiding officers may direct that the hearing be held in absentia. The Chairman of the presiding officers will then advise the Accused in writing of the outcome of the hearing.
- 3.26 The hearing is a private internal matter with only the Disciplinary panel, the Whip, the Defence and, if needed, the interpreter, and the witnesses present. THE PARTY will not have to disclose any of the details to any other person or party, unless so directed by a competent court.
- 3.27 The Whip shall inform the complainant of the outcome of the case, in writing, within seven days from the date on which the Whip had been notified of the decision.
- 3.28 The NEC may, on good cause shown, extend any of the time periods mentioned in the Rules.<sup>27</sup>

## 4 LIST OF OFFENCES

Subject to the provisions relating to the Cessation of Membership in the party constitution and rules, the following are examples of misconduct that will be subject to disciplinary action with the sanctions and or penalties that might apply if a Party Member, Employee, Office Bearer or Executive Member has been found guilty of an offence, next to it. This is not exhaustive. Any misconduct not listed here can still be subject to disciplinary action. Such misconduct shall be dealt with according to the principles in the Bible and the sanction shall be according to Biblical principles.

<sup>27</sup> This Rule will apply with retrospective effect from 3 November 2022.

This serves as a guideline for disciplinary panels. In the case of aggravating or mitigating circumstances presented at a disciplinary hearing, the Disciplinary Panel has the right to consider all relevant facts and decide on the appropriate action that will suit the interest of the ACDP best. The focus must always be on correction, reconciliation, restitution and rehabilitation. However, continued contravention of the “Constitution” and or rules as contained in the “Rules and Procedures Manual”, subsequent to any disciplinary sanction will result in the application of the “Titus 3” principle regarding expulsion being considered at a subsequent hearing.

Simultaneously, the seriousness of the offence must be considered, as well as the personal circumstances of the Accused.

	OFFENCES		SANCTION
4.1	Gross negligence in carrying out or failure to carry out duties	First Offence Second Offence	Restitution/Suspension/recall as office bearer
4.2	Negligence in carrying out or failure to carry out duties	First Offence Second Offence Third Offence	Final Written Warning/Suspension as office bearer/Fine not exceeding R 500-00 Dismissal/Recall as office bearer/Fine not exceeding R 1000-00 Expulsion from the ACDP
4.3	Gross Insubordination or insolence	First Offence Second Offence	Dismissal/Recall as Office bearer/Fine not exceeding R 1000-00 Expulsion from the ACDP
4.4	Failing or refusing to carry out lawful and reasonable instructions	First Offence Second Offence Third Offence	Final Written Warning/Suspension as office bearer/Fine not exceeding R 500-00 Dismissal/Recall as office bearer/fine not exceeding R 1000-00 Expulsion from the ACDP
4.5	Poor quality of work or failing to maintain output levels	First Offence Second Offence Third Offence	Written Warning/Suspension as office bearer Final Written Warning/Suspension as office bearer/Fine not exceeding R 500-00 Recall as office bearer/Dismissal/ fine not exceeding R 1000-00

