



UITKOMSTEHUIS vir DOGTERS/UITKOMS HOME for GIRLS

(001-180-NPO) (OWO/PBO 930006571)

KONSTITUSIE CONSTITUTION

1 AGTERGROND BACKGROUND

Uitkomstehuis vir Dogters (Uitkoms) is 'n Christelike Geloofsgebaseerde Organisasie wat kerklike maatskaplike dienste in die betrokke bedieningsgebied lewer.

Uitkoms Home for Girls(Uitkoms) is a Christian Faith Based Organisation that renders church based social services in the defined service area

2 NAAM NAME

Die Organisasie staan bekend as : Uitkomstehuis vir Dogters (Uitkoms)
The Organisation is known as: Uitkoms Home for Girls (Uitkoms)

3 VISIE, MISSIESTELLING EN DOELWITTE VISION, AIMS AND OBJECTIVES

3.1 Visie: Vision:

Gee ons dogters hul lewens terug / Give our girls back their lives

3.2 Missiestelling:

Uitkoms is 'n selfstandige organisasie wat as deel van die Tutela Groep kerklike maatskaplike dienste lewer binne die betrokke bedieningsarea. (Sien Werksgebied, klousule 8) Die hoofdoelstelling is om omvattende maatskaplike werk dienste te lewer aan tiener dogters in nood, dit sluit die voorsiening van behuising in

Aims / Mission Statement

Uitkoms is an autonomous organisation that as part of the Tutela Group, renders church-based social services in the defined service area. (See Area of Operation, clause 8.) The main aim is to offer comprehensive social services to teenage girls, including court committed girls, in need of care and protection, this includes the provision of housing facilities

3.3 Doelwitte: Objectives

Uitkoms stel homself ten doel om:

Uitkoms objectives are:

3.3.1 as Christelike welsynsorganisasie die nodige bestuurs- en administratiewe funksies te vervul wat deur toepaslike wetgewing, regulasies en kontraktuele ooreenkomste van hom verwag word;

to fulfil, as a Christian welfare organisation, the management and administrative functions as prescribed by applicable legislation, regulations and contractual agreements;

3.3.2 holistiese en geïntegreerde maatskaplike werk dienste op die hoogste vakkundige standaard aan dogters in materiële, maatskaplike en geestelike nood te lewer;

to render holistic and integrated social work services on the highest professional standard to girls in material, social or spiritual need;

3.3.3 samewerking te soek en te bevorder met ander welsynsorganisasies in die bedieningsgebied;

to seek and promote co-operation with other welfare organisations in the area of operation;

3.3.4 die dienste van Uitkoms sal hoofsaaklik daarop gefokus wees om sy hoof en aanvullende doelstellings op 'n nie-winsgewende grondslag te bevorder en om dit met 'n altruistiese bedoeling te onderneem;

the services of Uitkoms will be aimed mainly at advancing its main and supplementary aims on a non-profit basis and to undertake it with an altruistic intention.

4 REGSPERSOONLIKHEID LEGAL STATUS

4.1 Uitkoms is 'n eie Regspersoon met 'n identiteit wat afsonderlik van dié van sy lede en ampsdraers bestaan, is draer van sy eie regte en verpligtinge, en kan in eie naam aan regsverrigtinge en regshandelinge deelneem.

Uitkoms is a Body Corporate with its own identity which is separate from its individual members and officials, has its own rights and responsibilities, and can partake in legal activities in its own name.

4.2 Die finale gesag en besluitnemingsbevoegdheid van die organisasie berus by sy Beheerraad.

The final power of decision of the organisation lies within its Management Board.

4.3 Die organisasie bly voortbestaan ondanks veranderinge in die samestelling van sy lidmaatskap of ampsdraers.

The organisation continues to exist regardless any changes in the composition of its members or officials.

