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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

(ANNEXURE 4)

CONSTITUTION

THE ASSOCIATION FOR THE AGED

Non-Profit Organisation 002-093 NPO

As amended up to, and in operation from 22 September 2015

1. INTRODUCTION

1.1 The name of the organisation shall be: TAFTA, or "THE ASSOCIATION FOR THE AGED" ("the Association").

1.2 The Association shall be capable of suing and being sued in its own name.

1.3 The Association is and shall continue to be a separate legal body distinct from its members with the capacity to acquire rights and obligations and having perpetual succession.

1.4 The activities of the Association shall be conducted on an entirely non-sectarian, non-racial basis.

1.5 The primary area in which the services of the Association will be rendered, shall be the eThekwini Municipality. Secondary areas within South Africa may be serviced as the need arises.

2. OBJECTS

2.1 The objects of the Association are:

2.1.1 the alleviation of distress amongst older persons;

2.1.2 the promotion of the welfare, security and happiness of older and vulnerable persons; and

2.1.3 to provide care for those who are no longer able to care for themselves.

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

2.2 The objects of the Association shall be achieved by, *inter alia*:

2.2.1 establishing, maintaining and supporting clearly identified and appropriate community based services, thereby creating an enabling environment for older persons and the vulnerable;

2.2.2 providing clearly identified and appropriate domiciliary services such as home based care and food provision to enable housebound persons to remain in the community for as long as possible;

2.2.3 establishing and operating homes and houses for fit and active older persons, residential assisted living, and frail care accommodation for the vulnerable and needy older persons;

2.2.4 engaging in advocacy and lobbying on behalf of older persons in instances where they are suffering social injustices, unfair discrimination or abuse;

2.2.5 providing a social work support system, which includes social work counselling, group work and community work;

2.2.6 undertaking developmental social work activities based on the needs of older persons, and the vulnerable;

2.2.7 conducting community awareness, education and training programmes including, but not limited to the rights of older persons, concerning abuse, the ageing process, intergenerational solidarity and reciprocity;

2.2.8 establishing and maintaining a core of volunteers to actively pursue the objects of the Association to the fullest extent;

2.2.9 co-operating with other organisations to achieve the first two objects and assist other organisations to achieve similar objects amongst older and vulnerable persons;

2.2.10 pursuing the foregoing objects vigorously to the extent that they are needed, affordable and sustainable.

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

2.3 The objects of the Association shall be carried out in a non-profit manner, and with an altruistic or philanthropic intent and the activities of the Association shall be for the benefit of or widely accessible to the general public at large.

3. POWERS & RESTRICTIONS

3.1 For the attainment and promotion of its objects, the Association shall have powers:

3.1.1 to institute, defend, compound or abandon any legal proceedings in the name of the Association;

3.1.2 to charge for services rendered, for board and lodging provided and to charge rental for premises let and to accept payment therefore;

3.1.3 to borrow money on bank overdraft or otherwise and to mortgage the immovable property, and pledge and cede as security, any moveable property including shares, of the Association;

3.1.4 to establish, undertake and execute any Trusts and / or non-profit companies, the undertaking of which is desirable for the achievement of the objects of the Association and to appoint trustees and/or directors to serve on such trusts and/or non-profit companies;

3.1.5 to collect, canvass for and to accept membership fees, donations, bequests, endowments and benefits of any nature for the Association from any person or body or estate or any source whatsoever provided that no donation shall 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 of the Income Tax Act, 1962 ("the Tax Act"); provided that a donor may not impose any conditions which could enable such donor or any connected person in relation to such donor to declare some direct or indirect benefit from the making of such donation;

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

3.1.6 to invest the funds and assets of the Association in securities approved by the Council of the Association ("the Council") which power shall include the realisation of investments and reinvestments;

3.1.7 to acquire by purchase, exchange, lease, donation, legacy or any other mode of acquisition, both moveable and immovable property;

3.1.8 to construct and / or acquire approved dwellings for housing purposes and to borrow money for such purposes as well as to develop and provide Life Right Units for older or vulnerable persons and to use any income so generated to fulfil the Association's objects;

3.1.9 to sell, donate, exchange, partition or dispose of by any other mode, both movable and immovable property. To dispose of it by any means. To maintain, insure, let, demolish or abandon any property;

3.1.10 to engage in any type of lawful business transaction in fulfilment of the objects of the Association;

3.1.11 to render assistance, both financially and in kind, in the relief of distress;

3.1.12 to enter into employment contracts, to appoint and remove or suspend employees and agents from permanent, temporary or special service, determine their powers and duties, fix their salaries or emoluments, provided that the Association will not pay any remuneration, as defined in the Fourth Schedule of the Tax Act to any employee, office bearer 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 will not economically benefit any person in a manner which is not consistent with its objects; and

3.1.13 to generally do all such things as may be conducive to the attainment of all or any of the above objects.

