

15. DIAKONALE SAKE 15. DIACONAL AFFAIRS

15.1 RAPPORT 1 – DEPUTATE DIAKONALE SAKE – HERSTRUKTURERING (Artt 49, 76)

15.1 REPORT 1 – DEPUTIES DIACONAL AFFAIRS – RESTRUCTURING (Arts 49, 76)

- A. Ds FJ Potgieter stel die Rapport.
Rev. FJ Potgieter tables the Report.
- B. **Besluit:** Verwys die Rapport na Kommissie Diakonale Sake.
Decision: Refer Report to Commission Diaconal Affairs.
- C. Ds AP Tredoux rapporteer namens die Kommissie Diakonale Sake.
Rev. AP Tredoux reports on behalf of Commission Diaconal Affairs.

D. RAPPORT / REPORT

1. Sake waarvan die Sinode kennis neem	1. Matters that the Synod takes note of
1.1 Die Deputate het die strukture wat onder die Deputate ressorteer oorweeg en ook algemene regs- en verdere advies oor die voortsetting van die model ingewin.	1.1 The Deputies reviewed the structures under their care and also sought general legal and other advice over the continuation of the model.
1.2 Die Deputate Diakonale Sake beheer die volgende regspersone:	1.2 The Deputies Diaconal Affairs manage the following legal entities:
1.2.1 Pretoria: <i>Die President Kruger Kinderhuis Pretoria</i>	1.2.1 Pretoria: <i>the President Kruger Children's Home Pretoria</i>
1.2.2 Reddersburg: <i>Die President Kruger Kinderhuis Reddersburg</i>	1.2.2 Reddersburg: <i>the President Kruger Children's Home Reddersburg</i>
1.2.3 <i>Sinodale Deputate vir Diakonale Sake van die Gereformeerde Kerke in Suid-Afrika NPC</i> , 'n maatskappy sonder winsoogmerk wat ook bekend staan as die SDDS maatskappy.	1.2.3 <i>Synodal Deputies for Diaconal Affairs of the Gereformeerde Kerk in Suid-Afrika NPC</i> , a non-profit company also known as the SDDS company.
1.3 Die Deputate is geadviseer dat die goedgekeurde konstitusie vir kindertehuise, soos gewysig, (Acta 2012:102-107), regtens steeds aanvaarbaar is en dat voortsetting van hierdie regspersone as gemeenregtelike regspersone bo ander ondernemingsvorme verkies word. Daar gaan weer enkele wysigings aan die konstitusie aangebring moet word om meer duidelikheid ten opsigte van sekere sake te verleen en om aan die nuutste vereistes van die departement te voldoen. Die Deputate is geadviseer dat die gemeenregtelike regspersoon geskik bly vir die spesiale opdrag en taak van die Deputate.	1.3 The Deputies were advised that the approved constitution for children's homes, as amended (Acta 2012:102-107), was still legally acceptable and that keeping these legal entities as common-law legal entities is preferable. One or two amendments will once again be made to the constitution to clarify certain matters and to comply with the latest requirements of the department. The Deputies were advised that the common-law legal entity remains appropriate for the work and task of the Deputies.
1.4 Die Deputate het in die verlede geadviseer dat, onder andere, die	1.4 The Deputies have <i>inter alia</i> indicated in the past that the children's homes form