- 4.4 Lede of ampsdraers van die organisasie het geen regte oor enige bate wat aan die organisasie behoort nie.
Members or office bearers of the organisation do not have rights over any assets that belong to the organisation.

5 LIDMAATSKAP MEMBERSHIP

- 5.1 Stigterslid / *Founder member*
 Tutela (NPO 001-171)

- 5.2 Gewone Lede/*Ordinary Members*
 Deelnemende Gemeentes en Kerklike Strukture / *Participating Congregations and Church Structures*
 Aangewys deur Tutela/*Appointed by Tutela*

6 BEHEER GOVERNANCE

- 6.1 Ledevergadering / *Members meeting:*

6.1.1 Samestelling / *Composition*

Die Ledevergadering van Uitkoms word soos volg saamgestel:
The composition of the Members Meeting of Uitkoms is as follows:

6.1.1.1 Stemgeregtigde lede / *Voting members:*

- twee verteenwoordigers deur Tutela aangewys;
two representatives appointed by Tutela;
- een verteenwoordiger van elke deelnemende Gemeente en Kerklike Struktuur ;
one representative of each participating Congregation and Church Structure;
- twee lede uit die plaaslike gemeenskap, deur Tutela aangewys;
two members of the local community appointed by Tutela;
- twee kundige persone deur Tutela aangewys
two skilful persons appointed by Tutela

6.1.1.2 Tutela en deelnemende Gemeentes en Kerklike Strukture mag sekundi vir hul verteenwoordigers benoem .

Tutela and paticipating Congregations and Church Structures may appoint secundi for their representatives

6.1.1.3 Adviserende lede / *Advisory members*

- een verteenwoordiger van die Dept van Maatskaplike Ontwikkeling
one representative of the Dept of Social Development;
- een verteenwoordiger van die plaaslike munisipale owerheid.
one representative of the local municipal authority.
- Die Beheerraad kan adviserende lede aanwys soos nodig.
The Management Board may appoint advisory members as needed.

6.1.2 Vergaderings / *Meetings*

Daar moet ten minste een ledevergadering per jaar wees.
There must be at least one member meeting per annum.

2 Beheerraad / Governing Board:

- 6.2.1 Die Ledevergadering verkies, onder leiding van n verteenwoordiger van Tutela, 'n Beheerraad wat uit minstens 6 (ses) en n maksimum van 10 (tien) persone bestaan. Die verteenwoordigers van Tutela is namens die stigterslid *ex officio* lede van die Beheerraad.

The Member Meeting appoints, with the guidance of a representative of Tutela a Governing Board consisting of at least 6 (six) but not more than 10(ten) members. The representatives of Tutela are on behalf of the founder member, ex officio members of the Governing Board.

- 6.2.2 Drie sekundi lede word ook benoem.
Three secundi members are also appointed

- 6.2.3 Koöpsie: Die Beheerraad het die reg om hoogstens twee (2) ander persone op grond van hulle kennis of professie, te koöpteer as adviserende lede.
Co-option: The Governing Board has the right to co-opt a maximum of two (2) members for their expertise or profession as advisory members.

6.3 Dienstermyn van Beheerraadslede / Term of Management Board membership

- 6.3.1 Lede van die Beheerraad word vir 'n termyn van vier (4) jaar aangewys. Elke vierde jaar word die Beheerraad nuut saamgestel en ampsdraers verkies. Gemeentes en Kerklike Strukture kan dieselfde verteenwoordigers aanwys. Ander lede is beskikbaar vir herverkiesing.
Members are appointed for a term of four (4) years. Every fourth year the Governing Board is re-composed and officials are elected. Congregations and Church Structures may appoint the same representative. Other members may be reappointed

- 6.3.2 Vakatures op die Beheerraad word deur die instansie wat die oorspronklike benoeming gemaak het, gevul.
Vacancies on the Governing Board are filled by the institution that effected the original designation.

