

PWR PROJECT

CONSTITUTION

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1. NAME:

1.1.The Organisation hereby constituted will be called PWR Project, pronounced Power Project.

1.2.Its shortened name will remain PWR Project, hereinafter referred to as The Organisation.

OUR VISION: PWR Project is championing diversity by shaping a future where every queer young person is acknowledged, valued, and celebrated for their unique experiences and contributions. Advancing the spirit of ubuntu; we strive to inform, uplift, and support the youth in our community, empowering them to realise their full potential and emerge as leaders.

OUR MISSION: PWR Project aims to spotlight the diverse experiences within the LGBTQI+ community by providing a dynamic platform for advocates and individuals to share their narratives through powerful multimedia advocacy. Striving to foster self-confidence and individuality, we're empowering queer youth to embrace and cherish their unique qualities.

*Replacing the acronym "LGBTQI+" with the word "queer", as a more inclusive term. Queer can be a more fluid, encompassing term that signifies a broader spectrum of non-normative identities and attitudes. (Non-normative referring to that outside a heteronormative society.)

2. BODY CORPORATE: The Organisation Shall:

2.1.Exist in its own right, separately from its members.

2.2.Continue to exist even when its membership changes and there are different office bearers.

2.3.Be able to own property and other possessions.

2.4.Be able to sign contracts and enter into other relationships. It can sue and be sued in its own name.

2.5.Carry out all organisational activities in a non-profitable manner and with an altruistic or philanthropic intent.

3. OBJECTIVES & GOALS:

3.1.CORE OBJECTIVES:

The Organisation's core objectives are

3.1.1.establishing a robust organisation with strong connections to similar key role-players both within South Africa and internationally.

3.1.2.creating multimedia content to advocate for queer individuality, supporting the education, upliftment, and empowerment of LGBTIQ+ (lesbian, gay, bisexual, transgender, intersex, questioning, gender and sexual diverse) youth.

- 3.1.3. providing educational resources and skills to empower and enhance the knowledge of individuals and organisations regarding queer topics within the South African community.
- 3.1.4. offer training for staff and volunteers in counselling, support and understanding, aligned with the organisation's core objectives.
- 3.1.5. ensure that support and educational services are easily accessible to the South African community, striving to provide these services free of charge whenever possible. Focusing on positively impacting queer individuals, that may face discrimination due to their gender diversity or sexual orientation.
- 3.1.6. Work towards creating a just society that advocates against any forms of oppression and injustice, where every individual can realize their full potential regardless of gender, class, race, disability, sexual orientation, political affiliation, or geographic location.
- 3.1.7. Educate the community about equality through various channels, not limited to, support groups, presentations, information brochures, and social media, empowering them to participate in decisions that shape their future within the broader society.

3.2. **SECONDARY OBJECTIVES:** The Organisation's secondary objectives will be:

- 3.2.1. to be recognised within the community as a hub of queer-exposure, knowledge and education, offering comprehensive support services to every member of the community.
- 3.2.2. to continue advancing all projects that benefit the community.
- 3.2.3. to build networks and collaborate with similar organisations, both locally and internationally, to further The Organisation's core objectives.
- 3.2.4. to advocate for the inclusion of queer topics into the South African educational syllabus, enhancing understanding, acceptance and advancement within schools
- 3.2.5. utilising various mediums that align with and support the organisation's core objectives

3.3. **STRATEGIC GOALS:** The Organisation's secondary objectives will be:

- 3.3.1. **Amplifying diverse voices & stories:** through various media, explore and share the real-life experiences of person, in and outside the queer community, showcasing their resilience, strength and support. Creating a visual tapestry that reflects the true essence of the identities and challenges within our community.
- 3.3.2. **Advancing visibility and representation:** fostering understanding and support by raising awareness through exploring various spaces and platforms.
- 3.3.3. **Driving social change:** Leveraging the power of storytelling to advocate for systemic change, fostering a supportive and inclusive community. Our

multimedia advocacy serves as a catalyst for dialogue, awareness and action, grounded in principles of ubuntu – I am because we are.

