

CONSTITUTION

OF ADVOCATES FOR

TRANSFORMATION (NATIONAL)

PREAMBLE

As members of Advocates for Transformation, we:

- remember the systematic exclusion of black sections of the community from the practice of law;
- remember the allocation of privileges to the white section of the attorneys and advocates' professions by the past racist legal order;
- remember that the past racist order skewed financial and human resources in favour of whites for decades;
- recognise the duty of the profession to undo the iniquities of the racist past;
- organise ourselves to achieve the full potential of each and everyone of us to practice law uninhibited by race, gender or creed;

- commit to ensure that the practice of law, the governance of the profession and the judiciary is infused with the best values upon which our country's Constitution is predicated;

NOW HEREBY RESOLVE to adopt the Constitution as the Constitution of Advocates for Transformation (National):

1. **NAME**

1.1 The name of the organisation is Advocates for Transformation (National), hereinafter referred to as "AFT".

1.2 AFT is a non-racial, non-sexist voluntary association of advocates committed to the transformation of the advocates' profession, and the judiciary in the Republic of South Africa.

2. **OBJECTS**

The objects of AFT are to:

2.1 transform the advocates' profession and the judiciary in South Africa in line with the values and democratic ethos enshrined in the Constitution of the Republic of South Africa;

- 2.2 represent and promote the interests of historically disadvantaged advocates within the legal profession;
- 2.3 ensure an increase in the number of black advocates and judges, consistent with the demographics of the population of the Republic of South Africa;
- 2.4 participate in the governance of all formal structures of the advocates' profession including the GCB and its constituent Bars, in a meaningful and effective way;
- 2.5 empower historically disadvantaged advocates, and in particular black and female advocates, to sustain and develop their careers within the advocates' profession;
- 2.6 liaise with organisations with similar aims and objectives;
- 2.7 do whatever is necessary to obtain the objectives stated above, and advance the interests of AFT members.

3. MEMBERSHIP

Membership of AFT shall be open to:

- 3.1 any member of the Society of Advocates of South Africa who is a

registered member of a constituent Bar affiliated to the General Council of the Bar (GCB), and who is, and remains, in good standing;

3.2 any advocate who embraces the objectives of AFT.

4. REGIONAL BRANCH AFFILIATES

4.1 AFT (National) shall comprise Regional AFT Structures which shall be established within the jurisdiction of the division of a High Court of the Republic of South Africa;

4.2 The following Regional AFT Structures currently exist:

4.2.1 Western Cape Region;

4.2.2 Eastern Cape Region;

4.2.3 Bisho Region;

4.2.4 Kwa-Zulu Natal Region;

4.2.5 Johannesburg Region;

4.2.6 Transkei Region;

4.2.7 Pretoria Region; and

4.2.6 Any other Region approved by the National Executive Committee.

4.3 A Regional AFT Structure shall comprise no less than eight (8) subscribed members, provided that such Regional Structure shall not be recognised as an affiliate where there is a Regional AFT Structure already in existence in the same jurisdiction of the High Court;

4.4 All Constitutions of the Regional AFT Structures shall be consistent with this Constitution, and where there are differences and/or inconsistencies, the provisions of this Constitution shall prevail;

4.5 All decisions taken by AFT(National) shall be binding on all Regional AFT Structures and all its members;

4.6 Each Regional AFT Structure shall ensure that it has no less than eight (8) subscribed members in good standing and shall annually pay the subscriptions of such members in such amounts as may be determined from time to time by the National Executive Committee; and

4.7 Each Region of AFT must hold its Annual General Meeting (AGM) not later than sixty (60) days before the National Annual General Meeting (National AGM) and shall file reports of such Regional AGMs with the National Executive not later than fourteen (14) days before the National

AGM.

5. MANAGEMENT AND DECISION-MAKING STRUCTURES

5.1 The management and decision-making authority of AFT(National) shall vest in the following structures within AFT in order of seniority:

5.1.1 the Annual General Meeting;

5.1.2 the National Executive Committee;

5.1.3 the Regional Executive Committee; and

5.1.4 Standing Committees, *Ad Hoc* Committees, and Elected Officials.

5.2 The Annual General Meeting (National AGM):

5.2.1 The National AGM of AFT shall be held during the month of June of each year, or on such date, and at such venue as the National Executive Committee shall determine;

5.2.2 The National AGM shall comprise the National Executive Committee and the Regional AFT delegates appointed by the various affiliated Regions on the basis of numerical strength of membership, provided that each Region shall not have less than

three (3) delegates in attendance;

