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Board Response to ‘Governance, Oversight, and Fiduciary Accountability’ Questions (AGM 2026)

Date: 21 January 2026

This document responds, point-by-point, to the “Board Questions on Governance, Oversight, and Fiduciary Accountability” circulated in advance of the AGM. Those questions are authored by Mr Justin Swart, formerly employed by Healing Wings, and contain a number of accusatory statements and legal conclusions that are materially incomplete and, in multiple respects, factually incorrect.

For context: Mr Swart’s employment was terminated following an independently conducted disciplinary process in which findings were made against him. Healing Wings has initiated steps to recover losses suffered by the organisation, and is pursuing the appropriate civil and criminal processes where warranted. Because aspects of those processes are ongoing, Healing Wings will not litigate the full evidentiary record in this forum; however, the Board rejects any attempt to reframe Mr Swart’s own failures in leadership and fiduciary responsibility as shortcomings of the Board.

Note on scope and confidentiality. Where questions relate to personal information, employment matters, or allegations involving identifiable individuals, the Board will respond only to the extent appropriate and lawful, and reserves all rights.

Responses

1. Department of Social Development (DSD) Mandated Intervention

Healing Wings notes the Department of Social Development’s engagement with the organisation, including any conditions or recommendations communicated by the Department. Any “partial registration” outcome is addressed through the Department’s administrative process and the organisation’s corrective action plan. Where corrective measures relate to operational compliance, they fall within the historical operational management remit at centre level. Healing Wings remains compliant as a registered nonprofit organisation and continues to meet its statutory reporting obligations, including maintaining accounting records and annual financial statements and submitting the prescribed reports to the Director within nine months after the end of each financial year (Nonprofit Organisations Act 71 of 1997, sections 17 and 18).

2. Absence of a Lawful Electoral Process

The AGM is elective in accordance with the organisation's constitution. The agenda item "Voting and Board Confirmation" reflects the ordinary sequence of an elective process: nominations and voting precede confirmation. Eligibility, voting and quorum requirements are governed by the constitution approved for the organisation and applied consistently; the Board rejects the contention that the wording implies a "pre-determined" outcome.

3. Failure to Hold Lawful and Accessible AGMs

No provision of the Prevention of and Treatment for Substance Abuse Act 70 of 2008 mandates that an AGM must be held physically at a registered facility. The Act provides for governance through "management structures" for treatment centres and halfway houses and anticipates prescribed procedures for meetings of those structures (sections 15 and 29). The AGM format is therefore primarily a matter of the NPO's constitution and applicable law. Hosting the AGM online increases accessibility for national stakeholders. Healing Wings' work and constituency are not restricted to Mpumalanga; the organisation engages nationally.

4. Board Composition and Governance Structure

The composition and functioning of the Board are compliant with the organisation's constitution and with the governance requirements applicable to Healing Wings. In addition, the Substance Abuse Act requires that a management structure be established for each treatment centre/halfway house and that the composition must include representatives of beneficiaries, staff, and members of the public (section 29). Healing Wings' governance and oversight arrangements are aligned to these standards.

5. Alleged 'Failure of Fundamental Fiduciary Duty'

The Board rejects the assertion that fiduciary duties were abdicated. Operational underperformance and unresolved site-level matters cited in the questions were within the scope of the prior Director's responsibilities at centre level and were exacerbated by misallocation of resources and poor operational control. Concerns raised by staff were addressed in an open meeting attended by staff members. Matters of employee health, cognition, or discipline are handled under appropriate HR processes and are not discussed in public fora.

6. Legal Form of the Organisation

Healing Wings is a legally registered nonprofit organisation (NPO). It is not a non-profit company (NPC). References in correspondence to "HW NPC" are incorrect and should not be relied upon as a statement of the organisation's legal form.

7. Statutory Compliance and Board Composition

Healing Wings complies with applicable legislation and its DSD-approved constitution. The Board composition is consistent with normal governance standards and with the requirements for oversight and management structures in the Substance Abuse Act (section 29).

8. Leadership, Mandate and Mission

Healing Wings operates in accordance with its Board-approved mandate and continues to deliver services in accordance with its founding mission statement. The Board has taken active steps to strengthen governance and operational controls after the termination of the prior Director's employment.

9. Claims of Systemic Governance Breakdown and Discrimination

The questions present sweeping claims that are inconsistent with the facts, omit crucial context, and do not follow a logical evidentiary process. Healing Wings is a registered facility and remains open to all, irrespective of race, creed, or religion.

10. Petition and Stakeholder Pressure

The petition referenced was organised via social media while Mr Swart was still in the employ of Healing Wings, in circumstances that reflected poor judgment and a conflict with his fiduciary obligations to the organisation. The Board views this as part of a broader effort to undermine governance processes after Mr Swart was refused a position on the Board.

