

CONSTITUTION AND CODE OF CONDUCT OF GOOD

NAME:

1. The movement shall be registered as **GOOD** and it shall also be known by its name **GOOD** (*hereinafter referred to as the movement*).

REGISTERED OFFICE:

2. The Registered Office and National Office of the movement shall be in Cape Town at 14 Kleinbosch Street, Haasendal, Kuils River, 7580.
3. The National Leadership Committee (herein referred to as the NLC) may from time to time designate an alternate Registered or National Office.

AIMS:

4. South Africa became a democracy in 1994. A lot has been achieved in addressing the structural inequalities embedded in our country through apartheid.

However, and despite a world renowned constitution with a robust bill of rights, equality of rights is not enough to bring about a more equitable society where citizens and residents are able to use their rights.

Purposeful exclusion, suppression and deprivation of South Africans, based on race, has left too many South Africans in a position where the rights enshrined in our constitution, and hailed as progressive the world over, are meaningless to the vast majority of our people.

GOOD is committed to ensuring a more equitable South Africa based on the values and principles of social democracy – a successful model of democracy for addressing inequality and exclusion.

We are proud South Africans deeply committed and connected to a future that is prosperous for all.

We acknowledge that South African politics has failed the vast majority of South Africans for centuries. Whilst under colonial and apartheid rule exclusion, exploitation and poverty was systemic. These deeply offensive and unlawful systems of governance have been removed since 1994 but exclusion and poverty persists and two generations of South Africans face a hopeless future.

We are a movement of hope. It is our purpose to restore the hope of 1994 that every South African can live a life of dignity, free from the enslavement of poverty, through our collective efforts.

We will build a patriotic South Africa that is that is innovative, competitive, equitable, sustainable, forward-thinking, and employed and which advances social, economic and spatial justice.

We are guided by the spirit, values and intention of our country's Constitution so beautifully captured in its preamble which reads:

*We, the people of South Africa,
Recognise the injustices of our past;
Honour those who suffered for justice and freedom in our land;
Respect those who have worked to build and develop our country; and
Believe that South Africa belongs to all who live in it, united in our diversity.
We therefore, through our freely elected representatives, adopt this Constitution
as the supreme law of the Republic so as to -*

*Heal the divisions of the past and establish a society based on democratic
values, social justice and fundamental human rights;
Lay the foundations for a democratic and open society in which government is
based on the will of the people and every citizen is equally protected by law;
Improve the quality of life of all citizens and free the potential of each person; and
Build a united and democratic South Africa able to take its rightful place as a
sovereign state in the family of nations.*

*May God protect our people.
Nkosi Sikelel' iAfrika. Morena boloka setjhaba sa heso.
God seën Suid-Afrika. God bless South Africa.
Mudzimu fhatutshedza Afurika. Hosi katekisa Afrika.*

As such:

Good is a movement.
Good upholds the constitution.
Good builds the country.
Good changes politics.
Good fights corruption.
Good stamps out racism.
Good cares about people.
Good nurtures the frail.
Good educates the young.
Good helps the suffering.
Good shelters the needy.
Good has empathy.
Good gives hope.
Good supports good.

OBJECTIVES:

5. To achieve these objectives **GOOD** shall:
 - 5.1. Maintain its registration as a political party under the laws of the Republic of South Africa;
 - 5.2. Adhere to and promote the values contained in the Constitution of the Republic of South Africa, and in this document;
 - 5.3. Promote and advocate for a more **equitable South Africa** where citizens and residents are able to access and use the rights afforded to them in terms of the constitution.
 - 5.4. Promote the values of **truth, trust, equity, social justice, solidarity, sustainability and service** in South Africa and to give life to these value within our communities.
 - 5.5. Champion the **social, economic and cultural rights** that every South African is entitled to.
 - 5.6. To **fight for** and bring about a South Africa that is **equitable and just** and **where no-one is left behind**.
 - 5.7. To ensure all citizens a **free and just life**, rights have to be actively promoted and implemented.