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

4. VESTING OF PROPERTY

The property, estate and effects of the Association, both immovable and movable, shall be vested in and be registered in the name of the Association.

5. USE OF PROPERTY OR INCOME

5.1 Any property or income of the Association shall be utilised solely in the furtherance of its objects.

5.2 No part of the income or funds of the Association may be paid or otherwise made available (other than bona fide remuneration which is paid for and is commensurate with services rendered) for the personal benefit of any member, member of the Council, staff member, official or donor of the Association.

5.3 No funds will be distributed to any person (other than in the course of undertaking any public benefit activity).

5.4 The Association shall be prohibited from using its resources directly or indirectly to support, advance or oppose any political party.

6. MEMBERSHIP

6.1 The classes of membership and the people who shall be eligible for membership in each class is as follows:

6.1.1 Ordinary Member – any person who is interested in the welfare of older and vulnerable persons who applies and whose application for membership is accepted by the Council and who pays the prescribed annual membership fee;

6.1.2 Corporate Member – any company, close corporation, partnership firm, trust, corporate body or association of organisations, which is interested in the welfare of older and vulnerable persons, pays the prescribed minimum membership fee, and whose application is accepted by the Council.

6.2 Membership in the case of new members will be valid for a period commencing on the date of acceptance by the Council of such person's

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

application for membership, and ending on 31 March of that year. Membership shall be renewable annually with effect from 1 April of each year.

6.3 Membership fees for each new year shall be payable from 1 April of each year unless any delay is specifically condoned by the Council.

6.4 Membership shall terminate where membership fees remain unpaid 90 days after due date.

6.5 The Council may, at its sole discretion, terminate any membership without having to provide any reason for its decision. The decision to terminate membership shall be approved by two thirds of the members of the Council present at any meeting of the Council where such matter is considered.

6.6 No employee of the Association shall be eligible to become a member of the Association.

6.7 Membership fees shall be determined by the Executive Committee from time to time.

6.8 The offices of the Association shall keep a current register of members with their last known addresses. The onus is on the member to advise the Association of their address and any change thereof.

6.9 Persons who have been proposed as members of the Association during the period 8 weeks prior to the Annual General Meeting, shall not be accepted as members until after the date of that year's Annual General Meeting.

7. LIMITATION OF RIGHTS AND LIABILITIES OF MEMBERS

7.1 Membership of the Association does not and shall not give any member, proprietary right, title or claim nor any interest in the property or assets of the Association.

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

7.2 Members or office bearers shall have no rights in the property or other assets of the Association solely by virtue of their being members or office bearers.

7.3 Members or office bearers shall not become liable for any of the obligations and liabilities of the Association solely by virtue of their status as members or office bearers of the Association.

7.4 Office Bearers shall not be personally liable for any loss suffered by any person as a result of an act or omission, which occurs in good faith while the office bearer is performing functions for or on behalf of the Association.

8. GENERAL MEETING

8.1 A general meeting, to be known as the Annual General Meeting, shall be held each year not later than 6 months after the end of the financial year on a date and at a time and place fixed by the Council. Such Annual General Meeting shall be convened by the Chief Executive Officer of the Association by written notice, circulated to voting members' addresses as recorded in the members register not less than 21 days before the date of such meeting or any adjournment thereof.

8.2 A general meeting, to be known as a Special General Meeting, may be called at any time by the Council. The Council shall call a Special General Meeting on a requisition signed by at least 20% of the total eligible voting members and stating the purpose of the meeting.

8.3 A notice stating the date, time and place of any meetings or Special General Meeting shall be circulated to all members' addresses as recorded in the members register not less than 21 days before the date of such meeting.

8.4 Only members in good standing shall be entitled to vote at any general meeting, whether annual or special. Other stakeholders or interested parties who may attend the meeting shall have no vote.

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

8.5 The instrument appointing a Proxy shall be in writing under the hand of the appointer. No person shall act as a Proxy unless he or she is entitled, on his or her own behalf, to be present and vote at the meeting.