5.2.3 A Regional AFT Structure shall be entitled to appoint one (1) additional delegate to the three(3) delegates for every twenty (20) members additional to the first five (5) members;

5.2.4 Decisions at the National AGM, shall be taken by consensus, provided that where consensus cannot be reached, they shall be taken by vote on the basis of one vote for each accredited delegate, and one (1) vote by each of the members of the National Executive Committee;

5.2.5 The National AGM may establish such Standing Committees as may be necessary for the attainment of the objectives of AFT. The Standing Committee shall function under the direct supervision of the National Executive Committee; and

5.2.6 The purpose of the AGM shall be to elect officials, receive and consider annual reports and financial statements, ratify and/or approve policy directives, and decide on the deployment of officials to represent AFT in the various governing Structures of the profession, or such matters as the AGM may direct.

5.3 The National Executive Committee:

5.3.1 The National Executive Committee shall comprise the chairperson of every affiliated Regional AFT Structure, and the following officials elected at the National AGM:

- (i) Chairperson;**
- (ii) two (2) Deputy Chairpersons, one coastal and one inland;**
- (iii) Secretary General;**
- (iv) Treasurer;**
- (v) Assistant Secretary;**
- (vi) Assistant Treasurer;**
- (vii) An additional member.**

5.3.2 The National Executive Committee shall attend to the day to day issues affecting AFT (National) including financial management and may meet as often as business demands, but not less than four (4) times in its term of office;

5.3.3 The National Executive Committee may appoint an *Ad Hoc* Committee for the duration of its term with a specific mandate to be completed within such term. Such *Ad Hoc* Committee shall report to the National Executive Committee.

5.4 The Standing Committees and *Ad Hoc* Committees:

5.4.1 The Standing Committees shall be appointed at the National AGM or a special meeting convened for such purpose, and shall function under the supervision of the National Executive Committee;

5.4.2 The Standing Committees may meet as often as necessary; shall report to the National Executive Committee, and may only be dissolved by the next National AGM.

6. FINANCE

6.1 AFT (National) shall derive its income from:

6.1.1 subscriptions paid by members of AFT nationally through the Regional AFT affiliates. The amount of such subscriptions shall be determined from time to time by the National Executive Committee;

6.1.2 fund-raising, donations and/or contributions received from different sources which are committed to the aims and objects of AFT.

6.2 Expenditure

All expenditure of the AFT (National) shall be authorised and/or ratified by the National Executive Committee and ratified by the Annual General Meeting.

7. VOTING AND QUORUM

- 7.1 Decisions at any meeting of AFT shall be taken by consensus. Where such consensus cannot be attained, that decision shall be taken by vote;
- 7.2 Voting shall be by show of hands. The chairperson shall have a casting vote. The chairperson may, upon request, call for election by secret ballot.
- 7.3 A Regional AFT Structure may exercise a block vote, equal to the number of votes it is entitled to at a meeting;
- 7.4 A quorum at all meetings shall be twenty-five percent (25%) of the number of members entitled to attend, provided that at the National AGM, two-thirds (2/3) of the Regional AFT affiliates shall be part of that quorum

of twenty-five percent (25%);

- 7.5 Where a quorum cannot be attained or obtained, the meeting shall stand adjourned until the next sitting, which shall not be less than twelve (12) hours, on which next sitting those present then shall be deemed to constitute a quorum.

8. **DISCIPLINE**

- 8.1 The National Executive Committee of AFT shall have the power to discipline any member of AFT for breach of the provisions of the Constitution of AFT, or the Code of Conduct of the advocates' profession.
- 8.2 The disciplinary proceedings shall be held in a manner, and at such time and place as shall be decided by the National Executive Committee.

9. **AMENDMENTS**

- 9.1 Any proposed amendment to this Constitution shall be considered and deliberated upon at the AGM, and/or at the special session of the extension of the last AGM convened for that purpose.
- 9.2 The amendment shall be effected by not less than half ($\frac{1}{2}$) of the majority vote of the Regional affiliates voting in favour thereof at the meeting.

9.3 Any proposed notice for amendment shall be in writing, and be referred to all Regional AFT affiliates through the National Executive Committee, not later than thirty (30) days before the National AGM, or the special extended session of the last National AGM convened for that purpose.

10. **DISSOLUTION**

Upon dissolution of AFT (National) all assets of AFT (National) shall be dealt with by the meeting dissolving AFT (National)

***THIS AFT CONSTITUTION WAS ADOPTED BY UNANIMOUS RESOLUTION AT THE
NATIONAL GENERAL MEETING OF AFT HELD IN DURBAN ON 5 JUNE 2004***