



# **REPORT BY ANC Complaints Committee on the 7<sup>th</sup> Provincial Conference Processes NORTHERN CAPE**

## **Introduction**

- └ The 7<sup>th</sup> ANC Provincial Conference is due to convene from 7 to 10 June 2012, in Upington.

## **Rationale for establishment of Provincial Complaints Committee**

- └ The 7<sup>th</sup> ANC Provincial Conference rules and procedures made provision for a period wherein which complaints on branch processes should be processed. The rules and procedures allows for **“complaints to be made within 5 days of the convening of an ANC Branch General Meeting, of which complaint should be endorsed by at least one third of ANC Members, who were present at the said ANC Branch General Meeting.”**

## **Members of the Provincial Complaints Committee**

- The Provincial Executive Committee of ANC has directed that the committee be convened by the PEC Deputy Chairperson, Comrade Kenny Mmoeimang and be supported by PEC Deputy Secretary, Comrade Alvin Botes;
- Regional Secretaries served as ex-officio of the committee

## **Methodology:**

We convened firstly as the complaints committee, with participation of the Regional Secretary and REC deployee, to familiarise ourselves with the content matters of the BGM, for example, reflecting on the audit report and studying the attendance register, as well as getting a briefing from the REC deployee.

Secondly, we would then call a meeting with the complainant, and then, should the grievance be regarded as probable, summoned the whole BEC.

Thirdly, the complaints committee, with the Regional Secretary, made a decision, having regard for the empirical evidence presented.

## Complaints Received

- ┆ The PEC received ten complaints, coming from three of its regions, i.e. Frances Baardt (7 complaints); Siyanda (1 complaint) and John Toalo Gaetsewe (2 complaints).
- 1. The complaints in Frances Baardt region were from KEVIN NKOANE, PERCIVAL JAS, WARD 25, KUKI LOUW, MOLEHE MAMPE, LERATO PARK (WARD 30), and PETER MAYIBUYE;
- 2. The complaint in Siyanda region was from Ward 3; and
- ┆ The complaints in John Toalo Gaetsewe region were from BOBBY MOKGWABONE and ATLHOLANG LEHUMANEGO

## Decisions on Complaints

- ┆ Out of the 10 complaints received, only 2 were regarded as valid, and appropriate organisational decisions has been taken in that regard;
- ┆ The two valid complaints were from KEVIN NKOANE and PERCIVAL JAS BRANCHES.
- ┆ On KEVIN NKOANE, the branch was convened with an incorrect number of quorum, and a decision has been made to reconvene the branch. This branch failed to re-convene and as a consequent it is regarded as being in totality disqualified from participating in the Provincial Conference.
- ┆ On PERCIVAL JAS, the branch quorated, and was subsequent disrupted by former cope defectors, upon which the BEC Chairperson and Secretary forwarded delegates names for conference. A decision has been made that the full complement of the BEC process the matter accordingly, and the matter has been concluded as such. The Frances Baardt ANC has been mandated to immediately suspend the disrupters and former cope defectors from the ANC.

**Herewith an account of the type of complaints received and the nature of decisions taken by the complaints committee:-**

### 1. FB:KEVIN NKOANE BRANCH

- ┆ Complainant, BEC Chairperson, is correct; the BGM was supposed to have convene on membership audited of 206, with a quorum of 104
- ┆ Peruse the BGM documentation, to ascertain the actual attendance
- ┆ **Observation and Decision made: BGM was directed to reconvene on Thursday, last week, as it did not quorate, as per the audit requirements**

## 2. FB:WARD 25

- ↳ Complainant, a BEC Member, alleged that the REC deployee combined the previous attendance register of an unquorating BGM, with the latest attendance register, to ensure a 'quorating' BGM
- ↳ Peruse the BGM documentation, to ascertain if it was signed by the branch leadership
- ↳ **Observation and Decision made: Complainant ANC member did not respond to our invitation for a meeting.**