8.6 Members who are not able to attend a meeting, may cast their votes on matters to be decided at the meeting by Proxy, by written vote, or by telephonic instruction. Votes by telephonic instruction shall be recorded by the person taking the telephone call, and an official record of all such votes shall be compiled by the Council Secretary and submitted to the meeting for inclusion in the tally of votes.

8.7 The quorum at general meetings shall be 20 voting members present in person or by Proxy, and whose membership fees are up to date.

8.8 If within half an hour of the time appointed for any general meeting, a quorum is not present, the meeting, if convened at the request of members, shall be dissolved. In any other case it shall stand adjourned to the same day in the next week, at the same time and place, or if that day be a Public Holiday or weekend, to the next succeeding day. If at such adjourned meeting a quorum is not present for the meeting the members present shall be the quorum.

8.9 Save as provided in clauses 17 and 18, any motion before a general meeting shall be carried by a simple majority of votes. In the event of any equality of votes, the Chairperson of the meeting shall have a casting vote in addition to a deliberative vote. The meeting shall decide, by a show of hands, whether voting shall be by a show of hands or a secret ballot. Proxy, written and telephonic votes shall be included in the tally of votes cast.

8.10 A Special General Meeting shall be conducted in the like manner provided for at the Annual General Meeting.

8.11 At all General Meetings the Chairperson shall preside. In the absence of the Chairperson one of the two Vice Chairpersons shall take the chair. In their absence the meeting shall elect as Chairperson any member of the Council present at the meeting.

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

9. VOTING

Eligible voting members of the Association shall be entitled to exercise one single vote on any motion; and the vote shall be exercised personally or by duly authorised Proxy, or as provided in clause 8.6.

10. BUSINESS AT THE ANNUAL GENERAL MEETING

10.1 The Council shall submit for the consideration of the Annual General Meeting the audited financial statements and an annual report of the affairs and activities of the Association.

10.2 The Annual General Meeting shall:

10.2.1 elect members to the Council, where necessary, in the manner prescribed in Clause 11;

10.2.2 elect a Treasurer;

10.2.3 appoint an auditor and;

10.2.4 consider any business of which notice has been given, such notice to reach the Association not later than 14 days before the relevant Annual General Meeting.

11. THE COMPOSITION OF THE COUNCIL

11.1 The Council shall comprise not less than 10 members and not more than 20 members exclusive of members co-opted in terms of Clause 12.9.

11.2 Members of the Council shall be elected at the Annual General Meeting of the Association from amongst members in good standing, and shall hold office for a period of 3 years subject to the requirements of Clause 11.3.

11.3 In respect of members of the Council who were elected in terms of Clause 11.2 of this Constitution, not less than one third of member's shall retire by rotation, in order of their election, and be eligible for re-election.

11.4 Nominations for the election of any members of the Council shall be given to the Chief Executive Officer in writing at least fourteen days before the

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

date of the Annual General Meeting of the Association and signed by the proposer, seconder and nominated candidate, all being members of the Association in good standing.

11.5 At least 3 members of the Council shall not be connected persons, as defined in the Tax Act.

11.6 The office bearers of the Association shall consist of the Chairperson, First and Second Vice Chairpersons, and Treasurer.

11.7 Office Bearers appointed at an Annual General Meeting shall hold office until the first meeting of the new Council at which time new office bearers will be elected, with the exception of the Treasurer who will be elected at the Annual General Meeting.

11.8 Paid officials of the Association may serve on the Council but will have no voting rights.

11.9 As soon as any nominations to the Council have been made prior to the Annual General Meeting as contemplated in terms of clause 11.4 the current Council shall assess the suitability of the proposed candidate/s and only those proposed candidates who have been assessed as suitable by the Council shall be eligible for election to the Council. In this regard the proposed members shall provide the Council with all information that the Council reasonably requires in order for the Council to assess a candidate.

11.10 The Council shall also determine the suitability of any Council member who is available for re-election to the Council, on the same basis as if that member has applied to be a new Council member.

11.11 For the purposes of this clause, a year shall be taken to run from one Annual General Meeting until the next succeeding Annual General Meeting.

