

Proposed amendments to the PRABOA Constitution (November 2022)

1. Amend Clause 5.7 as noted below in **Bold** and Underline:

PRABOA may not distribute its funds directly or indirectly to any person, unless this is in the course of and solely for the Aims And Objectives contained in clause 2 hereof nor promote the economic self-interest of any person. PRABOA may pay reasonable remuneration and not excessive having regard to what is generally considered reasonable for such services, to Committee members, employees and contractors for services rendered **and has not and will not economically benefit any person in a manner which is not consistent with its objects.**

2. Amend Clause 5.10 as noted below in **Bold** and Underline:

Any monies donated to PRABOA to be used for a particular purpose shall, subject to the following provisions of this paragraph, only be used for that purpose, **provided that such purpose 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,** and the monies shall be accounted for accordingly. If the purpose has been fulfilled, or if the purpose cannot be fulfilled or if the purpose is no longer appropriate, then any remaining monies shall be applied to a purpose *cy près* the original purpose or failing that to the general purposes of PRABOA, unless the donation was explicitly expressed to be subject to refund if the designated purposes of the donation were not fulfilled.

3. Amend Clause 5.11 as noted below in **Bold** and Underline:

No donation shall be accepted which is revocable at the instance of the donor, unless it falls within the terms of clause 5.10, **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 and** the purpose was specified at the time of the donation.

4. Amend Clause 7.1 as noted below in **Bold** and Underline:

There shall be at least five and no more than **10** members of the committee.

5. Clause 7.2: Correct spelling mistake: Change “he” to “The”

6. Add in new Clause 7.4:

The committee shall nominate 3 committee members who accept fiduciary responsibility for the public benefit organisation as registered with the South African Revenue Services.

7. Add in new Clause 7.5:

No single committee members shall directly or indirectly control the decision-making powers relating to PRABOA with all committee decisions being agreed via a majority committee decision.