6.4 Kworum / Quorum

Vir die vergaderings van die Beheerraad en sy subkomitees, vorm 'n meerderheid van die lede 'n kworum.
For all the meetings of the Management Board and its sub-committees, a majority of the members form a quorum.

6.5 Konstituering en Vergaderings / Constitution and Meetings

- 6.5.1 Die Beheerraad kies by sy eerste vergadering 'n voorsitter, ondervoorsitter, tesourier, sekretaris en sodanige subkomitees as wat nodig geag word.
The Management Board elects on its first meeting a chairperson, vice-chairperson, treasurer, secretary and such sub-committees as are needed.
- 6.5.2 Die subkomitees moet opdragte van die Beheerraad uitvoer en aan die Beheerraad verslag doen van hul werksaamhede.
Sub-committees execute instructions of the Management Board and report to the Board on all their activities.

- 6.5.3 Ten minste drie persone, wat nie verbonde persone met betrekking tot mekaar is nie, word aangewys om die fidusiêre verantwoordelikheid van die Raad te aanvaar en geen enkele persoon sal regstreeks of onregstreeks die besluitnemingsbevoegdhede met betrekking tot die Raad beheer nie.
At least three persons, that are not connected, are appointed to take the fiduciary responsibility of the Board and no one person will control directly or indirectly the decision making process.
- 6.5.4 Vakatures op subkomitees word deur die Beheerraad gevul.
Vacancies on sub-committees are filled by the Management Board.
- 6.5.5 Die Beheerraad vergader so dikwels as nodig, maar nie minder nie as vier keer per jaar. Subkomitees vergader so dikwels as nodig.
The Management Board meets as often as needed but not less than four times per annum. Sub-committees meet as often as needed.
- 6.5.6 By 'n vergadering van die Beheerraad sal die voorsitter 'n gewone sowel as 'n beslissende stem hê.
The chairperson of the Management Board has a normal as well as a decisive vote.
- 6.5.7 Notules sal van alle vergaderings gehou word, veilig bewaar word en beskikbaar wees vir lede.
All meetings will be minuted, minutes will be kept safely and be on hand for members to consult.
- 6.5.8 'n Algemene jaarvergadering van die lede sal voor die einde van September van elke jaar gehou word. Die Algemene jaarvergadering val saam met 'n vergadering waar verslag oor die jaar se werksaamhede aan lede gegee word.
An AGM will be held before the end of September of every year. The AGM co-incides with an meeting where report is given on the year's operations.
- 6.5.9 Die Voorsitter, of enige twee lede van die Beheerraad, kan 'n spesiale vergadering aanvra. Kennis van sodanige vergadering, met 'n voorgestelde agenda, moet nie later nie as 7 dae voor die vergadering aan alle beheerraadslede gegee word. Met dringende sake kan die Beheerraad skriftelik van hierdie vereiste afstand doen.
The Chairperson, or any two members of the Management Board, can call a special meeting. Notice of such a meeting, with a proposed agenda, must be given to all members of the Management Board not less than 7 days in advance. In urgent matters the Management Board may waive this requirement in writing.

7 BEVOEGDHEDE EN PLIGTE VAN DIE BEHEERRAAD POWERS AND DUTIES OF THE MANAGEMENT BOARD

- 7.1 Om bovermelde doelstellings te verwesenlik sal die Beheerraad die bevoegdhede en pligte hê om:
To realise the above mentioned objectives the Management Board has the powers and duties to:
- 7.1.1 infrastruktuur te ontwikkel vir die lewering van maatskaplike dienste deur middel van , kindersorg, asook dienslewering aan bepaalde sorgbehoewendes soos , slagoffers van MIV/VIGS, ens.;