GOOD VALUES:

Our Members and Supporters subscribe to the following GOOD values:

- 6.1 **TRUTH:**

Politics as usual has earned a reputation for profound dishonesty and an immunity from the truth.
Leadership is a privilege. It is a privilege we will never abuse. We will lead in truth. Even when the truth is not popular.
- 6.2 **TRUST:**

Trust is something that is earned through truth.
Our pledge is to be truthful and trustworthy.
- 6.3 **EQUITY:**

South Africa remains a state of deep-rooted inequalities.
Despite progress, democracy hasn't reversed that.
Equity is an outcome of addressing inequality.
- 6.4 **JUSTICE:**

The centuries of oppression and exclusion that is our country's history still linger today.
We believe in a South Africa built on spatial, social, economic and environmental justice.
- 6.5 **SOLIDARITY:**

We recognise the critical bonds that exist between us. This is the foundation of our society.
The progress and success of the country that we share, that we call home, depends on strengthening these bonds.
- 6.6 **SUSTAINABILITY:**

The world's climate is changing faster than scientists initially expected.
We are consuming and destroying the natural resources that give us life.

If we do not act, now, our environment will not be able to sustainably and reliably provide us with the homes, food and water that we and our children will need.

6.7 **SERVICE:**

Public service is service of the public.

Political power must embody the privilege to serve, not to be served.

STATUS, LEGAL PERSONALITY AND POWERS

7. The movement is a body corporate with perpetual succession and shall be capable of suing and being sued.
8. The leader may nominate a delegate to act on it's behalf in all litigation and take steps and do all things as he/she may deem necessary in this regard.
9. The abovementioned authority may be delegated to any member of the movement or legal representative in writing.

POLICY

10. Subject to Clause 11, the highest policy making body shall be the National Conference in session.

PARTY LEADERSHIP & DECISION MAKING

11. The movement has been established as **GOOD** on 18 November 2018.
 - 11.1. The movement intends to contest for seats in the 2019 National and Provincial Government elections and this Constitution shall be the movement's first constitution, subject to amendment at the first National Conference of the movement.
 - 11.2. An inaugural National Leadership Committee will be established amongst the movement's initial members.
 - 11.3. The National Leadership Committee (NLC) will comprise:
 - 11.3.1 Leader
 - 11.3.2 Secretary-General
 - 11.3.3 National Chairperson
 - 11.3.4 Policy Officer
 - 11.3.5 Elections Organiser
 - 11.3.6 National Organiser
 - 11.3.7 A Media Officer
 - 11.3.8 National Treasurer
 - 11.3.9 Deputy National Chairperson
 - 11.3.10 Deputy National Organiser
 - 11.3.11 Deputy Elections Organiser
 - 11.3.12 At least 3 delegates from each of the nine (9) provinces, including any of the positions set out in this clause.
 - 11.3.13 Additional Members co-opted by the NLC as and when required for specific skill required
 - 11.4. The NLC will be the decision making body of the movement until such time as the first National Conference has been convened.

- 11.5 The NLC shall have all the powers and functions required to give effect to this Constitution and to achieve the aims and objectives of the movement.
- 11.6 The NLC will convene the first National Conference within twenty four months of the date of the 2019 National and Provincial Elections.
- 11.7 The NLC shall have the powers to establish interim provincial coordinating committee and to appoint members to act in those committees.
- 11.8 The NLC shall have the power to establish a Membership and Supporters Screening Committee to verify applications.
- 11.9 The NLC shall have the power to remove and replace its members from time to time.

MEMBERSHIP

- 12. Membership shall be open to all South African citizens who are 16 years or over, and who:
 - 12.1 Subscribe to the aims and principles contained in the Constitution of the Republic of South Africa;
 - 12.2 Subscribe to the aims, objectives, values and policies of the movement;
 - 12.3 Undertake to abide by the Constitution of the movement;
 - 12.4 May not be a member of any other Party;
 - 12.5 Apply to be a member of the Party;
 - 12.6 Membership shall be valid until a member resigns or their membership is terminated.

APPLICATIONS FOR MEMBERSHIP

- 13. Persons wanting to become members of the movement shall:
 - 13.1 Apply in a prescribed manner as determined by the NLC from time to time;
 - 13.2 Membership shall be free;

NOTIFICATION OF ACCEPTANCE

- 14. Successful applicants may be notified of their acceptance by the NLC or a delegated official.

TERMINATION OF MEMBERSHIP

- 15. A member who repudiates the Constitution of the movement, joins another party, canvassed for or who assists or associates with the establishment of another party automatically terminates his membership with the movement.