11. Financial Accountability and Publication

Healing Wings prepares annual financial statements and complies with its statutory duty to keep accounting records and to submit the prescribed narrative report, financial statements and accounting officer's report to the Director within nine months after the end of each financial year (Nonprofit Organisations Act 71 of 1997, sections 17 and 18). Financial statements are disclosed to the DSD annually and, as a matter of transparency, are made accessible via the organisation's website after each AGM.

12. Expenditure and Living Conditions

The issues raised relate to operational management of living conditions and expenditure controls. These were within the scope of the prior Director's responsibilities. The Board has implemented improved controls to ensure that expenditure aligns with service delivery needs and maintenance priorities.

13. Property Ownership and Conflicts of Interest

Allegations that the Executive owns "approximately 75%" of properties used by Healing Wings are factually incorrect. For clarity: Mr Swart owns one property; the Founder owns one property; Mr Garth Lucas owns one property (which does not charge rent); and St Georges is co-owned between Mr Garth Lucas, Ms Ann Lucas and Ms Ruth Valadas Viera. Healing Wings applies standard conflict-management processes consistent with normal organisational practice.

14. Use of Organisational Funds to Defend Individuals

Engaging legal counsel is a normal organisational practice where governance or compliance matters require formal legal input. Where legal services are procured, the Board ensures that engagement is for the protection of the organisation's interests and its beneficiaries.

15. Use of Lawyers to Intimidate Staff

The allegation is factually incorrect and defamatory. Healing Wings does not condone intimidation. Where disputes arose, the organisation followed lawful processes to protect the organisation and ensure compliance with labour legislation.

16. Labour Practices and Overtime

Any neglect in operational labour practices or controls arose under the prior Director's operational remit. The Board has moved to improve staffing, duty rosters and oversight, consistent with its duty of care.

17. Retaliation and Silencing of Concerned Staff

The only intimidation observed at centre level was perpetrated by Mr Swart and can be corroborated by staff at the centre. Disciplinary processes are applied to address misconduct, not to silence lawful concerns.

18. Medical Malpractice Incidents

If malpractice incidents occurred within the Medical Department or due to management collapse, accountability must be addressed through the responsible operational chain at the time. Any neglect in medical practices or controls arose under the prior Director's operational remit. The Board has strengthened governance and clinical oversight structures going forward.

19. Operation of Unregistered Facilities

All facilities currently unregistered are in the process of registration. The Board is actively engaging the relevant authorities to regularise registration and ensure compliance with all conditions for registration and monitoring requirements.

20. Fee Structures and Consumer Protection

Healing Wings' fee structures are lawful, low, and in line with common practice for residential programmes. Importantly, these structures were endorsed and implemented by Mr Swart while serving as Director of Sudwala.

21. Nutrition, Food Safety, and Health and Safety

These operational areas were under the prior Director's control. Where deficiencies existed, they fall within his managerial accountability. The Board has prioritised corrective action and strengthened reporting lines and oversight to ensure compliance with applicable norms and standards.

22. Electricity Account and Eskom Engagement

The assertion of deliberate non-payment is factually incorrect. Healing Wings has engaged with Eskom. It should also be recorded that Mr Swart was found, in the disciplinary process, to have erected an illegal and unauthorised cable between the Healing Wings centre and his private home, and the organisation is pursuing the appropriate criminal process in relation to this conduct.

23. COVID-19 TERS Claims

Healing Wings applied for COVID-19 TERS only as permitted by the applicable Directive, which establishes a scheme to compensate employees who lost income due to COVID-19 and provides that employers apply on behalf of affected employees in circumstances contemplated by the Directive (TERS Directive, clauses 2 and 3). The Directive further requires that amounts paid under the scheme be utilised solely for the purpose of the Scheme (TERS Directive, clause 5.4). Healing Wings' claims were audited and found compliant.

24. Cross-Border Expenditure (Mozambique)

Healing Wings was founded in Mozambique, and for a period a substantial portion of operational work and expenditure was incurred there, while many service users originated in South Africa. These expenditures were recorded in the organisation's financial statements and related disclosures.

Conclusion

The Board is compelled to note the pattern underlying Mr Swart's document: repeated misstatements of law, insinuations unsupported by evidence, and an attempt to shift blame for operational and fiduciary failures away from the person tasked with centre-level leadership at the time. Following his removal from office, and in the face of findings made against him in a disciplinary process and the organisation's steps to pursue recovery and accountability, Mr Swart's motivation in "obsessively" criticising the Board is self-evident: to deflect responsibility and to undermine governance after he failed to secure control of the organisation. Healing Wings' post-dismissal stabilisation, improved controls, and continued service delivery demonstrate that the organisation's mission is stronger when resources are protected and governance is respected.

Issued by order of the Board of Healing Wings.