3.3.4. **Cultivating empowerment and confidence:** providing opportunities to engage in various forms of advocacy to express and influence communities in accepting the next generation. Through workshops and mentorship we will nurture our youth's full potential.

4. GOVERNING STRUCTURE AND MECHANISM OF GOVERNANCE:

4.1.MANAGEMENT:

4.1.1. The Office Bearers will oversee The Organisation. The Office Bearers will be made of not less than three (3) members.

4.1.2. Income Tax Act, section 30: At least three (3) persons will accept fiduciary responsibility for the public benefit organisation. These persons will not be connected in relation to each other, and no single person directly or indirectly controls the decision-making powers relating to The Organisation.

4.1.3. Term of office: Office Bearers will serve for a period of one (1) year, which has been agreed to by the general membership at an AGM, and which shall not exceed three (3) years. They can, however, stand for re-election for another term in office after that. Depending on their service towards The Organisation, they can stand for re-election into office again and again. This is as long as their services are needed and they are ready to give their services.

4.1.4. Vacancies: The Office Bearers must, as soon as reasonably possible, appoint someone to fill any vacancy that reduces the amount of Office Bearers.

4.1.5. Disqualification or Removal: If an Office Bearer does not attend three (3) meetings in a row, without having applied for and obtaining leave of absence from The Board, then The Board will find a new member to take that person's place.

4.2.GENERAL:

4.2.1. If a person wants to become a member of The Organisation they will have to apply to The Organisations Board. The Board has the right to refuse.

4.2.2. Members of The Organisation are expected to attend AGMs.

4.2.3. All members, of The Organisation, over the age of eighteen (18) are allowed to vote at the AGM. Every eligible member has one (1) vote.

4.3.ENDING MEMBERSHIP:

4.3.1. An Office Bearer may resign from office in writing.

4.3.2. If the Office Bearers has good enough reason to do so, and is in full agreement, it can end any individual or member of The Organisation's membership. However, the individual or member of The Organisation has the right to be heard by the Office Bearers. When a hearing takes place, the

individual or member of The Organisation may bring an outside person along.
The hearing must take place before The Organisation makes a final decision.

4.4.OFFICE BEARERS/BOARD MEMBERS:

4.4.1.The Board Members of The Organisation shall include:

- a. The Chairperson
- b. The Treasurer
- c. The Secretary
- d. Two Additional Members (these positions will be that of a Vice-Chairperson and a Communications Officer)

4.5.DUTIES OF OFFICE BEARERS:

4.5.1.**The Chairperson:** The Chairperson, as a leader of The Organisation, chairs all The Organisation's meeting that they attend. They must:

- a. see that members adhere to the rules and guidelines in the constitution.
- b. chair meeting in a way that ensures good order.
- c. sign minutes after members have ratified them as accurate.
- d. check that accounts show correct spending of The Organisation's money and agree to the accounts being paid.
- e. sign for money withdrawals on The Organisation's banking account or accounts.
- f. signs all funding agreements.
- g. supervise and keep a check on the Organisations Affairs.
- h. does other duties that The Organisation expects of its Chairperson.
- i. ensure that all concerned complete any task they have agreed to, and within the time that was agreed on.
- j. ensure that meetings take place regularly, as set out in the constitution.
- k. work in a team spirit with the members of The Organisation
- l. serve ex-officio on all sub-committees. Ex-officio means they can attend all The Organisations meetings and take part in the discussions, but may not vote on the matters arising.

4.5.2.**The Treasurer:** The Treasurer must keep a record of all money that comes into The Organisation i.e. donations and money from fund raising. The Treasurer also keeps a record of funds spent by The Organisation. Every sub-committee will have it's own Treasurer, which report to The Board's Treasurer. The Board's Treasurer may stand in as The Vice-Chairperson, when needed to do so. The Treasurer must:

- a. keep proper records of The Organisation's income and expenditure.
- b. The Board's Treasurer will scrutinize all sub-committee Treasurer's records at least every two (2) months to update the overall income and expenditure data of The Organisation as a whole.