## 3. FB:KUKI LOUW

- ↳ Complaints, supposedly branch members, alleged that the quorum was not reached
- ↳ The REC deployee was correct, in that the membership audited stands at 399, requiring a quorum of 200 members
- ↳ Peruse the BGM documentation, to ascertain the actual attendance, which is claimed to have ONLY been 97
- ↳ **Observation and Decision made: BGM quorated as per constitutional directive; upon scrutiny, complaint as actually about the audit report, and the manner in which the BAGM was conducted**

## 4. FB:MOLEHE MAMPE

- ↳ Complainant, BEC Secretary, raised a concern that the branch has never been subjected to an audit
- ↳ It reflect as such in the audit report, and possibly the Regional Secretary will provide more details
- ↳ **Observation and Decision made: the branch was subjected to the pre-audit process, and did not undergo the final audit process; the REC has admitted that a genuine mistake occurred for not having subjected the branch to the final audit process. The BEC did submit a formal query on this particular process, which was never passed on to the audit team. The BEC appreciated the fact that an organisational error occurred, and requested that the PEC invite one BEC Member to attend the Provincial Conference, as an invitee, and that the REC should strongly consider making their branch part of the National Policy Conference process.**

5. FB:LERATO PARK (WARD 30)

- ↳ Complainant, alleged BEC Deputy Chairperson, indicated that the branch never received the audit report, and that valid membership were removed from the membership data, and that no BGM took place
- ↳ Peruse the BGM documentation, to ascertain the actual attendance register, and request the information of members which was removed
- ↳ **Observation and Decision made: The branch was never launched, as per new demarcated requirement, and did not conform to the process of allowing them to participate in the BGM processes of the 7<sup>th</sup> Provincial Conference. None of the complainant ANC members responded our call for a meeting.**

6. FB:PETER MAYIBUYE

- ↳ BEC Chairperson requested the PWC to endorse the suspension of two members' membership
- ↳ Refer to the PDC for guidance
- ↳ **Observation and Decision made: On the disciplinary process, the BEC decided to set aside the recommendation on discipline, submitted by the BEC Chairperson, as an individual member. Some members of the BEC then tabled two letters which was directed to the REC on the validity of the BGM, which we entertained. The BGM convened on the 15 May 2012 was endorsed as a proper gathering of the ANC, apart from the fact that the BEC Chairperson and two other BEC members alleged that they were not informed about this particular meeting. (The entire BEC, apart from the three BEC members, was well versed with the BGM and confirmed its status.)**

7. FB:PERCIVAL JAS

- ↳ The complainant BEC Member raised an issue that the branch did not quorated, and as such has never been privy on deciding delegates, and conducting due nominations processes;
- ↳ **Observation and Decision made: A confusion did arose on the quorum for membership between and amongst the BEC members, but upon closer inspection we discovered that the branch quorated with over 50 members past the actual members required;**
- ↳ **The formal report received from the BEC is that upon its quorating, the BGM was subsequent disrupted by former cope defectors, and it was agreed that the BEC, and the REC deployee will reconvene to solidify the matter of the delegates. This was not done as only the BEC Chairperson and Secretary did so. Our decision was to allow the BEC to forward the two names of delegates, on a Gender parity principle.**

8. SIY:WARD 3

- ↵ Complainants, alleged ANC Branch members, raised a concern that the BGM did not quorate, and that many attendees were NOT ANC Members
- ↵ Peruse the BGM documentation, to ascertain the actual attendance, and confirms that members which signed the register were ANC members audited
- ↵ **Observation and Decision made: BGM was properly convened, with members of the ANC in attendance. The complainant ANC member did NOT register to participate in the BGM process**

9. JTG: BOBBY MOKGWABONE

- ↵ Complainant, ANC Member, alleged that only 16 members were present at the so-called BGM; and that membership signatures on the attendance register were collected at the homes of members
- ↵ Peruse the BGM documentation, to ascertain the actual attendance, and get a report from the REC Deployee
- ↵ **Observation and Decision made: The BGM convened properly, The complainant ANC member did NOT register to participate in the BGM process**

10. JTG: ATLHOLANG LEHUMANEGO

- ↵ Complainant ANC Member, raised matters on the audit report.
- ↵ **Observation and Decision made: We appraise the comrade that the period on the audit queries has lapsed, and as such his complaint is set aside, as it raised no content issues pertaining to the actual BGM**

End.