12. POWERS AND DUTIES OF THE COUNCIL

The Council shall be responsible for overseeing the carrying out the objects of the Association in accordance with this Constitution and, approving strategy

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

and budgets and without detracting in any way from the generality of this provision, may exercise the following powers:

12.1 to invest the funds of the Association only in such prudent investments as the Council may determine after consultation with experts and advisors;

12.2 to borrow money on bank overdraft or otherwise and to:

12.2.1 mortgage the immovable properties of the Association up to a limit of 50% of the insured value of any one property;

12.2.2 pledge and cede as security any moveable property including shares of the Association, up to a maximum of 50% of the current asset value of such movables;

12.3 to open bank accounts and deposit any funds with such bank;

12.4 to appoint or remove the Chief Executive Officer of the Association;

12.5 to ensure that proper books and records of the affairs of the Association are kept, and to cause accounts for the financial year to be prepared and audited for presentation to, and adoption by the members of the Association, and to fix the remuneration of the auditors from time to time;

12.6 to appoint such other committees or sub committees, as it may consider necessary for the efficient carrying out of the objects of the Association, and to delegate to such committees all or any of the powers of the Council;

12.7 to collect and disseminate information which, in the opinion of the Council, is calculated to promote objects of the Association, and to assist or co-operate with any other organisation having objects similar to its own;

12.8 to fill any vacancy on the Council, except that of the Chairperson and Treasurer, but including the offices of first and second Vice Chairpersons, from amongst its elected members;

12.9 to co-opt additional members either in their personal capacities or as representatives of any charitable or welfare organisation, medical

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

association, public authority or similar body. Such co-opted members may take part in any discussions at Council meetings, but will not have a substantive vote. The number of co-opted members shall not exceed one third of the number of elected members of the Council;

12.10 to acquire property or an interest in property, movable as well as immovable, by means of purchase, exchange, donation, legacy, lease, hire or otherwise, provided that where, in the case of the acquisition of immovable property the cost value exceeds 50% of the insured value of all the Association's existing immovable properties in any one year the Council shall not be entitled to proceed with such acquisition, save with the approval of the majority of members at a General Meeting of the Association. The power of the Council to acquire immovable property in terms of this clause shall not exceed 50% of the insured value of the Association's immovable property in any one financial year; and

12.11 to sell, lease, exchange or otherwise dispose of any of the assets of the Association provided that in the case of the disposal of immovable property the market value of such immovable property disposed of shall not exceed 50% of the insured value of all the Association's existing immovable properties in any one year without the approval of voting at a General Meeting of the Association. The power of the Council to dispose of immovable property in terms of this clause shall not exceed 50% of the insured value of the Association's immovable property in any one financial year.

13. MEETINGS OF THE COUNCIL

13.1 The Council shall meet at least three times per annum at a place and time to be notified by the Chief Executive Officer of the Association.

13.2 The Chairperson, or in his absence, the first or second Vice Chairperson, shall take the chair at every meeting of the Council. Failing attendance of all three of them, the members of the Council, present in person, shall elect one of their members as Chairperson of the meeting.

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

13.3 The Council shall from time to time fix the number of members to constitute a quorum, which number shall not be less than half plus 1 of the number of elected members.

13.4 All decisions shall be decided by the vote of the majority of elected members present and at all meetings the Chairperson of the meeting shall have a casting as well as a deliberative vote.

13.5 Any member elected to the Council who fails to attend three consecutive meetings of the Council shall be deemed to have resigned therefrom unless such absence is condoned by the Council.

13.6 The Council shall cause minutes to be kept of the proceedings at all meetings of the Council and shall include a statement of the date, place and list of members present. A copy of the minutes shall be forwarded to each Council Member as soon as reasonably possible after the meeting.

14. FINANCIAL MATTERS

14.1 The financial year of the Association shall end on the 31st day of March in each year.

14.2 The Council shall ensure that the required income tax returns together with the relevant supporting documents are submitted to the Commissioner of the South African Revenue Services timeously.

14.3 The Association shall comply with all requirements imposed in terms of the NonProfit Organisations Act 71 of 1997.

15. EXECUTIVE COMMITTEE

15.1 There shall be appointed, as a sub-committee of the Council, an Executive Committee, which shall be responsible for implementing the strategy of the Association from time to time, and which shall carry out such management, oversight, planning and monitoring functions of Council as may be delegated to it, in accordance with formal terms of reference to be adopted by Council from time to time.

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

15.2 The Executive Committee shall be made up of four elected members of the Council (which shall include the Chairperson and Treasurer), who shall be appointed to the Executive Committee by the Council, and the four most senior members of Management of the Association, one of whom shall be the Chief Executive Officer.

