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SKOOLHOOFDE: VERMY DIE RISIKO'S VAN DISSIPLINÊRE VERHORE EN FINANSIËLE WANPRAKTYKE

SCHOOL PRINCIPALS: AVOID THE RISK OF DISCIPLINARY HEARINGS AND FINANCIAL MISMANAGEMENT

AANKOOP EN FINANSIERING VAN SKOOLVOERTUIG EN -TOERUSTING

PURCHASING AND FINANCING OF SCHOOL VEHICLES AND EQUIPMENT

Dit het onder die aandag van die SAOU gekom dat sommige handelaars en persone wat voertuie en toerusting aan skole voorsien se sakepraktyke nie deurgaans aan die voorgeskrewe statutêre voorskrifte voldoen nie. In die proses, stel skoolhoofde hulleself en die betrokke skole bloot aan wesenlik risiko's, nl. dissiplinêre- en forensiese ondersoeke na finansiële wanbestuur.

Advies aan skoolhoofde

Die volgende advies aan skoolhoofde word voorsien ten einde onnodige en ernstige risiko's te vermy:

1. Die SAOU het geen formele verhouding met enige handelaar of finansierder betreffende die voorsiening van skoolvoertuie en/ of skooltoerusting nie, buiten met FINSAs (Edms) Bpk. FINSAs is 'n integrale deel van die SAOU-Groep, voldoen aan al die statutêre vereistes en adviseer skole al etlike dekades insake die korrekte voltooiing aan statutêre voorskrifte.
2. Enige krediettransaksie moet aan die voorgeskrewe statutêre voorskrifte voldoen soos omskryf in die Nasionale Kredietwet, 2005 (NKW) en die SA Skolewet, 1996 (SASW).
3. Daar is twee tipes finansiering waarop veral gelet moet word, nl:
 - a. Kredietooreenkomste (lenings) mag nie sonder die vooraf goedkeuring van die LUR vir Onderwys geskied nie.
 - b. Huurooreenkomste met 'n vaste premie mag deur 'n skool aangegaan word. (geen toestemming van die LUR word benodig nie)

It has come to the attention of the SAOU that the business practices of certain dealers who provide school vehicles and other school equipment to school do not always comply with the prescribed statutory requirements. In the process, school principals run the risk of exposing themselves and the school to substantial risks, i.e. disciplinary investigations and forensic investigations on the basis of possible financial mismanagement.

Advice to principals

The following advice is provided to ensure that principals are able to avoid unnecessary and serious risks:

1. Except for FINSAs (Pty) Ltd, the SAOU has no formal relationship with any dealer or financier in regard to the provision of vehicles and/or school equipment. FINSAs is an integral part of the SAOU Group, complies fully with all the statutory requirements and has provided sound financing advice to schools for several decades.
2. Any credit transaction in which a school is a party, must comply with the prescriptions of the National Credit Act, 2005 (NCA) and the SA Schools Act, 1996 (SASA).
3. The following transactions require careful consideration:
 - a. Credit agreements (loans) require the prior approval of the MEC for Education.
 - b. Rental agreements with a fixed premium do not require the prior approval of the MEC for Education.
4. Credit providers must be registered with the Financial Services Board and Credit

<p>4. Kredietvoorsieners moet by die Finansiële Dienste Raad en Kredietreguleerder as Finansiële Dienste Verskaffer geregistreer wees. 'n Formele registrasiesertifikaat moet te alle tye voorsien kan word.</p> <p>5. Kredietooreenkomste moet volledig op skrif gestel wees. Enige voorstel dat skrifstelling nie nodig is nie, is teenstrydig met die NKW en die SASW.</p> <p>6. Kennis is geneem van die volgende twyfelagtige praktyke:</p> <ol style="list-style-type: none"> Dat tov tweedehandse voertuie dit van tyd tot tyd gebeur dat die verkoopprijs en boekwaarde wesenlik verskil. In sommige gevalle is die verkoopprijs tot soveel as R200,000 meer as die boekwaarde. Die versekeraar sal gewis nie die voertuig vir meer as die boekwaarde verseker nie, en gevolglik gaan die risiko dan oor op die skool. Uiteraard, sal dit ook moeilik wees om die rasonale basis van so 'n transaksie te verduidelik. Die aankoop van voertuie word verdoesel as 'n integrale deel van fotokopieërtoerusting of skryf-behoefte. Sommige van die handelaars trakteer graag skoolhoofde en hulle personeel met uitstappies, geskenke, betaling van uitgawes, ens. Dit is opsigself nie 'n oortreding nie, maar dit moet ten tye van besluitneming ten volle aan die skoolbeheerliggaam geopenbaar word. Word dit nie gedoen nie, kan dit as 'n ernstige botsing van belang en ongeoorloofde beïnvloeding geag word. Sodanige botsings van belang moet behoorlik genotuleer word. Daar word soms aangedui dat skole vrygestel is van BTW-betaling. Enige aanduiding dat die betaling van BTW nie op die aankoop van die voertuig of toerusting van toepassing is nie, is 'n wanvoorstelling. Die nie-betaling van BTW is 'n kriminele oortreding. <p>7. Enige krediettransaksie is onderhewig aan die uitdruklike goedkeuring van die skoolbeheerliggaam en moet genotuleer word.</p>	<p>Regulator as a Financial Services Provider. A formal certificate of registration must be provided on request.</p> <p>5. Credit agreements must be reduced to writing. Any proposal that a formal agreement is not necessary is in conflict with the NCA and SASA.</p> <p>6. Note has been taken of the following dubious practices:</p> <ol style="list-style-type: none"> In some cases there are serious discrepancies between the book value and the purchase price of used vehicles. In some cases, the purchase price exceeded the book value by as much as R200,000. The insurer will definitely not insure the vehicle for more than the book value. In any event, it will be extremely difficult to explain the rationale for a purchase price that exceeded the book value. The purchase of a vehicle is obfuscated as an integral part of the purchase of photo copying equipment and stationary. Some of the dealers entertain principals on expensive excursions, give expensive gifts and even pay certain expenses, etc. Such actions are not necessarily a transgression, provided that it is divulged to the SGB during the formal meeting when a decision is taken to purchase the vehicle or conclude the financing agreement. If such information is not formally divulged the recipient may be guilty of a conflict of interest and unlawful influence. Such conflicts of interest must be formally minuted. In some cases dealers state that schools are not subject to VAT payments. Any indication by the dealer concerned that VAT does not apply may be deemed to be a misrepresentation. The deliberate non-payment of VAT is a criminal offence. <p>7. Any credit agreement is subject to the formal approval of the SGB and such resolution must be minuted.</p>
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