Or when:

- 15.1. He/She resigns in writing or orally, addressed to any structure of the movement.
- 15.2. His/her membership has been terminated in terms of any provisions of this Constitution.
- 15.3. Stands or accepts nomination against an official candidate of the movement in any public election.
- 15.4. Canvasses Party Members to resign from the movement.
- 15.5. Canvasses Party Members to join or support another Party.

SUSPENSION OF MEMBERSHIP

16. The Leader or NLC may at any time suspend the membership of any person who is suspected of having transgressed the provisions of this constitution or is in breach of any rule in the Code of Conduct.

MEMBERS, SUPPORTERS & THE DIGITAL WORLD

17. Only members can serve on representative and other structures of the movement and be public representatives of the movement.
18. If the membership of a public representative is terminated, he/she ceases to be a member of the movement and the relevant authorities must be notified of the vacancy which has arisen.
19. Movement members may as far as possible hold only one leadership position in the structures.
20. The movement embraces a new and modern culture of politics – a culture of virtual and digital engagement and activity.
21. The NLC will establish a digital platform for members to participate in the movement's activities through digital structures.
22. The NLC shall from time-to-time determine whether digital structures will be established in provincial or other formations.
23. Digital structures will provide members with the opportunity to be actively involved in the activities, policy discussions and campaigns of the movement
24. The movement will also maintain a data-base of supporters who register with the movement for the purposes of receiving information, communication or assisting the movement with its activities.

ROLES & FUNCTIONS

25. The NLC will establish a management committee to run the day to day affairs of the movement known as the National Management Committee (hereinafter referred to as the NMC).

- 26. The NMC shall consist of:
 - 26.1 Leader
 - 26.2 National Chairperson
 - 26.3 Secretary-General
 - 26.4 National Treasurer
 - 26.5 National Organiser

27. Leader shall:

- 27.1 Assist in building the movement Nationally with the National Organizer.
- 27.2 Assist with fundraising
- 27.3 Seek international links with like minded organizations in order to build the movement profile.
- 27.4 Represent the movement in the media on national issues, in response to other national leaders and on matters that have a national effect on the movement;
- 27.5 Refer complaints regarding any matters to the structures of the movement for resolution;
- 27.5 Develop a succession Plan for the movement;
- 27.6 Develop women and young leaders and ensure that they participate fully in the leadership and activities of the movement
- 27.7 Prepares regular reports for the NLC;

28. National Chairperson shall:

- 28.1 In consultation with the National Organizer, be responsible for convening and organizing the Conference;
- 28.1 Co-ordinating NLC meetings;
- 28.3 In conjunction with the Secretary General draw up the agenda and minutes of the NLC meetings;
- 28.4 At every NLC meeting, ensure that a quorum is present, motions are cleared before voting begins, matters are dealt with in strict order, that the will of the majority is expressed, and that right of members to express their opinion is protected.
- 28.5 Rule a motion or amendment out of order if contrary to procedure;
- 28.6 Ensure that there is no digression from the subject under discussion.
- 28.7 Assist with movement building.

29. Secretary-General shall:

- 29.1 Be responsible for the administrative function of the movement;
- 29.2 Be responsible for Political Education of all structures;
- 29.3 Facilitate the implementation of decisions taken by the NLC and the Conference;
- 29.4 Assist in building of movement structures;
- 29.5 Assist the Chairperson in preparing for the Conference and NLC meetings;
- 29.6 Prepare regular reports to the NLC;
- 29.7 Keep the minutes of the Conference and the NLC, as well as other relevant records of the movement;
- 29.8 Conduct the correspondence of the NLC and sent out notices of all conferences and meetings held at national level.
- 29.9 Be informed about the latest financial and political developments in the movement, and shall align the financial management accordingly;
- 29.10 Prepare regular audited financial reports to the NLC;
- 29.11 Plan and implement national fundraising strategies.
- 29.12 Assist with policy development and implementation

30. National Organizer shall:

- 30.1 Ensure that all structures of the movement implement the political programmes;
- 30.2 Assist in movement development and growth;
- 30.3 Drives the process of organizational development;
- 30.4 Report possible threats to the Leader
- 30.5 Manage the movement membership database;
- 30.6 Identify and develop target areas for growth
- 30.7 Assess and verify movement structures;
- 30.8 Assess growth of the movement;
- 30.9 Supervise Provincial committees, if any;
- 30.10 Arrange program of visits to all Provinces for the National Leader;
- 30.11 Assist in the development of digital structures
- 30.12 Prepare regular reports for the NLC.

