



Tax # 9367642205

PBO # 930072759

NPO # 245-614

CONSTITUTION

1) Name

- a) The organisation hereby constituted will be called **4Given**.
- b) Its shortened name will be **4G** (hereafter referred to as the organisation)

c) Body Corporate

The organisation shall:

- a) Exist in its own right, separately from its members.
- b) Continue to exist even when its membership changes and there are different office bearers.
- c) Be able to own property and other possessions.
- d) Be able to sue and be sued in its own name.

2) Objectives

- a) The organisation's main objective includes and without limit, the alleviation of poverty in South Africa. The organisation is a voluntary association empowering ordinary South Africans to make a difference in the lives of individuals, animals, organisations and communities, by effecting a difference in quality of life with the main objective being sustainability.
- b) The organisation's secondary objective will be to generate income to support the work of the organisation through networking and association with community groups, individuals, companies and other organisations.

3) Income & Property

- a) The organisation will keep a record of everything it owns.
- b) The organisation may not give any of its money or property to its members or office bearers. The only time it can do this is when it pays for work that a member or office bearer has done for the organisation. The payment must be a reasonable amount for the work that has been done.
- c) A member of the organisation can only get money back from the organisation for expenses that she or he has paid for or on behalf of the organisation, with prior approval from the management committee.
- d) Members or office bearers of the organisation do not have rights over things that belong to the organisation.

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4) Membership and General Meetings

- a) If a person wants to become a member of the organisation, she or he will have to ask the organisation's management committee. The management committee has the right to say no.
- b) Members of the organisation must attend its annual general meetings. At the annual general meeting members exercise their right to determine the policy of the organisation.

5) Management

a) Management Committee

- i) A management committee will manage the organisation.
- ii) The management committee will be made up of no less than three (3) members. They are the office bearers of the organisation.
- iii) The management committee will meet at least once a month, more than half of the members need to be at the meeting to make decisions that are allowed to be carried forward. This constituted as quorum.
- iv) Minutes will be taken at every meeting to record the management committee's decisions. The minutes of each meeting will be given to the management committee members at least two weeks before the next meeting. The minutes shall be confirmed as a true record of the proceedings, by the next meeting of the management committee, and shall thereafter be signed by the chairperson.

b) Office Bearers

- i) Office bearers will serve for one year, but they can stand for re-election for another term in office after that. Depending on what kind of services they give to the organisation, they can stand for re-election into office again and again. This is so long as their services are needed, and they are ready to give their services.
- ii) If a office bearers of the management committee does not attend three management committee meetings in a row, without having applied for and obtaining leave of absence from the management committee, then the management committee will find a new member to take that person's place.

c) Member

- i) All members of the organisation must abide by decisions that are taken by the management committee.

d) Sub- Committees

- i) The management committee has the right to form sub-committees. The decisions that sub-committees take must be given to the management committee. The management committee must decide whether to agree to them or not at its next



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meeting. This meeting should take place soon after the sub-committees meeting. By agreeing to decisions the management committee ratifies them.

6) Powers of the organisation

- a) The management committee may take on the power and authority that it believes it needs to be able to achieve the objectives that are stated in point number 2 of this constitution. Its activities must abide by the law.
- b) The management committee has the power and authority to raise funds or to invite and receive contributions.
- c) The management committee does, however, have the power to buy, hire or exchange for any property that it needs to achieve its objectives.
- d) The management committee has the right to make by-laws for proper management, including procedures for applications, approval and termination of membership.
- e) The management committee will decide on the powers and functions of office bearers.

7) Meetings and procedures of the committee

- a) The management committee must hold to at least two ordinary meetings each year.
- b) The chairperson, or two members of the committee, can call a special meeting if they want to. But they must let the other management committee member know the date of the proposed meeting not less than 21 days before it is due to take place. They must also tell the other members of the committee which issues will be discussed at the meeting. If, however, one of the matters to be discussed is to appoint a new management committee member, then those calling the meeting must give the others committee member not less than 30 days notice.
- c) The chairperson shall act as the chairperson of the management committee. If the chairperson does not attend a meeting, then members of the committee who are present choose which one of them will chair the meeting. This must be done before the meeting starts.
- d) There shall be a quorum whenever such a meeting is held.
- e) When necessary, the management committee will vote on issues. If the votes are equal on an issue, then the chairperson has either a second or a deciding vote.
- f) Minutes of all meetings must be kept safely and always be on hand for members to consult.
- g) If the management committee thinks it is necessary, then it can decide to set up one or more sub-committees. It may decide to do this to get some work done quickly. Or it may want a sub-committee to do an inquiry, for example. There must be at least three people on a sub-committee. The sub-committee must report back to the management committee on its activities. It should do this regularly.