- to develop infrastructure for social service delivery to families, and children, and to care for the specific needs of people with HIV/AIDS, etc.;*
- 7.1.2 personeel in diens te neem en in terme van Tutela se diensvoorwaardes te bestuur;
appoint and manage staff in terms of the service conditions of Tutela;
- 7.1.3 jaarliks 'n begroting van verwagte inkomste en uitgawes op te stel;
budget annually for income and expenditure;
- 7.1.4 as welsynsorganisasie te funksioneer ingevolge die Nasionale welsynswetgewing;
function as welfare organisation in accordance with National welfare legislation;
- 7.1.5 as diensorganisasie van Tutela te funksioneer in terme van die goedgekeurde Memorandum van Ooreenkoms;
function as service organisation of Tutela in terms of the approved Memorandum of Agreement;
- 7.1.7 fondse in te samel ingevolge sy registrasie in terme van die Wet op Organisasies Sonder Winsoogmerk, Wet 71 van 1997;
fundraise in accordance with its registration in terms of the Nonprofit Organisation Act, Act . 71 of 1997;
- 7.1.8 sy fondse verder te verkry van kerklike bydraes, plaaslike owerhede, staatsubsidies, erflatings, vrywillige donasies en ander geoorloofde insamelingspogings en daarmee te handel in terme van art 10(1)(cN) en art 30 van die Belastingwysigingswet no 30 van 2000;
obtain further funds from the church, local government, state subsidies, bequests, voluntary donations and other legal fundraising projects and handel with it in terms of section 30 of the Taxation Laws Amendment Act no 30 of 2000;
- 7.1.9 toesig te hou oor sy inkomstes, uitgawes en kontantvloei;
supervise the income, expenses and cash flow;
- 7.1.10 ooreenkomste binne die raamwerk van die goedgekeurde begroting aan te gaan;
enter into agreements within the framework of the approved budget;
- 7.1.12 die verslae, opgawes en finansiële state te laat opstel en ouditeer, aan die Direkteur van Organisasies Sonder Winsoogmerk te stuur, en te bewaar soos ingevolge gemelde wette voorgeskryf;
compile reports and audited financial statements, send it to the Director of NPOs and file it according to the applicable legislation;
- 7.1.13 gereeld aan die lede en stigterslede verslag te doen van sy werksaamhede;
report regularly to the members and founder member on its functions;
- 7.1.14 jaarliks 'n volledige verslag van sy werksaamhede en finansiële posisie aan die lede voor te lê;
report annually fully on its service delivery and financial position to all the members;
- 7.1.15 jaarliks geouditeerde state aan die lede en betrokke staatsdepartemente voor te lê;
submit audited statements annually to its members and applicable government departments;

7.1.16 te verseker dat die organisasie geen bates (fondse of eiendom) aan sy lede of ampsdraers oordra, behalwe as 'n billike vergoeding vir dienste gelewer nie;
ensure that the organisation does not transfer any of its assets (money or property) to its members or office bearers, except as reasonable payment for work that has been done;

7.2 Geen lid van die Beheerraad mag enige direkte of indirekte belang hê by, of voordeel trek uit enige kontrak wat die Beheerraad met enige maatskappy of instansie mag aangaan nie.
No member of the Management Board will have any direct or indirect interest in, or will have any benefit from agreements between the Board and other companies or institutions.

7.3 Die organisasie se finansiële transaksies sal by wyse van 'n bankrekening by 'n geregistreerde finansiële instelling gedoen word. Met die toestemming van die Raad sal geen fondse belê word andersins as met advies van 'n geregistreerde tussenganger wat behoorlik geregistreer is by die Raad op Finansiële Dienste volgens die Financial Advisory and Intermediaries Services Act (FAIS Act) (Wet 37 van 2002) en bewys gelewer het van sy registrasie nie. Verder mag fondse slegs belê word by 'n instelling wat deur die FSB geregistreer is onder andere 'n instelling wat geregistreer is as Kollektiewe Beleggings Skema (Collective Investment Schemes Control Act) (Wet 45 van 2002)) en by 'n bank geregistreer in terme van die Bankwet (Banks Act, 1990) (Wet No. 94 van 1990) en die Wet op Finansiële Instellings (Financial Markets Act (Wet 19 van 2012) .