31. National Policy Convener shall:

- 31.1 Collect, organize and disseminate policy issues to different Members and supporters;
- 31.2 Work closely with national researchers to establish new policy and verify existing policy;
- 31.3 Compile policy booklet for distribution to members and supporters;
- 31.4 Organize and oversee policy workshops in conjunction with the National Organiser;

- 31.5 Ensure that Party policies are implemented in National, Provincial and Local governments
- 31.6 Prepares regular reports for the NLC;

32. NMC Shall:

- 32.1 Implement any decisions taken at the NLC meetings;
- 32.2 Prepare regular reports for the NLC;
- 32.3 Assist generally with the day to day affairs of the Party on National level.
- 32.4 Keep minutes of meetings held.
- 32.5 All decisions taken by the NMC must be reported to the subsequent NLC meeting.

CANDIDATE SELECTION FOR PUBLIC OFFICE

- 33. The NLC shall be the Electoral College, or shall have the power to establish a separate Electoral College, and shall have the right to finalise all representative lists for the purposes of electing members to public office. In the event of a dispute the Leader shall appoint an appeal committee for a final decision. The NLC shall establish a process to deal with any conflict of interest that may arise when a member of the NLC is also a candidate applicant. The Leader shall have the right to finalise candidate lists for the purposes of electing members to public office.
- 34. Approved candidates for any public office must sign and agree to abide by a contract, made between themselves and the NLC, on the agreed basis by which they go forward as candidates.
- 35. This agreement shall contain (but without limiting the terms of the agreements):
 - 35.1 An agreement to uphold and abide by the Constitution of the movement;
 - 35.2 An agreement to promote and abide by the policy of the movement;
 - 35.3 The position concerning leaving the movement; and
 - 35.4 Grievance and disciplinary measures.
 - 35.5 An obligation to make financial contributions to the movement as determined by the NMC and / or NLC.

CONSENSUS DECISION-MAKING

- 36 All decisions by any committee, working group or any other body overseen by the movement, may be made by consensus. The following procedure apply when reaching consensus:
- 36.1 A Motion must be tabled in writing
 - 36.2 If consensus on a motion is not achieved after reasonable attempts, a vote can be taken. A motion shall be carried with a 50% + 1 majority of the votes cast. Those who do not agree with the decision may have their objections included in the minutes recorded but shall be bound by the decision taken.

CAUCUS

- 37 The role of Parliamentary Caucus is to organize and co-ordinate the movement's parliamentary activities. The Caucus shall exist for the period that the movement has Members of Parliament
- 38 The Caucus shall comprise:
- 38.1 The Leader;
 - 38.2 All persons elected as Members of Parliament
 - 38.3 Any representative of the NLC appointed by the NLC and agreed to by Parliamentary Caucus; and
 - 38.4 Such other persons as the National Caucus may appoint as members or as provided for in the Constitution.
- 39 The Caucus shall make such rules for its conduct as it sees fit, in accordance with the objectives of the movement.
- 40 The Leader of the movement and MPs shall be the voting members of Parliamentary Caucus.

- 41 Any movement member may attend a Caucus meeting, subject to the rules contained in the Caucus Agreement.
- 42 Members of Provincial Legislatures and Councillors of Metros, Districts and Local Municipalities of the movement shall also establish Caucuses and shall generally operate and be guided by the practices, policies and rules of the National Caucus.