- c. keep an accurate list of names of members and donors.
- d. write out, sign, keep a copy of and give receipts for all money received.
- e. pay The Organisation's accounts
- f. make sure that The Organisation doesn't spend more money than it has.
- g. prepare The Organisation's annual financial statements to present at the AGM.

4.5.3. **The Secretary:** The Secretary is responsible for ensuring that The Organisation's administration runs smoothly. They must work closely with The Chairperson. The Secretary may fill in for The Board's Treasurer where absent. The Secretary must:

- a. keep proper records and minutes of all meetings.
- b. deal with letters and other correspondence.
- c. prepare and send out notices of all meetings.
- d. carry out duties that they may be asked to do from time to time.
- e. prepare the venue for the meetings.

4.5.4. **The Vice-Chairperson:** The Vice Chairperson will assist the Chairperson in overseeing and guiding the activities of The Organisation, ensuring that The Organisation adheres to its constitution, policies, and objectives. In the absence or incapacity of the Chairperson, the Vice Chairperson will assume the Chairperson's responsibilities and ensure the smooth functioning of meetings and organisational affairs. The Vice-Chairperson must:

- a. Assist the Chairperson in overseeing the adherence to rules and guidelines set forth in the constitution.
- b. Step in as acting Chairperson when the Chairperson is unavailable or unable to perform their duties.
- c. Support the Chairperson in ensuring meetings are conducted in an orderly and effective manner.
- d. Help in organising and preparing for meetings, including setting agendas and ensuring that all necessary materials are available.
- e. Oversee the financial transactions and ensure proper documentation is maintained in the absence of the Chairperson.
- f. Collaborate with the Chairperson to review and approve accounts, expenditures, and financial reports.
- g. Assist in reviewing and approving meeting minutes and other important documentation.
- h. Ensure that records are maintained accurately and are readily accessible for review by members and stakeholders.
- i. Facilitate communication among members and between the Chairperson and the rest of the organisation.

- j. Ensure that tasks assigned to members are completed within agreed timelines.
- k. Serve as a member of various sub-committees as required, participating actively in discussions and decision-making processes.
- l. Attend and contribute to all sub-committee meetings as needed.
- m. Support the Chairperson in monitoring the overall affairs of The Organisation.
- n. Assist in strategic planning and implementation of initiatives to achieve the organisation's goals.
- o. Work collaboratively with the Chairperson, members, and other stakeholders to foster a positive and productive environment.
- p. Promote a team spirit and encourage cooperative efforts among members.
- q. Perform any other duties as assigned by the Chairperson or the governing body of The Organisation.
- r. Be prepared to undertake additional responsibilities in support of the Chairperson's role and the organisation's mission.

4.5.5. **The Communications Officer:** The Communications Officer, as a board member, is responsible for guiding and overseeing the communications, marketing and public relation strategies and activities of The Organisation. This role involves ensuring effective internal and external communication, representing the organisation's interests, and working closely with other board members to achieve strategic objectives. The Communication Officer must:

- a. Develop and recommend communication strategies that align with The Organisation's mission and goals.
- b. Provide strategic direction on communication, marketing and outreach efforts.
- c. Ensure that internal communication channels are effective and that members are regularly updated on organisational activities, decisions, and changes. Working hand-in hand with The Secretary.
- d. Guide the development and implementation of external communication plans, including media relations, press releases, and public statements.
- e. Act as a representative of The Organisation in public forums, media interviews, and community events.
- f. Supervise the production of content for The Organisation's website, social media platforms, and other communication materials.
- g. Ensure content is consistent with The Organisation's objectives and engages the target audience effectively.
- h. Collaborate with other board members, committees, and stakeholders to ensure cohesive and unified communication efforts.

- i. Work with the Chairperson and Vice Chairperson to align communication strategies with overall organisational goals.
- j. Assess the effectiveness of communication strategies and tools, making recommendations for improvements based on feedback and performance metrics.
- k. Provide regular updates to the board on communication activities, impact, and outcomes.
- l. Develop and implement crisis communication plans to address any urgent issues or challenges affecting The Organisation's reputation.
- m. Ensure timely, transparent, and accurate communication during crises or significant events.
- n. Provide leadership in communication-related matters and represent the board's perspective on communication issues.
- o. Ensure all communication practices comply with relevant laws, regulations, and The Organisation's policies.
- p. Review and update communication policies as needed to reflect changes in regulations or organisational priorities.
- q. Maintain records of communication activities and decisions made by the board, in a shared partnership with the secretary.
- r. Assist with administrative tasks related to communication and reporting as required

5. POWERS OF THE ORGANISATION:

- 5.1. The Board will exercise its powers on behalf of The Organisation and will manage its affairs according to the resolutions passed by the members at General Meetings.
- 5.2. The Board is responsible for making decisions, and acting on such decisions, which it believes it needs to make in order to achieve the objectives of The Organisation as stated in point 3 of this constitution. However, such decision and their activities may not be against the resolutions of the members or be against the law of the Republic of South Africa.
- 5.3. The Board shall have the general powers and authority to:
- 5.3.1. raise funds or to invite and receive contributions.
 - 5.3.2. buy, hire or exchange for any property that it needs to achieve its objectives
 - 5.3.3. make by-laws for proper governance and management of The Organisation.
 - 5.3.4. form sub-committees as and when it is necessary for proper functioning of The Organisation
- 5.4. If deemed necessary, The Board may establish one or more sub-committees. This decision could be made to expedite work or to conduct specific inquiries, among other reasons.
- 5.5. The Board may delegate any of its powers or functions to a sub-committee provided that:

- 5.5.1. such delegation and conditions are reflected in the minutes of a meeting.
- 5.5.2. at least one (1) Office Bearer serves in the sub-committee.
- 5.5.3. there are three (3) or more people on the sub-committee.
- 5.5.4. the sub-committee must regularly report back to The Board on its activities.
- 5.6. The Board must, in advance, approve all expenditure incurred by the sub-committee, and may revoke the delegation or amend the conditions of the delegation.

6. MEETINGS:

6.1. ANNUAL GENERAL MEETINGS (AGM):

- 6.1.1. Stakeholders of The Organisation must attend its general meetings.
- 6.1.2. The purpose of an Annual General Meeting (AGM) is to:
 - a. Report back to stakeholders from The Office Bearers on the achievements and work other the year.
 - b. Make any changes to the constitution.
 - c. Enable members to decide on the policies of The Organisation.
- 6.1.3. The Annual General Meeting must be held once every year, within six (6) months of the financial year.
- 6.1.4. The Organisation should deal with the following business, amongst others, at its Annual General Meeting:
 - a. Agree to the items to be discussed on the agenda.
 - b. Write down the attendees of the meeting and accept apologies for those who are unable to attend.
 - c. Ratify the minutes of the previous meeting.
 - d. The consideration and approval of the Chairperson's report.
 - e. The consideration and approval of the Treasurer's report.
 - f. Changes to the constitution that Members bring up and may want to make.
 - g. Elect new office bearers.
 - h. General.
 - i. Close the meeting.

6.2. SPECIAL GENERAL MEETINGS (SGM):

- 6.2.1. The Special General Meeting (SGM) or any other special meeting is held outside of the normal or regular meetings.
- 6.2.2. Special General Meetings (SGM) may take the shape of an Annual General Meeting (AGM) or any ordinary meeting of members.
- 6.2.3. The Board of not less than one third of the members may call a Special General Meeting of The Organisation.