	OFFENCES		SANCTION
4.6	Having any financial or other interest in the business of a supplier to THE PARTY, unless prior written consent was given by THE PARTY that it is aware of the interest of the member and that such supplier might, despite such interest, still supply THE PARTY.	First Offence Second Offence  Third Offence	Written Warning/Suspension as office bearer Final Written Warning/Suspension as office bearer/Fine not exceeding R 500-00 Recall as office bearer/Dismissal/ fine not exceeding R 1000-00
4.7	Theft or attempted theft or fraud from the party, a fellow member or service provider.	First Offence	Restitution of at least twice the amount of value stolen or amount defrauded/Fine not exceeding R 1000-00/ Re-call as office bearer/ Dismissal/Expulsion from the ACDP
4.8	Intentional or grossly negligent damage or attempted damage to Party, members and/ or visitors property.	First Offence  Second Offence	Dismissal/Recall as office bearer/restitution of at least twice the amount of damages. Fine not exceeding R 1000-00 Expulsion from the ACDP, restitution of at least twice the amount of damages
4.9	Poor maintenance or neglect of equipment, machinery, or any other party material for which the member is responsible for in the course of duties.	First Offence  Second Offence  Third Offence	Written Warning Final Written Warning/Restitution of damages/ fine not exceeding R 500-00. Restitution of damages/fine not exceeding R 500-00 Dismissal
4.10	Removal of Party property without written consent from the responsible party official .	First Offence  Second Offence  Third Offence	Final Written warning/Restitution of at least twice the amount of damages/fine not exceeding R 500-00 Recall as office bearer/Dismissal Restitution of at least twice the amount of damages, fine not exceeding R 750-00 Expulsion from ACDP
4.11	Excessive personal use of Party phones or making unauthorized calls from party phones.	First Offence  Second Offence  Third Offence	Written Warning / Restitution of at least twice the amount of damages Final Written Warning / Restitution of at least twice the amount of damages, fine not exceeding R 500-00 Re-call as office bearer / Dismissal / Restitution of at least twice the amount
4.12	Using Party property for personal purposes without written authority.	First Offence Second Offence  Third Offence	Written Warning Final Written Warning/Fine not exceeding R 500-00 Re-call as office bearer/Dismissal/ fine not exceeding R 750-00
4.13	Disclosing confidential party information without written consent.	First Offence  Second Offence	Dismissal/Recall as office bearer/Fine R 1 000-00 Expulsion
4.14	Corruption and or Bribery.	First Offence	Dismissal/Expulsion from the ACDP/Recall as office bearer
4.15	Intimidation	First Offence	Dismissal/Expulsion from the ACDP/Recall as office bearer
4.16	Failure to report incidents of bribery or corruption.	First Offence  Second Offence	Dismissal/Re-call as office bearer, Fine not exceeding R 1000-00 Expulsion from the ACDP
4.17	Any dishonesty, attempted dishonesty, conspiracy, theft, bribery, fraud, misrepresentation, falsifying of records, documents, intentional misleading of ACDP officials, members and the public.	First Offence	Dismissal/Re-call as office bearer, Fine not exceeding R 1000-00/Expulsion from the ACDP
4.18	Intentional withholding of information and documentation during a disciplinary investigation and or enquiry.	First Offence  Second Offence	Dismissal/Re-call as office bearer, Fine not exceeding R 500-00 Expulsion from the ACDP
4.19	Any offence committed mentioned under the First Schedule of Offences of the Criminal procedures Act 51 of 1977.	First Offence	Dismissal/Recall as office bearer/Expulsion from the ACDP