FINANCES

- 43 The NLC may:
 - 43.1 Open a bank account in the name of the movement and shall have designated signing powers on electronic and other bank documents.
 - 43.2 Receive monies on behalf of the movement; and
 - 43.3 Make payments, whether by electronic transfer, cheque or by any other means.
- 44 The National Treasurer shall act at the direction of the NMC. At the first meeting of the NMC it will decide by resolution on the following matters:
 - 44.1 How money will be received by the movement;
 - 44.2 Who will be entitled to produce receipts;
 - 44.3 How expenditure commitments will be budgeted for by the movement
 - 44.4 What bank accounts will operate for the ensuing year, including the purposes of and access to accounts;
 - 44.5 Who will be allowed to authorize the production of cheques and the identities of cheque signatories and who will be entitled to authorize electronic payments;
 - 44.6 Who will be allowed to authorize the ordering of goods and services;
 - 44.7 Investment of money by the movement, including what type of investment will be permitted; and
 - 44.8 The type and frequency of financial reporting required during the year.
 - 44.9 The NMC may invest surplus funds as it sees fit, if the investment does not conflict with the movement's objectives.
45. The NMC may delegate any of the Treasurer's functions to any person as it sees fit.
46. Treasurer's report must be prepared and all books and records kept must be completed and up-to-date for presentation at the Conference, according to acceptable accounting principles.

AMENDMENTS TO THE CONSTITUTION

47. The NLC shall have the right to amend the Constitution which shall remain in effect until the Conference.

DISSOLUTION

48. 75% of the members entitled to vote at the Conference of the movement may resolve that the movement be dissolved, and may also direct the method of disposing of the assets and property of the movement after its dissolution, and matters incidental thereto.
49. A notice of the resolution and its confirmation shall be sent to all parties and institutions required in law to be notified.
50. The property of the movement shall upon dissolution be transferred to such political parties or societies having objectives similar to those of the movement within South Africa.

51. CODE OF CONDUCT

51.1. PREAMBLE

- 51.1.1 In order to ensure that the representatives / members fulfill their obligations to the movement and that the movement realises the principles which the electorate endorsed and that the movement thus serves its constituency, the following Code of Conduct is established.

51.1.2 The movement has and shall canvass for support and shall strive to procure the election of its representatives representing the movement and thus its representatives at various forums, including the National and Provincial Legislatures and local government councils.

51.1.3 It is accordingly necessary to ensure that the movement has structured mechanisms of accountability to the electorate, and to fulfill the principles of the movement. In fulfilling this representatives must be accountable to the movement and thus to their constituency.

51.2. DEFINITIONS

51.2.1 "Forum" means any Local, National, Provincial or National Council of Provinces' office to which a representative may be appointed in order to represent the movement.

51.2.2 "Interest" means any business or other interest which any representative, or any spouse, partner or business associate of such representative, whether business or otherwise, may have in any matter which is relevant to the movement.

51.2.3 "Meeting" means any meeting of:

51.2.3.1 The movement

51.2.3.2 the forum and caucus to which such representative has been elected;

51.2.3.3 Any committee or subcommittee of the movement or the forum.

51.2.4 "Representative" means any member of the movement delegated or nominated to represent the movement in a Public Office.

51.2.5 "NLC" means the National Leadership Committee of the Party.

51.2.6. "Partner" means any spouse or any person who permanently lives with another person as if married.

51.2.7. "Movement" means the Good movement.

- 51.2.8. "Member" shall mean any person who has complied with the provisions of this constitution with regards to membership

- 51.2.9. "Privileged or confidential information" includes any information:
 - 51.2.9.1. Determined by the movement or the forum to be privileged or confidential;
 - 51.2.9.2. Discussed in closed session by the movement or the forum;
 - 51.2.9.3. Disclosure of which would violate any person's right to privacy; and/or
 - 51.2.9.4. Declared to be privileged, confidential or secret in terms of law.

- 51.2.10 "Gossip" shall have the following meaning:
 - 51.2.10.1 The spreading of malicious reports about the behavior of representatives/or members;
 - 51.2.10.2 The divulging of personal information about representatives/or members;
 - 51.2.10.3 Participating in communications concerning other members and or representatives based on rumor, hearsay or scandalous information; and/or
 - 51.2.10.4 A person who habitually spreads intimate or private rumors or facts about representatives/or members.
 - 51.2.10.5 The indulging into the private life of representatives or members.

51.3. NOTIFICATION OF THESE PROVISIONS

The NLC must ensure that each representative when taking office is given a copy of this Code which must be signed and accepted by the representative concerned, and that a copy of the Code may be made available in every room or place where the representatives meet.