6.2.4. Special General Meetings (SGM) may be called when The Board needs the mandate or guidance of the general members of The Organisation to take up issues that require urgent attention and cannot wait until the next regular AGM or Ordinary Meeting.

6.3. ORDINARY MEETINGS:

6.3.1. Ordinary members meetings are conducted to complete a standard order of business for The Organisation. These are held once a quarter and are attended by The Board.

6.3.2. The meetings of The Board will be held at least once a quarter or when a need arises from time to time to conduct business of The Board.

6.4. NOTICES OF MEETINGS:

6.4.1. The Chairperson of The Board shall convene meetings. The Secretary must let all Board members know the date of the proposed meeting within reasonable time, but not less than seven (7) days before it is due to take place.

6.4.2. However, when convening an AGM, or SGM, all member of The Organisation must be informed of the meeting no less than fourteen (14) days prior to such meeting.

6.4.3. Notices for all meetings provided for in this constitution must be given to relevant members in writing, either personal, by post or electronic communication or whichever manner it is most convenient, to the address or other similar particulars provided by the members.

6.4.4. The notices for all meetings must indicate the reasons for the meeting and the matters that will be discussed in the meeting.

6.4.5. For confirmation of delivery, all notices sent to members at the latest known contact details shall be deemed to have been duly served on members, unless it can be proven otherwise.

6.4.6. All members present in person at any meeting shall be deemed to have received notice of such meeting.

6.5. QUORUMS:

6.5.1. Quorums for all meetings of The Organisation shall be simple majority (50% + 1) of relevant members who are expected to attend.

6.5.2. However, for the purpose of considering changes to this constitution or the dissolution of The Organisation, then a two-thirds of the members shall be present at a meeting to make a quorum before a decision to change the constitution be taken.

6.5.3. All meetings of The Organisation must reach a quorum before they can start.

6.5.4. If, however, a quorum is not present within fifteen (15) minutes of the appointed time of the meeting, the meeting must be adjourned or postponed to another date, within fourteen (14) days thereafter.

6.5.5. If no quorum is present at the reconvened meeting within fifteen (15) minutes of the appointed time, the members present shall be regarded to make up a quorum for that meeting and the meeting will continue as if a quorum is present.

6.6. PROCEDURES AT MEETINGS:

6.6.1. The Board may regulate its meetings and proceedings, as it deems fit, subject to the following:

- a. that The Chairperson shall chair all the meetings of The Organisation, including that of The Board.
- b. that, if The Chairperson is not present, the Vice-Chairperson shall chair such meeting. In the event both are absent, the Board members present at the meeting shall elect a chairperson for that meeting, giving preference to the Treasurer.

6.7. MAKING DECISIONS IN MEETINGS:

6.7.1. Where possible, the decisions of The Organisation shall be taken by consensus. However, when there is no consensus, then members will discuss options and then call for a vote.

6.7.2. All votes shall be counted and the majority votes on the issues shall be regarded as the decision of the meeting.

6.7.3. However, if opposing votes are equal on an issue, then The Chairperson in that meeting has either a second or deciding vote.

6.7.4. All members must abide by the majority decision.

6.7.5. Decisions concerning changes to this constitution, or dissolution and closing down of The Organisation, shall be dealt with in terms of clauses 8 and 9 of this constitution.

6.8. RECORDS OF MEETINGS:

6.8.1. Proper minutes and attendance records must be kept for all the meetings of The Organisation

6.8.2. The minutes shall be ratified as a true record of proceedings by the next meeting of The Board, or of general members as the case may be, and shall thereafter be signed by The Chairperson.

6.8.3. Minutes shall thereafter be kept safely and always be on hand for members to consult.

7. FINANCE, PROPERTY AND REPORTS:

7.1. The Organisation will keep a record of everything it owns.

7.2. The Organisation may not give any of its money or property to its members or The Board. The only time it can do this is when it pays for work that an Office Bearer or member has done for The Organisation. The payment must be a reasonable amount for the work that has been done.