The organisation's financial transactions shall be conducted by means of a banking account with a registered financial institution. The Management Board may only invest, trade or deposit funds with registered financial institutions on the advice of a service adviser registered according to the Financial Advisory and Intermediaries Services Act (FAIS Act) (Act 37 of 2002). Funds may only be invested with FSB registered entities i.e. as a Collective Investment Scheme (Collective Investment Schemes Control Act (Act 45 of 2002), at a bank registered in terms of the Banks Act, 1990 (Act no 94 of 1990) and the Financial Markets Act (Act 19 of 2012).

7.4 Wanneer van die dienste van 'n fondsinsamelaar gebruik gemaak word om bydraes in te samel, mag die onkoste (vergoeding en/of kommissie ingesluit) nie meer as 40% van die totale omset van die insameling beloop nie.
When the services of a fundraiser are used, the total remuneration may not exceed 40% of the total turnover of the fundraising project.

7.5 Besluite van enige subkommissie moet aan die Beheerraad voorgelê word op die daaropvolgende vergadering vir goedkeuring.
Resolutions of sub-committees must be approved by the Management Board on its next meeting.

7.6 Die finansiële jaar van die organisasie eindig op 31 Maart van elke jaar.
The financial year of the organisation ends on 31 March each year.

8. WERKSGBIED AREA OF OPERATION

Die gebied waarin Uitkoms. sy werk verrig is die Provinsie van Gauteng:

Uitkoms renders its services in the Province of Gauteng.

**9. AANSPREEKLIKHEID
INDEMNITY**

Die lede van Uitkoms en sy personeel is nie in hul persoonlike hoedanigheid aanspreeklik vir enige eis wat mag voortspruit uit die bona fide uitvoering van hul pligte en bevoegdhede nie.

Members of Uitkoms and its staff are not in their personal capacity liable for any claim that might originate from the bona fide execution of their duties and powers.

**10 WYSIGING VAN KONSTITUSIE
AMENDMENT OF CONSTITUTION**

Die konstitusie kan deur 'n twee-derde meerderheid van die Beheerraad en met toestemming van Tutela gewysig word, met goedkeuring van die Kommissaris van Binnelandse Inkomste en die Direkteur van Organisasies Sonder Winsoogmerk. Vir 'n konstitusiewysiging moet daar minstens 14 dae vooraf kennis aan beheerraadslede gegee word.

The constitution can be amended by a two-thirds majority of the Management Board, with approval of Tutela and with the approval of the Commissioner of Internal Revenue and the Director of NPOs. For a constitution amendment, notice must be given to members of the Management Board, 14 day in advance.

**11 ONTBINDING VAN DIE ORGANISASIE
DISSOLUTION OF THE ORGANISATION**

Uitkoms kan slegs ontbind word deur 'n besluit van Tutela in oorleg met die deelnemende Gemeentes en Kerklike Strukture. Ingeval die organisasie ontbind word, sal sy bates deur Tutela oorgedra word aan 'n organisasie(s) wat in terme van artikel 10(1)(cA) van die Inkomstebelastingwet ook vrygestel is van inkomstebelasting, vir gebruik vir soortgelyke of aanverwante doeleindes.

Uitkoms can only dissolve by a resolution of Tutela and in collaboration with the participating Congregations and Church Structures. If Uitkoms dissolves, Tutela will transfer its assets to another organisation that has the same or nearly the same objectives and is registered in terms of section 10(1)(cA) of the Income Tax Act.

GOEDGEKEUR DEUR TUTELA /APPROVED BY TUTELA

Op/On 17/11/2016 (datum/date)

GOEDGEKEUR DEUR DIE BEHEERRAAD VAN UITKOMS/APPROVED BY THE
MANAGEMENT BOARD OF UITKOMS

Op/On 17/11/2016 (datum/date)