51.4. GENERAL CONDUCT/ DISCIPLINE OF REPRESENTATIVES AND MEMBERS

51.4.1 A representative/ member shall:

- 51.4.1.1 Act at all times in the best interest of the movement and in such a way that the credibility and integrity of the movement are not compromised;
- 51.4.1.2 Loyally execute the lawful policies of the movement;
- 51.4.1.3 Perform the functions of office in good faith, diligently, honestly and in a transparent manner;
- 51.4.1.4 Act in such a way that the spirit, purpose and objectives of the movement, including the decisions of the NLC and the Constitution of the movement are promoted;
- 51.4.1.5 Behave at all times in such a manner that his/her actions or conduct is not detrimental to the interest of the movement and does not bring the movement and/or its leadership into disrepute. Without derogating from the aforesaid, may not be a party to any form of gossip and lies.
- 51.4.1.6 Fulfill her/his financial obligations with regards to her/his financial contribution, on a monthly basis. Failure to do so may result in severe penalty.
- 51.4.1.7 Assist relevant structures in movement building
- 51.4.1.8 Act impartially and treat all people equally without favor or prejudice; and
- 51.4.1.9 Perform the functions of office having due regard and respect for the values and principles of non-racialism and non-sexism.

51.5. COMMITMENT TO SERVING THE PUBLIC INTEREST

51.5.1 A representative must:

- 51.5.1.1 Foster a culture of commitment to serving the public.
- 51.5.1.2 Promote and seek to implement the basic values and principles of the constitution of our country
- 51.5.1.3 Participate in the activities of the relevant caucus and respective committees and in so doing to promote the Party.

51.6. ATTENDANCE

- 51.6.1 A representative / member must attend every meeting, except when:
- 51.6.2 Leave of absence has been duly granted; or
- 51.6.3 Required in terms of this Code to withdraw.

51.7 SANCTIONS FOR NON-ATTENDANCE

- 51.7.1 The movement may impose a fine not exceeding R1000-00 on a representative for:
 - 51.7.1.1 Failing to attend any meeting; or
 - 51.7.1.2 Failing to remain in attendance at such a meeting.
- 51.7.2 A representative / member who is absent from three or more consecutive meetings may be removed from office as a representative and/or have his/her membership of the movement suspended or terminated.

51.8 DISCLOSURE OF INTERESTS

- 51.8.1. A representative must:
 - 51.8.1.1 Make full and complete disclosure to the movement and/or any forum to which s/he is appointed of any direct or indirect personal or private financial interest; and
 - 51.8.1.2 Withdraw from the proceedings of the movement or the forum when that matter is considered, unless the movement or the forum decides that the representative's direct or indirect interest in the matter is trivial or irrelevant.
- 51.8.2. This section shall also apply to an interest or benefit which a representative, or a spouse, partner, business associate or close family member, has or acquires in common with other members of the public in general.

51.9. PERSONAL GAIN

- 51.9.1. A representative may not use the position or privileges of a representative, or confidential information obtained as a representative, for private gain or to improperly benefit himself or any other person.

- 51.9.2. Except with the prior consent of the movement and/or the forum, a representative may not:
 - 51.9.2.1 Be a party to or beneficiary under a contract for the provision of goods or services to the movement or the forum; or perform any work for and/or on behalf of the movement or the forum.
 - 51.9.2.2 Obtain a financial interest in any business of the movement or the forum; or
 - 51.9.2.3 For a fee or other consideration appear on behalf of any other person before the forum.

51.10. DECLARATION OF INTERESTS

- 51.10.1 When elected or appointed, a representative must within 30 days declare in writing on the prescribed form, to the NMC the following financial interests held by that representative:
 - 51.10.1.1 Shares and securities in any company;
 - 51.10.1.2 Membership of any close corporation;
 - 51.10.1.3 Interest in any trust;
 - 51.10.1.4 Directorships;
 - 51.10.1.5 Partnerships;
 - 51.10.1.6 Other financial interests in any business undertaking;
 - 51.10.1.7 Employment and remuneration;
 - 51.10.1.8 Interest in property;
 - 51.10.1.9 Pension; and
 - 51.10.1.10 Subsidies, grants and sponsorships by any organization.

- 51.10.2 Any change in the nature or detail of the financial interests of a representative must be declared in writing to the NMC annually.

- 51.10.3 Gifts and hospitality from a source other than a family member or permanent companion received by a representative above the amount of R350.00 must also be declared to the NMC.

- 51.10.4 The NMC must determine which of the financial interests may be made public having regard to the need for confidentiality and the public interest for disclosure.