<p>kinderhuise deel vorm van die “Art 21 Maatskappy” wat bekend staan as die SDDS maatskappy (Acta 2018:274, 1.1.1). In hierdie verband het die Deputate die volgende advies bekom:</p>	<p>part of the “Art 21 Company”, also known as the SDDS Company (Acta 2018:274, 1.1.1). In this regard the Deputies obtained the following advice:</p>
<p>1.4.1 Net soos die kinderhuise, is die SDDS maatskappy ‘n afsonderlike regspersoon wat onder die Deputate van hierdie Sinode val.</p>	<p>1.4.1 Just like the children’s homes, the SDDS Company is an independent legal entity that falls under the Deputies of this Synod.</p>
<p>1.4.2 Die gebruik van die akroniem, “SDDS”, het ongelukkig met tyd sinoniem vir beide die Deputate asook die SDDS maatskappy geword. Regtens skep dit heelwat verwarring. Wanneer die goedgekeurde konstitusie vir die kinderhuise byvoorbeeld gebruik maak van die woord “SDDS”, is dit ‘n verwysing na die Deputate en nie die SDDS maatskappy nie. Groter onderskeid sal verkies word. Die SDDS maatskappy se geregistreerde naam is ook onprakties lank.</p>	<p>1.4.2 The use of the acronym “SDDS” has unfortunately over time become synonymous for both the Deputies and also the SDDS Company. In legal terms this creates confusion. When the approved constitution of the children’s homes, for example, make use of the term “SDDS”, it refers to the Deputies and not the SDDS Company. Greater distinction would be desirable. The SDDS Company’s registered name is furthermore too long and impractical.</p>
<p>1.4.3 Elke regspersoon, genoem in paragraaf 1.2, bly onafhanklik van die ander voortbestaan en beskik oor sy eie bestuur, bates, aanspreeklikhede, oogmerke en bestaansredes.</p>	<p>1.4.3 Each of the legal entities mentioned in paragraph 1.2 remains independent of the others and possess its own management, assets, responsibilities, objectives and purposes.</p>
<p>1.4.4 Regspersone funksioneer kragtens hul goedgekeurde konstitusies (in die geval van die gemeenregtelike regspersone) of hul aktes van oprigting (in die geval van maatskappye). Slegs indien die konstitusies van een regspersoon aan die ander regspersoon regte gee, kan dit geag word dat daardie regspersoon onder die ander regspersoon val of deel van die ander regspersoon raak.</p>	<p>1.4.4 Legal entities functions in accordance to approved constitutions (in the case of common-law legal entities) or their memorandums of association (in the case of companies). Only when the constitution of one legal entity affords rights to another legal entity can that legal entity be deemed to fall under the other legal entity or become part of the other legal entity.</p>
<p>1.4.5 Nóg die akte van oprigting van die SDDS maatskappy, nóg die konstitusies van die kinderhuise gee aan mekaar regte oor die ander se sake.</p>	<p>1.4.5 Neither the memorandum of association of the SDDS Company, nor the constitutions of the children’s homes afford them rights over the other’s affairs.</p>
<p>1.4.6 Die SDDS maatskappy val net soos al die ander instellings onder die toesig van die Deputate. Elkeen van die instellings bestaan onafhanklik van mekaar.</p>	<p>1.4.6 The SDDS Company falls under the care of the Deputies, as the other institutions do. Each of the institutions operate independently of each other.</p>
<p>1.4.7 Alhoewel die SDDS maatskappy ‘n belangrike rol in die bestuur van die Deputate se sake speel, is dit nodig om ‘n gesonde onderskeid tussen die Deputate en die SDDS maatskappy te hou.</p>	<p>1.4.7 Although the SDDS Company plays an important role in the management of the Deputies’ affairs, a healthy distinction must be made between the Deputies and the SDDS Company.</p>