15.3 The office of a member of the Executive Committee shall ipso facto be vacated if the member:

15.3.1 by one month's written notice to the Association, resigns from office;

15.3.2 is appointed *ex officio*, and the appointment to the office which gave rise to such *ex officio* appointment, lapses, is withdrawn or otherwise terminated;

15.3.3 is elected by the Council, and the Council resolve to remove them from Executive Committee;

15.3.4 is removed from office by resolution signed by not less than two thirds of the members; or

15.3.5 fails to attend three consecutive meetings of the Executive Committee, without being excused therefrom by the remaining members of the Executive Committee, and the Council resolves to exclude them from office.

15.4 At meetings of the Executive Committee, two members of Council, two members of Management and the Chairperson shall be a quorum.

15.5 The Executive Committee shall meet together as often as they determine, but at least once a month, and otherwise regulate their meetings as they think fit.

15.6 Minutes of all Executive Committee meetings will be presented to the Council by the Chairperson of the Executive Committee.

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

16. SIGNING POWERS

16.1 All negotiable instruments other than normal working documents required to be executed in relation to the affairs of the Association shall be signed by:

16.1.1 any two of the following:

The Chairperson
First Vice Chairperson
Second Vice Chairperson
Treasurer

or

16.1.2 one of the officers in sub clause 16.1.1 and a member of the permanent staff of the Association appointed by the Council to have signing powers.

16.2 Any transactions of the Association involving the acquisition or alienation of immovable property shall be signed by any two of the persons referred to in clause 16.1.1.

17. AMENDING OF CONSTITUTION

17.1 This Constitution may be amended by resolution passed at any General Meeting of the Association of which not less than twenty one (21) days notice in writing shall be given to members by the Chief Executive Officer, and which notice shall contain the terms of the resolution which resolution may only be put to a vote at a General Meeting of the Association if such resolution has been approved in writing by 75% of all current Council Members. Such resolution shall be approved by not less than 75% of the voting members present in person or represented by Proxy at such meeting. A quorum for this purpose shall not be less than 50 eligible voting members present in person or represented by Proxy.

17.2 A copy of all amendments to this Constitution shall, if the Association is exempted from payment of normal tax or authorised to issue receipts under s18A of the Tax Act, be sent for their records to the Commissioner for the South African Revenue Services.

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

17.3 Copies of such amendments shall, if the Association is registered as a NonProfit Organisation, be sent to the Directorate of NonProfit Organisations.

18. DISSOLUTION

18.1 The Association may be dissolved by a resolution passed at a General Meeting of the Association of which not less than twenty one (21) days notice in writing, circulated to members addresses as recorded in the members register shall have been given to the members by the Chief Executive Officer stating clearly that the question of dissolution of the Association and disposal of its assets will be considered at the meeting which resolution may only be put to a vote at a General Meeting of the Association if such resolution has been approved in writing by 75% of all current Council members. Such resolution must be passed by 75% of the voting members present in person at such meeting. A quorum for this purpose shall not be less than 50 eligible voting members present in person or represented by Proxy provided that if no quorum is present within 15 minutes after the time fixed for the meeting, it shall be postponed to the same day and hour in the following week and at such adjourned meeting the members present shall be deemed to be a quorum for the transaction of the business of the meeting.

18.2 If upon dissolution of the Association and after satisfaction of all its debts and liabilities, there remain any assets whatsoever, such assets shall not be paid to or distributed among its members, but shall be transferred to any institution or institutions nominated by the members in the Republic of South Africa which are:

18.2.1 non-profit;

18.2.2 which have as their principal object an object similar to that of the Association;

18.2.3 which, if the Association is exempt from income tax, donations tax and estate duty, under the relevant laws of the country is/are:

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

18.2.3.1 any similar public benefit organisation, which has been approved in terms of section 30 of the Tax Act;

18.2.3.2 any institution, board or body which is exempt from income tax in terms of section 10(1)(cA)(i) of the Tax Act, which has its sole or principal object the carrying on of any public benefit activity; or

18.2.3.3 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) of the Tax Act; and

18.2.4 if the Association is registered as a NonProfit Organisation which are themselves registered as NonProfit Organisations in terms of the NonProfit Organisations Act No. 71 of 1997.

WE HEREBY CERTIFY THAT THIS CONSTITUTION WAS ADOPTED BY AN ANNUAL GENERAL MEETING OF THE MEMBERS OF THE ASSOCIATION HELD IN DURBAN ON 22 SEPTEMBER 2015

CHAIRPERSON — DATE 22/09/2015

TREASURER — DATE 22.09.2015

CHIEF EXECUTIVE OFFICER — DATE 22/09/2015

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09 Jul 2026

CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT