

**THE CONSTITUTION OF:**  
**THE ALLIANCE DEFENDING THE AUTONOMY OF CHURCHES IN SOUTH**  
**AFRICA:**  
**AN INCORPORATED VOLUNTARY ASSOCIATION.**

**1. PREAMBLE**

On or about 22 June 2018 a teleconference of representatives of The Institute for Public Justice and other concerned persons established a voluntary association to be known as the 'The Alliance Defending the Autonomy of the Churches in South Africa' with all necessary intention that the association be incorporated. A core group of persons was nominated from which the instructing committee was to be formed and which committee was to bring about a written constitution in line with the discussions and purpose of the meeting on that call. The first committee was formed, the objectives articulated and this constitution brought about.

**2. ACRONYMS AND DEFINITIONS**

- 2.1. The Alliance: The Alliance Defending the Autonomy of the Church in South Africa. (ADACSA)
- 2.2. Area of Concern (AOC): South Africa.

### **3. CONSTITUTION**

The provisions herein contained shall be known as the Constitution of the Alliance, which provisions may be altered by a majority of those members present at a general meeting of members, save:

- 3.1. That the precise terms of any proposed alteration shall be set out in the notice convening the meeting; and
- 3.2. That the purpose and objects of the Group shall not be altered without the consent of 75% of all the members.

### **4. OBJECTIVES**

The objectives of the Alliance shall pertain to the AOC and shall be to achieve the following objectives in every possible lawful way:

- 4.1. Defending and protecting the autonomy of Churches in South Africa, including specifically the ability of each denomination, church and religious grouping to set their own doctrine and to govern their internal affairs according to their interpretation of their religious texts.
- 4.2. To intervene in, oppose and if necessary institute legal proceedings against any authorised or unauthorized activity that may pose a threat to the interests of the AOC and the Alliance.
- 4.3. To interact with and to serve as a means of communication in the interests of the objectives of the Alliance with all spheres of government.
- 4.4. The Association shall not be aligned to any political party or other structure, and its nominated representatives shall avoid becoming embroiled in party political issues.

## **5. MEMBERSHIP**

- 5.1. The following persons are eligible as members of the Alliance:
  - 5.1.1. any person who subscribes to the objects of the Alliance by completing a resolution to such effect; and
  - 5.1.2. is approved by the committee as a member.
- 5.2. A person desiring to join the Alliance shall lodge with the committee an application for this purpose.
- 5.3. An application for membership shall be considered and decided by the committee whose decision as to whether an applicant qualifies for membership, shall be final and binding.
- 5.4. At the discretion of the committee, membership may be revoked and any organ may be accorded ex-officio membership.
- 5.5. In the event of a member not being a natural person, such juristic person may nominate a natural person to become a member in its stead or as its representative.
- 5.6. Any member may resign by notice to the committee.

## **6. INCORPORATION**

The Alliance shall be capable in its own name of suing and being sued and of purchasing or otherwise acquiring, holding or alienating property, whether movable or immovable, and/or any interest therein and to open bank accounts in its own name. If and where necessary it may appoint one or more of its members to hold any property in trust for it or to act for it in any matter including legal proceedings and for the purposes set

out herein shall be an association as contemplated in High Court Rule 14.

## **7. MANAGEMENT**

- 7.1. The interests of the Alliance shall be managed by a committee consisting of no more than: a chairperson, vice-chairperson, treasurer, secretary and three (3) additional members who shall be elected at each third annual general meeting, save for the first committee members. The list of the first committee of members is attached as “annexure 1”.
- 7.2. Retiring committee members are eligible for re-election.
- 7.3. Only members of the Alliance are eligible for election as committee members.
- 7.4. The committee may co-opt a member to the committee in the event of a vacancy occurring for the remaining period of the term of office of the person who vacated the position.
- 7.5. The committee of the Alliance may appoint sub-committees as it deems fit in its discretion.
- 7.6. Each sub-committee shall be chaired by a committee member and may consist of so many members as the committee may decide from time to time.

## **8. MEETINGS**

### **8.1. Committee Meetings**

- 8.1.1. Committee meetings shall be convened by the secretary on the instructions of the chairperson or vice-chairperson or when three (3)

committee members jointly and in writing apply for such a meeting to be convened. Four (4) committee members shall form a quorum.

8.1.2. Committee decisions shall take place by voting. In the event of the voting being equal the chairperson shall have a casting vote.

8.1.3. Should a committee member absent him/herself from two successive committee meetings without valid reason, he shall forfeit his committee membership.

8.1.4. The duties of the Treasurer are to:

8.1.4.1. maintain accurate records and supporting documentation to a reasonable level of detail that provides a clear audit trail for all transactions;

8.1.4.2. report to the meetings the financial status of the organisation to ensure checks and balances;

8.1.4.3. prepare annual Income and expenditure statements allied to a balance sheet for annual general meetings;

8.1.4.4. facilitate the preparation of audited financial statements as required by the committee;

8.1.4.5. prepare an annual budget for the organisation;

8.1.4.6. originate and operate a bank account as directed by the organisation;

8.1.4.7. make payments in the name of the organisation as required by the committee and in conformance with legal requirements (such as VAT);

8.1.4.8. submit financial returns for the organisation as required by law.

## 8.2. **General Meetings**

- 8.2.1. The annual general meeting of the Alliance shall take place tri-annually within a period of two months after the financial year end.
- 8.2.2. The financial year shall terminate at the end of February of every year.
- 8.2.3. A special general meeting may be convened by the committee on the signed, written request of at least ten registered members of the Group which request must be accompanied by a motivated proposal for the meeting.
- 8.2.4. The committee may call a general meeting as it deems fit.
- 8.2.5. The following procedures shall apply to all general meetings:
  - 8.2.5.1. a minimum of fifteen (15) members will form a quorum. In the absence of such a quorum, the members present may adjourn the meeting for a period of seven days where the members present at the adjourned date will automatically constitute a quorum;
  - 8.2.5.2. decisions shall be taken by a majority vote;
  - 8.2.5.3. notice of general meetings shall be advised two (2) weeks in advance.
- 8.2.6. Each elected or appointed member of the committee shall hold office for a period of three (3) years and upon expiry of such period such member shall automatically retire from office, but shall be eligible for nomination and re-election as a member of the committee, provided that he retains his qualification.

## **9. FINANCES**

- 9.1. All the income of the Alliance shall be deposited in a designated bank account at a bank and/or other approved financial institution as authorised and opened under clause 5 as read with clause 7.1.4. Any two (2) members, consisting of either the chairperson, vice-chairperson, secretary or treasurer, as authorised by the committee, shall be empowered to withdraw funds for the use of the Alliance.
- 9.2. Proper accounts shall be kept of all finances of the Alliance as set out in the regulations published in terms of the Fundraising Act, 1978.
- 9.3. A financial report shall be produced by the treasurer at the annual general meeting or upon request from the committee.
- 9.4. Financial contributions will be collected from all persons and/or organisations, worldwide, which support the objects of the organisation.
- 9.5. No member shall be held responsible for any expense, as determined from time to time at the annual general meeting. Contributions, towards the expenses of the Alliance, are on a strictly voluntary basis.

## **10. RIGHT TO VOTE**

Each registered member has one vote at any meeting.

## **11. CONSTITUTIONAL AMENDMENTS**

Any amendment to the aims and objects of the Alliance shall only be effected by a 75% majority decision at a general meeting or special general meeting and further provided that seven days' prior notice was given of the proposed amendment, otherwise a simple majority at a

general meeting will suffice. Notice is to be given in the same manner as a notice for the annual general meeting.

## **12. PUBLIC STATEMENTS AND CORRESPONDENCE**

Public statements and correspondence are to be reviewed by the committee prior to its release. Unless otherwise determined, the chairperson will represent the Alliance for this purpose.

## **13. DISSOLUTION**

13.1. The Alliance may be dissolved, or merged with any other association with similar purposes and objects in each case, only:

13.1.1. on a resolution passed by a 75% majority of members present at a duly constituted general or special general meeting of members; or

13.1.2. on an application to a court of law by any member on the ground that the Alliance has become dormant, redundant or is otherwise unable to fulfill its purpose and objects,

13.2. On a merger, the assets of the Alliance shall accrue to the association with which the merger is affected.

13.3. On dissolution, the assets of the Alliance shall be realised by a liquidator appointed by the general meeting or the court, as the case may be, and the proceeds shall be distributed equally amongst associations with similar objects as may be nominated by the last committee of the Alliance.



**14. MISCELLANEOUS**

14.1. Every officer and member of the Alliance shall be entitled at all reasonable times to inspect all books of account and other documents of the Alliance which its custodian shall be obliged to produce by no later than seven (7) days following the date of the request.

14.2. Every member of the committee, or sub-committee, officer, member, agent or servant of the Alliance shall be indemnified out of its funds against all costs, charges, expenses, losses and liabilities incurred by him in the conduct of the Alliance's business, or in the discharge of his duties and no person shall be liable for the acts or omissions of any other such person by reason of his having joined in any receipt of money not received by him personally, or for any loss on account of his defect in title to any property acquired by the Alliance, or on account of the insufficiency of any security in or upon which monies of the Alliance shall be invested, or for any loss incurred upon any ground whatever.

**SIGNED at JOHANNESBURG:**



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**CHAIRPERSON - REVEREND MOSS NTLHA**

27 JUNE 2018

**Annexure 1**

List of the first committee of members:

Chairperson: Rev Moss Ntlha

Secretary: Pastor Michael Swain

Members:

Pastor Errol Naidoo

Mr. Marcus van Wyk