



Nasionale Nuusbriëf / National Newsletter 04/2018

12/02/2018

OPVOLG NASIONALE NUUSBRIEF AANKOOP EN FINANSIERING VAN SKOOLVOERTUIG EN -TOERUSTING

FOLLOW-UP NATIONAL NEWSLETTER PURCHASING AND FINANCING OF SCHOOL VEHICLES AND EQUIPMENT

Die Nasionale Dagbestuur, bestaande uit die President en die nege (9) Provinsiale Voorsitters, het kennis geneem van die reaksie wat Nasionale Nuusbriëf 2 van 2018, wat bogemelde onderwerp aanspreek, ontlok het. Dit is baie duidelik dat sekere wanpersepsies en misinterpretasies aangespreek moet word en is besluit om meerdere inligting aan SAOU-lede te voorsien. Die SAOU is geen verantwoordings aan buitestaanders verskuldig nie, maar slegs aan sy lede.

The National Executive, comprising the President and the nine (9) Provincial Chair Persons noted the reaction to the National Newsletter no. 2 of 2018 which dealt with the subject detailed above. It is very clear from that reaction that certain misperceptions and misinterpretations need to be addressed and it was thus decided to give SAOU members more information. The SAOU is only accountable to its members and is not answerable to anybody else.

- 1. Wat is die motivering vir Nasionale Nuusbriëf 2 van 2018?** Die oorsprong van die nuusbriëf is die SAOU se Regsafdeling wat die afgelope twee jaar betrokke was by ongeveer 237 sake van SAOU-lede en waarvan 'n beduidende persentasie gehandel het met dissiplinêre ondersoeke insake finansiële wanbestuur. Dit is dus gebaseer op werklike situasies waar lede in uiters moeilike situasies beland het.
- 2. Is die nuusbriëf gemik op bepaalde leweransiers of finansierders van skoolvoertuie en/of -toerusting?** Nee, soos verduidelik dit spreek 'n breë algemene saak aan. Die primêre oogmerk is om SAOU-lede daarop attent te maak om met groot omsigtigheid te handel ten tye van die aankoop en finansiering van skoolvoertuie en -toerusting.
- 3. Word daar voorspraak gemaak dat skole slegs beperk moet word tot die benutting van 'n enkele leweransier of finansierder van skoolvoertuie of -toerusting?** Hoegenaamd nie. Die SAOU is 'n absolute voorstaander van die vryemarkbeginsel van vryheid van keuse ten opsigte van diensverskaffers, maar maan ook dat die regsbeginsel van *caveat emptor* (laat die koper op sy hoede wees) te alle tye verreken moet word.
- 4. Waarom word FINSAs gemeld in die vorige nuusbriëf as 'n finansierder?** Dit is 'n erkende feit dat vakbonde eie korporatiewe skemas tot voordeel van lede bedryf. FINSAs is deel van die SAOU se aanbod aan lede en skole wat op absoluut vrywillige basis benut kan word. Die produkte wat aangebied word, is op skole en lede se finansieringsbehoefte gemik en die rentekoerse is

- 1. What was the motivation for National Newsletter 2 of 2018?** The newsletter originated in the Legal Division of the SAOU. Over the past two years the Legal Division has been involved in approximately 237 cases on behalf of SAOU members. A significant percentage of those cases had to do with disciplinary investigations into financial mismanagement. It was, thus, based on actual situations in which members had landed in extremely difficult circumstances.
- 2. Is the newsletter aimed at specific suppliers or financiers of school vehicles and/or equipment?** No. As explained, it addresses a broad, general spectrum. The primary purpose of the newsletter is to make SAOU members aware of the need to be particularly careful in their dealings when purchasing and financing school vehicles and equipment.
- 3. Does the newsletter advocate that schools should be restricted to the use of only one supplier or financier of school vehicles or equipment?** Most certainly not. The SAOU is an absolute supporter of the free market system and the principle of freedom of choice in regard to service deliverers. But: the SAOU also warns that the legal principle *caveat emptor* (let the buyer beware) must constantly be borne in mind.
- 4. Why is FINSAs named as a financier in the previous newsletter?** It is a recognised fact that unions operate their own corporate schemes for the benefit of their members. FINSAs is part of the deal offered to members and schools, to be used by them or not; it is entirely their own decision. The products offered are aimed at schools' and members' financial needs and interest rates are highly competitive in the financial

uiters mededingend in die finansieringsmark. FINSA se huurooreenkoms is so gestruktureer dat eienaarskap oorgaan na die huurder met verstryking van die huurkontrak en daar ook nie die gebruikelike groot ballonpaalement is nie synde FINSA dit as billik ag en nie 'n voertuighandelaar is wat weer met die voertuie wil handeldryf nie.