<p>1.4.8 Die Deputate ontvang hul opdrag by een Sinode en moet by die volgende Sinode rapporteer oor hul handeling. Geen permanente struktuur word aan die Deputate verleen nie.</p> <p>1.4.9 Die direksie van die SDDS maatskappy en die bestuur van die kinderhuise is permanente strukture binne die onderskeie regspersone.</p> <p>1.4.10 Die Deputate se toesighoudende rol oor die regspersone genoem in par. 1.2 hierbo, is reeds duidelik gevestig. Die Deputate wys direkteure in die SDDS maatskappy aan. Die bestuur van die kinderhuise word op die algemene jaarvergadering verkies. Die bestaande bestuur kan ook bestuurslede koöpteer wanneer vakatures ontstaan of wanneer spesifieke kundigheid benodig word vir 'n taak wat aan 'n subkomitee benoem word. Die Deputate Diaconale Sake moet hierdie aanstellings goedkeur.</p> <p>1.4.11 Die kinderhuise se voorgeskrewe konstitusies is reeds op die insluit van die plaaslike diakonieë gefokus. Dit is die Deputate se taak om groter deelname te motiveer.</p> <p>1.4.12 Die SDDS maatskappy bestuur bates tot voordeel van die kerkverband. Die Deputate speel 'n groter rol in die bestuur van die SDDS maatskappy. Dit is egter nie nodig dat elke Deputaat by implikasie ook op die direksie van die SDDS maatskappy moet dien nie. Netso hoef die direksie nie uitsluitlik uit Deputate te bestaan nie. Solank as wat die Deputate behoorlik toesig kan hou oor die sake van die SDDS maatskappy, is dit moontlik om die direksie van die SDDS maatskappy meer doelmatig aan te wend.</p>	<p>1.4.8 The Deputies receive their instructions from one synod and must report to the next Synod about their activities. The Deputies do not have a permanent structure.</p> <p>1.4.9 The management of the SDDS company and the management of the children's homes are permanent structures within the different legal entities.</p> <p>1.4.10 The Deputies' supervisory role over the legal entities, mentioned in paragraph 1.2 above, has already been clearly established. The Deputies appoint directors to the SDDS company. The management of the children's homes are elected at an annual general meeting and can also co-opt members when positions open up or when specific expertise is needed for a task referred to a sub-committee. The Deputies Diaconal Affairs must approve such appointments.</p> <p>1.4.11 The children's homes' prescribed constitutions are already focused on the inclusion of local diaconates. It is the Deputies' task to motivate greater participation.</p> <p>1.4.12 The SDDS Company manages assets to the benefit of the denomination. The Deputies play a greater role in the management of the SDDS Company. It is however not necessary that every Deputy serve on the board of directors of the SDDS company. Likewise, the board of directors does not need to be solely made up of Deputies. As long as the Deputies conduct proper supervision over the affairs of the SDDS company, it is possible to constitute the board of directors of the SDDS Company according to its objectives.</p>
<p>Besluit: Punte 1.1 tot 1.4.12 kennis geneem.</p>	<p>Decision: Points 1.1 to 1.4.12 noted.</p>
<p>2. Sake waaroor die Sinode besluit</p> <p>2.1 <u>Naamsverandering – SDDS</u></p> <p>2.1.1 Die Deputate beveel aan dat die Sinodale Deputate van Diaconale Sake se naam verander na Deputate Diaconale Sake.</p> <p>2.2 <u>Naamsverandering – SDDS maatskappy</u></p> <p>2.2.1 Die Deputate beveel aan dat die <i>Sinodale Deputate vir Diaconale Sake</i></p>	<p>2. Matters that the Synod decides on</p> <p>2.1 <u>Name change – SDDS</u></p> <p>2.1.1 The Deputies recommend that the name Synodal Deputies of Diaconal Affairs be changed to Deputies Diaconal Affairs.</p> <p>2.2 <u>Name change – SDDS Company</u></p> <p>2.2.1 The Deputies recommend that <i>Synodal Deputies for Diaconal Affairs of the</i></p>