7.3. The Board of a member of The Organisation can only get money back from The Organisation for expenses that they have paid for or on behalf of The Organisation, and for which authorisation has been granted.

- 7.4. The Board or members of The Organisation do not have rights over things that belong to The Organisation; however, responsibility and care taking of certain things may be given to individuals of The Board or members of The Organisation, if agreed on by 50% of The Board.
- 7.5. If The Organisation have funds available for investing, these funds may only be invested with registered financial institutions. These institutions are explained in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984 (or as amended). The Organisation may invest in security listed in a licenced stock exchange, as set in the Stock Exchange Control Act, 1985 (or as amended). The Organisation may approach different banks to seek advice on the best way to administer funds.
- 7.6. No activity, by The Organisation, will directly or indirectly promote the economic self-interest of any fiduciary or employee of the organisation otherwise than by way of reasonable remuneration.
- 7.7. Bank Account: The Board must open a bank account in the name of The Organisation with a Registered Bank.
- 7.8. Signing: Cheques and other documents requiring a signature on behalf of The Organisation shall be signed by at least two persons authorised on by The Board. Whenever funds are taken out of the bank account, The Chairperson and at least one (1) other member of The Organisation must sign the transaction.
- 7.9. Financial Year-End: The financial year-end of The Organisation shall be twenty-eighth (28) of February each year.
- 7.10. Financial Report: The Board must ensure that proper records and books of account which reflect the affairs of The Organisation are kept, and within six (6) months of its financial year-end a report is compiled by an independent registered Accounting Officer stating whether or not the financial statements of The Organisation are consistent with its accounting policies and practices of The Organisation.
- 7.11. The Treasurer is responsible for making sure that the money of The Organisation is safe and accounted for.
- 7.12. The Treasurer must also make regular reports to The Board, on the finances of The Organisation, which should include all income, expenditures and balances that remain according to accounting practices of The Organisation.
- 7.13. No funds will be distributed to any person (other than in the course of undertaking any public benefit activity).
- 7.14. The funds of the public benefit organisation will be used solely for the objects for which it was established.
- 7.15. 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;

7.16.No resources will be used, directly or indirectly, to support advance or oppose any political party. 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.

7.17.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.

8. AMENDMENTS TO THE CONSTITUTION:

8.1.The constitution can only be changed by a resolution. The resolution has to be agreed upon and passed by not less than two-thirds (at least 67%) of the members who are at the AGM or SGM. Members must vote at this meeting to change the constitution.

8.2.For the purpose of considering changes to this constitution, a two-thirds of members shall be present at a meeting to make a quorum before a decision to change the constitution is taken. Any AGM may vote upon such motion, if the details of the changes are set out in the notice referred to clause 6 of this constitution

8.3.As provided for in clause 6, written notices must go out not less than fourteen (14) days before this meeting at which the changes to this constitution are going to be proposed. The notice must indicate the proposed changes to this constitution that will be discussed at the meeting.

8.4.No amendments may be made which would cause The Organisation to close down or stop to function or die away.

8.5.A copy of all amendments to the constitution will be submitted to the Commissioner for the South African Revenue Service.

9. DISSOLUTION/CLOSING DOWN:

9.1.The Organisation may dissolve or close down if at least two-thirds of the members present and voting at the meeting convened for the purposed of considering such matter, are in favour of closing down.

9.2.When The Organisation closes down it has to pay off all its debts.

9.3.on dissolution of the public benefit organisation, the remaining assets must be transferred to:

9.3.1.A public benefit organisation, which has been approved in terms of section 30 of the Act.

9.3.2.Any institution, board or body which is exempt from the 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;

9.3.3.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.

This constitution was approved and accepted by its members of PWR Project on the 29th day of September 2015

K.S. Hildebrandt
CHAIRPERSON

S.N. Ganger
TREASURER

E. Geldenhuys
SECRETARY