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8) Annual general meetings

- a) The annual general meeting must be held once every year, towards the end of the organisation's financial year.
- b) The organisation should deal with the following business, amongst others, at its annual general meeting:
 - (1) Agree to the items to be discussed on the agenda.
 - (2) Write down who is there and who has sent apologies because they cannot attend.
 - (3) Read and confirm the previous meeting's minutes with matters arising.
 - (4) Chairperson's report.
 - (5) Treasurer's report.
 - (6) Changes to the constitution that members may want to make.
 - (7) Elect new office bearers.
 - (8) General.
 - (9) Close the meeting.

9) Finance

- a) An accounting officer shall be appointed at the annual general meeting. His or her duty is to audit and check on the finances of the organisation.
- b) The treasurer's job is to control the day to day finances of the organisation. The treasurer shall arrange for all funds to be put into a bank account in the name of the organisation. The treasurer must also keep proper records of all the finances.
- c) Whenever funds are taken out of the bank account, the chairperson and the treasurer of the organisation must sign off on the withdrawal or payment.
- d) The financial year of the organisation ends on the last day of July of each year.
- e) The organisation's accounting records and reports must be ready and handed to the chairperson of the Non-Profit Organisation within six months after the financial year ends.
- f) If the organisation has funds that can be invested, the funds may only be invested with registered financial institutions such as banks.

10) Changes of the constitution

- a) The constitution can be changed by a resolution. The resolution has to be agreed upon and passed by not less than two thirds of the members who are at the annual general meeting or special general meeting. Members must vote at this meeting to change the constitution.
- b) Two thirds of the members shall be present at a meeting ("the quorum") before a decision to change the constitution is taken. Any annual general meeting may vote upon such a notion, if the details of the changes are set out in the notice referred to in 7.3



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- c) A written notice must go out not less than fourteen (14) days before the meeting at which the changes to the constitution are going to be proposed. The notice must indicate the proposed changes to the constitution that will be discussed at the meeting.
- d) No amendments may be made which would have the effect of making the organisation cease to exist.

11) Dissolution / Winding-up

- a) The organisation may close down if at least two-thirds of the member of the management committee present and voting at a meeting convened for the purpose of considering such matter, are in favour of closing down.
- b) When the organisation closes down it has to pay off all its debts. After doing this, if there is property or money left over it should not be paid or given to members of the organisation. It should be given in some way to another Non-Profit Organisation that has similar objectives. The organisation's management committee must decide what organisation this should be.

12) Amendment to the founding documents to comply with the requirements of section 30 of the Income Tax Act, the following clauses must be added -

- a) The funds of the public benefit organisation will be used solely for the objects for which it was established
- b) No activity will directly or indirectly promote the economic self-interest of any fiduciary or employee of the organisation otherwise than by way of reasonable remuneration.
- c) No funds will be distributed to any person, other than in the course of undertaking any public benefit activity.
- d) Dissolution clause must be amended to state that up on dissolution of the public benefit organisation, the remaining assets must be transferred to:
 - Another public benefit organisation which has been approved in terms of section 30 of the Act.
 - Any institution, board or body which is exempt from payment of income tax in terms of section 10(1)(cA)(i) of the Act, which has as its sole or principal object the carrying on of any public benefit activity; or
 - Any department of state or administration in the national or provincial or local sphere of government of the Republic contemplated in section 10(1)(a) or (b) of the Act.
- e) The activities of the organisation are to be carried on in a non-profit manner and with an altruistic or philanthropic intent.
- f) The public benefit organisation will not be a party to, or does not knowingly permit, or has not knowingly permitted, itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under this Act or any other Act administered by the Commissioner.



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- g) No resources will be used, directly or indirectly, to support advance or oppose any political party.
- h) No remuneration will be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects.
- i) No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A: Provided that a donor (other than a donor which is an approved public benefit organisation or an institution, board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.
- j) A copy of all amendments to the founding documents will be submitted to the Commissioner for the South African Revenue Service.

This amended constitution was approved and accepted by members of 4Given.

At a special (general) meeting held on 21st August 2021.

Chairperson
Taryn-Ann Pauls

Secretary
Nicole van Rooyen

Member
Barend Christiaan Lombaard

Member
Neil Werner van Rooyen