5. **Wie is die aandeelhouer van FINSA?** Die alleenaandeelhouer is die SA Education Foundation (SAEF), 'n nie-winsgewende stigting wat reeds in 1994 gevestig is en wat eie kapitaal benut. Die SAOU is die enigste begunstigde. Dit is korrek dat FINSA winste maak en daarop belasting betaal. 'n Winsgewende maatskappy is die enigste wyse om lewensvatbaar oor die langtermyn te kan wees. Enige winste word egter tot voordeel van die SAOU deur SAEF aangewend in die vorm van geboue en infrastruktuur. In kort dus, FINSA is 'n finansierder deur die SAOU vir SAOU-lede, maar soos reeds gestel, word dit op vrywillige basis benut.
6. **Wie is die direkteure van FINSA en is hulle op die FINSA-salarisrol?** FINSA is in vergelyking met die groot handelsbanke 'n klein speler in die finansieringsbedryf en daarom is 'n skerp fokus op die onderwysmark noodsaaklik. SAEF wys die nie-uitvoerende en uitvoerende direkteure uit die geledere van die SAOU aan ten einde te verseker dat die fokus behoue bly. Die ongekwalifiseerde geouditeerde state van FINSA kan by SAEF bestudeer word om te bepaal of die direkteure op die salarisrol van FINSA is, of nie – hulle is nie.
7. **Uit welke regspersone bestaan die SAOU Groep?** Die SAOU Groep se moederliggame bestaan reeds sedert 1892 en word beheer en bestuur deur die verkose strukture soos verkies deur lede. Dit sluit die volgende ses (6) regspersone in, nl:
 - a. **SAOU**, 'n vakbond met meer as 37,000 lede en geregistreer by die Departement van Arbeid ingevolge die Wet op Arbeidsverhoudinge;
 - b. **SA Stigting vir Onderwys en Opleiding (SASOO)**, 'n gemeenregtelike stigting wat by die Departement van Welsyn en die SA Inkomstediens as weldaadorganisasie geregistreer is. Dit is die SAOU se professionele bemagtigingsinstituut wat onder andere oor die afgelope drie jaar bykans 8,000 departementele amptenare op kontrak van die Departement van Basiese Onderwys opgelei het. Dit is ook die entiteit wat die bekende Handleiding vir Skoolbestuur in elektroniese formaat aan skole en beheerliggame beskikbaar stel. Dit is verder die dryfkrag agter 'n nuwe onafhanklike eksamineringsliggaam, die **SA Komprehensiewe Asseseringsinstituut (SAKAI)** wat reeds die afgelope drie jaar NSS-eksamens uiters suksesvol vir onafhanklike skole geëksamineer het. Finale akkreditering deur Umalusi word aan die einde van 2018 verwag.
 - c. **SAEF**, 'n gemeenregtelike stigting wat by die Departement van Welsyn en die SA Inkomstediens as weldaadorganisasie geregistreer is. Die SAOU is die enigste begunstigde en die uitsluitlike oogmerk van SAEF is om die SAOU op enige

market. FINSA's rental agreements are structured in such a way that ownership devolves to the purchaser on completion of the contract and there is not the usual residual balloon payment because FINSA deems it fair not to have one and also, because FINSA is not a motor dealer who wants to do further business with the vehicle.

5. **Who is FINSA's shareholder?** The sole shareholder is the SA Education Foundation (SAEF), a non-profit organization established in 1994 and which uses its own capital. The SAOU is the sole beneficiary. FINSA does make a profit and pays tax on that profit. Being a profitable company is the only way to remain viable over the long term. Any profits are, however, used by SAEF to the benefit of the SAOU in the form of buildings and infrastructure. In short, therefore, FINSA is a financier through the SAOU for SAOU members. But: as already stated, it is used entirely on members' own free will.
6. **Who are the directors of FINSA and are they on the FINSA payroll?** Compared with the big commercial banks, FINSA is a small player in the finance industry and for that reason a sharp focus on the education market is essential. SAEF appoints its executive and non-executive directors from the ranks of the SAOU specifically to maintain the education focus. FINSA's unqualified audited statements can be perused at SAEF to determine whether or not the directors are on the payroll of FINSA. They are not.
7. **What legal entities make up the SAOU group?** The SAOU's founding bodies were established in 1892 and is controlled and managed by the elected structures voted for by members. It includes the following six (6) legal entities, namely:
 - a. **SAOU**, a union with more than 37 000 members and registered with the Department of Labour in terms of the Labour Relations Act;
 - b. **South African Foundation for Education and Training (SAFET)**. It is a common law foundation registered with the Department of Welfare and the SA Revenue Service as a non-profit organisation. It is the SAOU's professional empowerment institute and has, together with other duties, trained approximately 8,000 departmental officials, on contract to the Department of Basic Education. It is also the entity that makes the well-known *Manual for School Management* available for schools and governing bodies, in electronic format. It is, further, the driving force behind the new, independent examining body, the **South African Comprehensive Assessment Institute (SACAI)** which has already successfully examined the National Senior Certificate examinations for independent schools over the last three years. Final accreditation by Umalusi is expected at the end of 2018.
 - c. **SAEF**, a common law foundation registered with the Department of Welfare and the SA Revenue Service as a charitable organization. The SAOU is the sole beneficiary and the exclusive focus of SAEF is to benefit and support the SAOU in

wettige wyse te ondersteun en by te staan. Dit is die eienaar van SAOU-kantore en ander infrastruktuur. Dit is ook die alleenaandeelhouer van **FINSA (Edms) Bpk en TO Onderlinge Mpy (Edms) Bpk (TO Strand)**. Soos in die geval van FINSA, is daar geen direkteur op die amptelike salarisrol van TO Strand nie.

Indien enige SAOU-lid verdere inligting verlang, is u welkom om dit via saou@saou.co.za te stel.

whatever legal way possible. It is the owner of the SAOU offices and other infrastructure. It is also the sole shareholder of **FINSA (Pty) Ltd and TO Onderlinge Mpy (Pty) Ltd (TO Strand)**. As is the case with FINSA, there are no directors on the official payroll of TO Strand.

Should any SAOU member wish to have any further information you are welcome to send your request to saou@saou.co.za