

# **African National Congress**



## **National Disciplinary Committee of Appeal (NDCA)**

OFFICE OF THE CHAIRPERSON: CDE JEFF RADEBE

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**IN THE NATIONAL DISCIPLINARY COMMITTEE OF APPEAL  
(NDCA)**

**HELD AT ST. GEORGE HOTEL, IRENE, PRETORIA**

**ON SATURDAY 22 AND SUNDAY 23 NOVEMBER 2014**

**CASE NUMBER: 8/2014**

**In the application of**

**THANDAZA BOOI**

**Applicant**

**In the matter between**

**AFRICAN NATIONAL CONGRESS**

**Complainant**

**AND**

**THANDAZA BOOI**

**Charged Member**

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### **NDCA RULING**

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1. The Eastern Cape PWC suspended the Applicant on 30 October 2014 pending the institution of disciplinary proceedings against him.

2. On 13 September 2014 the Applicant allegedly informed his branch members, through SMSs, that the branch audit meeting was cancelled.
3. This information contradicted a directive from the Secretary of the sub region, issued on 12 September 2014, that it was important for all branch members to attend the audit meeting.
4. The Applicant applied to the NDCA to set aside the temporary suspension on the grounds that the accusation was not true and that it was a once-off incident which did not justify a suspension.
5. The disciplinary hearing is scheduled to commence today in King Williams Town.

### **EVALUATION BY NDCA**

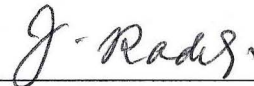
6. Branch audits are necessary to determine the authenticity of membership of branch members, the eligibility of branch members to contest elections within the branch and higher structures of the ANC and the representivity of branches at elective conferences of the ANC.
7. The audit is a very importance and expensive exercise. It is intended to maintain fairness and democracy within the ANC and the orderly functioning of the organisation.
8. The alleged conduct of the Applicant constitutes a serious violation of the democratic right of members and put the orderly functioning of the ANC at risk.
9. The Applicant is an office bearer in his branch and it is very likely that members of his branch would have regarded any information send out by him as true.
10. The act of sending out SMSs is a simple act conducted by a person individually and does not require the collaboration of any other member.
11. Other than a bare denial and that the alleged misconduct was a once-off act (which will be tested at the disciplinary hearing), the Applicant has not provided any assurance to the PWC that he will not conduct similar acts in the future.
12. In the circumstances of this case, the interest of the ANC to maintain order takes precedence over any prejudice which the applicant may suffer by his temporary inability to participate in the activities of his branch during his disciplinary hearing.

13. The high premium placed by the ANC on maintaining orderly functioning is underpinned by Rule 25.58 which authorises structures of the ANC to suspend a member telephonically and without prior notice.

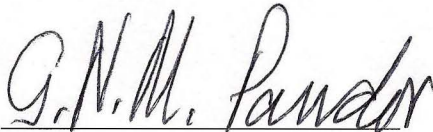
**NDCA Ruling**

14. The application to set aside the temporary suspension is dismissed.

Dated at Irene, Pretoria this 23<sup>rd</sup> day of November 2014



**JEFF RADEBE**  
**CHAIRPERSON**  
**NDCA**



**NALEDI PANDOR**  
**MEMBER**  
**NDCA**



**NGOAKO RAMATLHODI**  
**MEMBER**  
**NDCA**