	OFFENCES		SANCTION
4.20	Sexual Harassment	First Offence Second Offence Third Offence	Final Written Warning/Fine not exceeding R 500-00 Dismissal/Recall as office bearer, Fine not exceeding R 750-00. Expulsion from the ACDP
4.21	Sexual Harassment of a serious nature, excluding rape.	First Offence	Dismissal/Recall as office bearer/Expulsion from the ACDP
4.22	Under the influence of alcohol or illegal drugs or in possession of illegal drugs	First Offence	Dismissal/Recall as office bearer/Expulsion from the ACDP
4.23	Abuse of party privileges	First Offence Second Offence Third Offence	Final Written Warning/Fine not exceeding R 500-00 Dismissal/Recall as office bearer, Fine not exceeding R 750-00. Expulsion from the ACDP
4.24	Conduct unbecoming a party official and or member and or office bearer of the ACDP.	First Offence Second Offence Third Offence	Final Written Warning/Suspension as office bearer Recall as office bearer/Dismissal/Fine not exceeding R 750-00. Expulsion from the ACDP
4.25	Rape	First Offence	Expulsion from the ACDP
4.26	Unauthorized statements or comments to the press or third parties where the ACDP, or any of its members' names may be involved, mentioned, implied or affected.	First Offence Second Offence Third Offence	Final Written Warning/Fine not exceeding R 500-00 Re-call as office bearer/Dismissal Fine not exceeding R 750-00. Expulsion from the ACDP
4.27	Misappropriation of ACDP and or IEC funds by a member.	First Offence	Dismissal/Re-call as office bearer/Expulsion from the ACDP/restitution of value stolen or amount defrauded. Fine not exceeding R 1 000-00
4.28	Deliberately disrupting meetings and or interfering with the orderly functioning of the party.	First Offence Second Offence Third Offence	Final Written Warning/Fine not exceeding R 500-00, Dismissal/Recall as office bearer/Fine not exceeding R 750-00 Expulsion from the ACDP
4.29	Behaving in such a way that goes beyond the recognized norms of free debate as to provoke serious divisions or a break down of the unity in the party.	First Offence Second Offence Third Offence	Final Written Warning/Fine not exceeding R 500-00, Dismissal/Recall as office bearer/Fine not exceeding R 750-00. Expulsion from the ACDP
4.30	Assault or Assault with intent to do grievous bodily harm	First Offence Second Offence	Dismissal/Recall as office bearer/Fine not exceeding R 750-00. Expulsion from the ACDP
4.31	Adultery or other sexual misconduct	First Offence Second Offence	Dismissal / Recall as office bearer / Suspension as office bearer
4.32	The making of false accusations against another party member with frivolous intent to better and or improve personal position and or standing in the ACDP or defamatory comments.	First Offence Second Offence	Dismissal / Recall as office bearer, fine not exceeding R 1000-00 Expulsion from the ACDP
4.34	Failing to keep proper record of IEC or ACDP funds as prescribed by the IEC or ACDP Rules and Regulations.	First Offence Second Offence	Final Written Warning/Suspension as office bearer Dismissal/Recall as office bearer/fine not exceeding R 1000-00
4.35	Not complying with a Temporary Suspension notice.	First Offence	Dismissal/Recall as office bearer
4.36	Obstructing an internal investigation or refusing to cooperate and or provide and or release relevant information and or evidence when requested to do so or deliberately with-holding or destroying information and or evidence relevant in an investigation.	First Offence Second Offence Third Offence	Final Written Warning/Fine not exceeding a R1000-00 Dismissal/Recall as office bearer/fine not exceeding a R1000-00 Expulsion as an ACDP member

	OFFENCES		SANCTION
4.37	Failure to comply and or adhere to a sanction and/or penalty received upon conviction by a disciplinary panel	First Offence	Expulsion as member until complied with the sanction and or penalty. If member is an office bearer the member will be recalled/dismissed and expelled from the ACDP, once the member complies with the sanctions and or penalties member will be reinstated but the position will be lost, the member would have to go through the process from beginning.
4.38	Perjury - Giving of false evidence or a false statement at a disciplinary hearing or inquiry or submitting a false statement to a Disciplinary Panel.	First Offence	Dismissal/Recall as office bearer/Expulsion as ACDP member
4.39	Abusive language/Rebellious behavior/ Racist remarks/behavior	First Offence Second Offence Third Offence	Written warning Final Written warning/Fine not exceeding R500.00 Re-call as office bearer Dismissal/fine not exceeding R750.00
4.40	Failure to give testimony/statement to investigating officer in investigation Office bearer belonging to secret organization/occults etc.	First Offence Second Offence Third Offence	Final Written/Fine not exceeding a R1000.00 Dismissal/ Recall as office bearer/Fine not Exceeding a R1000.00 Expulsion as an ACDP member
4.41	<ul style="list-style-type: none"> <li>• Failure to follow prescribed way to institute vote of no confidence</li> <li>• Failure to follow due process to voice complaints</li> <li>• Attacking person/integrity of another member in public/meeting</li> <li>• Failure to adhere to ruling of chairman of meeting</li> <li>• Contravening code of conduct for meetings. Failure to follow Matthew 18 principle when relevant or when instructed to do so by the Whip</li> <li>• Failure to follow prescribed protocol to lay complaint.</li> </ul>	First Offence Second Offence Third Offence	Final Written Warning/Fine not exceeding R 500.00 Dismissal/Recall as office bearer Fine not exceeding R750.00 Expulsion from the ACDP

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