51.11 FULL-TIME REPRESENTATIVES

- 51.11.1 A representative who is according to the Legislation a full-time representative may not undertake any other paid work except with the consent of the NMC which consent shall not unreasonably be withheld.
- 51.11.2. Failure to comply with the provisions of clause 51.11.1. shall result in disciplinary measures against the representative / member concerned.

51.12. REWARDS, GIFTS AND FAVORS

- 51.12.1. A representative may not request, solicit or accept any reward, gift or favor for:
- 51.12.1.1 Voting or not voting in a particular manner on any matter before the movement or a forum;
 - 51.12.1.2 Persuading the movement or the forum in regard to the exercise of any power, function or duty;
 - 51.12.1.3 Making any representation to the movement or a forum; or
 - 51.12.1.4 Disclosing privileged or confidential information of the Party and/or the forum.

51.13. UNAUTHORISED DISCLOSURE OF INFORMATION

A representative may not without the permission of the movement or the forum disclose any privileged or confidential information of the movement or the forum to any unauthorized person or members of the Media.

51.14. INTERVENTION IN MOVEMENT BUSINESS

- 51.14.1 A representative may not, except as provided by law:
- 51.14.1.1 Interfere in the management or administration of any of the affairs of the movement unless duly mandated to do so;
 - 51.14.1.2 Give or purport to give any instruction to any employee of the movement except when authorized to do so
 - 51.14.1.3 Obstruct or attempt to obstruct the implementation

- of any decision of the movement or a committee of the movement;
- 51.14.1.4 Encourage or participate in any conduct which would cause or contribute to maladministration in the movement; or
- 51.14.1.5 Hold any Press Conference or make any statement in the Press which has not been authorized by the movement or without having first obtained approval from the NMC to do so.

51.15. PROPERTY

A representative may not use without prior permission, take, acquire or benefit from any property or asset owned, controlled or managed by the movement to which that representative has no right.

51.16. REPRESENTATIVE IN ARREARS

A representative shall not be in arrears to the movement for monies due to the movement for a period longer than 3 months, and his/her membership shall automatically terminate if he/she does not comply with the provisions hereof

51.17. DUTY OF REPRESENTATIVES

If any representative, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, such person must forthwith report such breach to the NMC.

51.18 SEXUAL HARASSMENT

- 51.18.1 The occurrence of Sexual Harassment intrudes on the fundamental human rights of a person and contravenes the South African Constitution; this in turn challenges the integrity of the movement.
- 51.18.2 Sexual Harassment is all forms of conduct, of a sexual nature, that is unwelcome and unsuitable, and can be offensive, humiliating or intimidating, with a possible negative effect on the working environment Sexual Harassment can include physical, verbal or non-verbal actions and includes a vast range of circumstances, from offensive gestures to rape.
- 51.18.3 **VERBAL FORMS:** Querying a person's sex life, telephone calls, emails SMS's with a sexual suggestion, incessant offensive or chauvinist jokes/comments, undesirable propositions for dates, comments concerning a person's appearance, or anything of a similar nature.
- 51.18.4 **NON-VERBAL FORMS:** Gestures with a sexual connotation, goggling, repeated undesired flirtation, or anything of a similar nature.

- 51.18.5 VISUAL FORMS: Displaying pornographic photos, cartoon, objects, or anything of a similar nature that creates a hostile environment.
- 51.18.6 PHYSICAL FORMS: Unwelcome contact through patting, stroking, pinching, petting, kissing, pawing, assault, molesting and rape, or anything of a similar nature.
- 51.18.7 QUID PRO QUO FORMS: Sexual bribery such as, the promise of a promotion in return for sexual favors and sexual extortion such as, refusing to promote a person if they do not consent to sexual favors. This includes, but is not restricted to all person using any of these methods to achieve promotion.
- 51.18.8 Equally men and women may be the victims of sexual harassment. Sexual harassment may happen in the same way between members of the same sex as between members of the opposite sex. The perpetrators may be senior, equal or junior in position.
- 51.18.9 All members / representatives / staff shall abide by the Sexual Harassment Policy / Code as adopted by the NLC. The policy shall define all forms of offensive conduct in the respect of sexual harassment.
- 51.18.10 Failure to comply with shall result in disciplinary procedures.