<p>van die Gereformeerde Kerk in Suid-Afrika NPC se naam verander moet word na “SDDS van die GKSA”.</p> <p>2.2.2 Die maatskappy sal voortaan handelend as die SDDS maatskappy in die kerkverband bekend staan.</p> <p>2.3 <u>Deputate en regspersone</u></p> <p>2.3.1 Groter onderskeid in rapportering moet getref word tussen die funksies van die Deputate en aktiwiteite van die regspersone wat onder die Deputate se toesig val.</p> <p>2.3.2 Die Deputate se rol is om behoorlike toesig oor alle regspersone te hou. In die uitvoer van hierdie opdrag, word die Deputate gemagtig om:</p> <p>2.3.2.1 oordeelkundig te werk te gaan met die manier waarop die Deputate oor die regspersone toesig hou. In hierdie verband behoort die Deputate die bevoegdheid te ontvang om enige nodige verstellings en veranderinge aan die konstitusies en/of aktes van oprigting van die onderskeie regspersone van tyd tot tyd te maak ten einde:</p> <p>2.3.2.1.1 die Deputate se vermoë om toesig oor die bestuur van die regspersone te hou, te verbeter en</p> <p>2.3.2.1.2 groter plaaslike deelname in die bestuur van die diakonale inrigtings aan gemeentes en spesifiek hul diakonieë te verseker.</p> <p>2.3.2.2 die nodige kundigheid te bekom om op die direksie van die SDDS maatskappy te dien deur:</p> <p>2.3.2.2.1 Punt 6 van die Akte van oprigting soos volg te wysig:</p> <p style="padding-left: 40px;">6. AANWYSING VAN DIREKTEURE</p> <p style="padding-left: 80px;">a. Die Direkteure van die Maatskappy sal sewe (7) in getal wees, maar nooit minder as vyf (5) nie, wat verkieslik soos volg saamgestel en aangewys word deur die Deputate Diakonale Sake:</p> <p style="padding-left: 120px;">i Een (1) Predikant</p> <p style="padding-left: 120px;">ii Drie (3) verteenwoordigers van die Deputate Diakonale Sake</p> <p style="padding-left: 120px;">iii Een (1) kundige in Eiendomme</p> <p style="padding-left: 120px;">iv Een (1) kundige in Regte</p> <p style="padding-left: 120px;">v Een (1) kundige in Finansies.</p> <p>Besluit: Punte 2.1 tot 2.3.2.2.1 goedgekeur.</p>	<p><i>Gereformeerde Kerke in Suid-Afrika NPC</i> be changed to “SDDS of the GKSA”.</p> <p>2.2.2 The company will henceforth be known as the SDDS Company within the denomination.</p> <p>2.3 <u>Deputies and legal entities</u></p> <p>2.3.1 Greater distinction in reporting must be made between the functions of the Deputies and activities of the legal entities under the Deputies’ supervision.</p> <p>2.3.2 The Deputies’ role is to properly supervise all legal entities. In executing this task, the Deputies have the authority to:</p> <p>2.3.2.1 wisely supervise such legal entities. In this regard the deputies should have the ability to make any necessary amendments and revisions to the constitutions and/or memoranda of association of the different legal entities from time to time in order to:</p> <p>2.3.2.1.1 improve the Deputies ability to supervise the management of the legal entities; and</p> <p>2.3.2.1.2 ensure greater local participation in the management of the diaconal institutions of congregations and specifically their diaconates.</p> <p>2.3.2.2 gain the necessary knowledge to serve on the board of directors of the SDDS company by:</p> <p>2.3.2.2.1 revising Point 6 of the memorandum of association as follows:</p> <p style="padding-left: 40px;">6. APPOINTMENT OF DIRECTORS</p> <p style="padding-left: 80px;">a. The Directors of the Company will be seven (7) in number, but never less than five (5) that are preferably made up and appointed as follows by the Deputies Diaconal Affairs:</p> <p style="padding-left: 120px;">i One (1) Minister</p> <p style="padding-left: 120px;">ii Three (3) representatives of the Deputies Diaconal Affairs</p> <p style="padding-left: 120px;">iii One (1) property expert</p> <p style="padding-left: 120px;">iv One (1) legal expert</p> <p style="padding-left: 120px;">v One (1) financial expert.</p> <p>Decision: Points 2.1 to 2.3.2.2.1 approved.</p>
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E. RAPPORT VAN DIE KOMMISSIE / REPORT OF THE COMMISSION

<p>1. Opdrag Handel met Rapport 15.1. Besluit: Kennis geneem.</p> <p>2. Werkswyse Rapport 15.1 sal in hierdie Rapport gehanteer word onder die hoofde sake waarvan kennis geneem word en sake waaroor besluit geneem word. Besluit: Kennis geneem.</p> <p>3. Sake waarvan die Sinode kennis neem 3.1 Punt 1 in sy geheel. Besluit: Goedgekeur.</p> <p>4. Sake waaroor die Sinode besluit 4.1 Punt 2 in sy geheel. Besluit: Goedgekeur.</p>	<p>1. Mandate Deal with Report 15.1. Decision: Noted.</p> <p>2. Procedure Report 15.1 will be handled in this Report under the headings matters over which note may be taken and matters over which decisions must be made. Decision: Noted.</p> <p>3. Matters which the Synod takes note off 3.1 Point 1 in its entirety. Decision: Approved.</p> <p>4. Matters which the Synod decides on 4.1 Point 2 in its entirety. Decision: Approved.</p>
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