51.19 **RACISM**

- 51.19.1 The movement champions a racism free society.
- 51.19.2 Any member or representative who makes a racist remark, commits a racist comment to writing, posts a racist remark on any social media platform, sends a racist comment by way of any electronic communication medium, makes or repeats a racist “joke” violates the fundamental values of the movement and commits a breach of this code of conduct.
- 51.19.3 Any member or representative who witnesses a racist incident committed by another member or representative shall be obliged to immediately correct that racist conduct and report the incident to the NMC.
- 51.19.3 Any complaint about racism committed by a member or representative must be referred to the NMC without delay.

51.20 **DISCRIMINATION AND INTOLERANCE**

- 51.20.1 The movement is a champion of the South African Constitution and promotes a South Africa free from discrimination and intolerance.
- 51.20.2 Any member or representative who discriminates against any person on the basis of his or her gender, religion, sexual orientation, culture, age, language or disability violates the fundamental values of the movement and commits a breach of this code of conduct.
- 51.20.3 Any complaint about discrimination or intolerance committed by a member or Representative must be referred to the NMC without delay.

52. BREACHES OF THE CODE

Any representative / member who commits any of the following acts shall be deemed to have committed a breach of the rules, provisions or policies of the movement:

- 52.1 Committing any offence in respect of which criminal charges are laid against such person;
- 52.2 Failing to obey or properly comply with any competent instruction from movement or any of its officials authorized to give such order;
- 52.3 Conducting himself/herself in such a way as would be calculated or likely to lower the esteem of in which the movement is held by the public.
- 52.4 Collecting funds for the movement when not authorized to do so;
- 52.5 Instituting false charges against any movement member
- 52.6 Making unauthorized statements to the media.
- 52.7 Disclosing confidential information to opposition parties or unauthorized persons.
- 52.8 Conducting himself/herself in a manner unbecoming a member of the movement.
- 52.9 Failing to attend movement and caucus meetings without good cause.
- 52.10 Voting against an agreed movement caucus position.

53. The Leader may allow an investigation into the alleged offence.

54. Any member who joins another political party or who is proved to have assisted in the formation of another political party may be summarily expelled from the movement by the Leader.

55. A complaint of breach of any of the rules, provisions or policies of the movement, shall be forwarded to the Leader or the NMC who may:

- 55.1 Suspend the member concerned pending a disciplinary hearing;
- 55.2 Convene a Disciplinary Committee; or
- 55.3 Delegate his/her functions under this paragraph in writing to any member of the movement, or competent body, person or institution.
- 55.4 Appoint a Disciplinary and Appeal Committee.
- 55.5 Make recommendations to the NMC for final ratification.

56. The NMC may have the right to call on the Disciplinary Committee to:
- 56.1 Call for an investigation and make a finding on any alleged breach of a provision of this Code; or
 - 56.2 To make appropriate recommendations to the NMC.
 - 56.3 Issue a formal warning to the representative;
 - 56.4 Reprimand the representative / member.
 - 56.5 Request the movement to suspend the representative / member for any period;
 - 56.6 Impose a fine not exceeding R1000-00 on the representative / member;
 - 56.7 Request the expulsion of the member from the movement
 - 56.8 Request the relevant authority of the forum to remove the representative from office.
 - 56.9 The Disciplinary Committee shall make recommendations to the NMC for a decision.

57. DISCIPLINARY PROCEDURE

- 57.1 A Disciplinary Committee as established by the NLC or NMC shall adopt such procedure as it deems expedient in order to conduct a disciplinary enquiry, and shall keep an accurate record of its proceedings.
- 57.2 On completion of its functions the Disciplinary Committee must make a finding on whether the charges against the member have been substantiated and may recommend:
- 57.2.1 Expulsion from the movement;
 - 57.2.2 Suspension from the movement;
 - 57.2.3 Removal from any office held in the movement; or
 - 57.2.4 Any other corrective measure as it sees fit to recommend.

58. APPEAL PROCEDURE

- 58.1 Any person who has been disciplined may, within 5 working days of the sentence having been confirmed, appeal against the finding and/or sentence to the appeal authority appointed by the NMC:
- 58.1.1 The notice of appeal shall be in writing and shall state clearly the grounds of appeal.
 - 58.1.2 The receipt of the appeal shall not be interpreted as a suspension of the sentence.

END