

BOARD NOTICES RAADSKENNISGEWINGS

BOARD NOTICE 140 OF 2014

NATIONAL COUNCIL OF SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS

RULES

1 NEW RULE TO BE NUMBERED 5.6

DISCIPLINARY HEARINGS

- 1 A society shall conduct a disciplinary hearing in accordance with the provisions of this rule, but otherwise in accordance with the labour laws in operation from time to time.
- 2 Members of the management committee shall not prosecute the charges brought against an employee in a disciplinary hearing nor shall any member of the committee preside at or be a member of the disciplinary panel receiving the evidence at such inquiry.
- 3 The members of the disciplinary panel and the prosecutor shall be independent persons, and the chairperson shall be a qualified legal practitioner or person who has knowledge of labour relations.
- 4 The disciplinary panel shall make a finding on each charge and determine, where appropriate, the disciplinary action, if any, that should be taken against the employee.
- 5 The findings and decisions of the disciplinary panel shall be reported to the management committee at its next meeting for recording.
- 6 Where the employee has been sanctioned, and enjoys a right of appeal against such sanction, unless the contract of employment provides otherwise, the appeal shall be determined by the management committee after due consideration of the record of the disciplinary hearing and any further representations made to it by the employee and/or management.

2 NEW RULE TO BE NUMBERED 5.7

When a motion has been defeated at a general meeting of members, the same or a substantially similar motion may not be proposed for consideration prior to the expiry of 24 months from the date of the meeting upon which the motion was defeated.

3 AMMENDMENT TO RULE 6.18

- (a) All severely injured or compromised indigenous wildlife admitted to an SPCA that is in such condition that it would be cruel to keep it alive, must be humanely euthanased by an experienced, skilled and qualified person.
- (b) All stray, surrendered, confiscated, sick or injured indigenous wildlife admitted to an SPCA must be transferred to a rehabilitation and release centre approved by the NSPCA to handle the species.
- (c) If no approved rehabilitation and release centre is within reasonable distance, alternative arrangements cannot be made to transport the animal to another approved rehabilitation and release centre or there is no approved rehabilitation and release centre able to rehabilitate and release the animal, the animal must be euthanased.
- (d) A Society shall not take it upon themselves to release indigenous wildlife. This can only be done with specialist knowledge and in accordance with Nature Conservation laws and regulations.
- (e) A Society shall not hold any indigenous wildlife for a period exceeding 5 days.

4 AMENDMENT TO RULE 6.10

A Society shall not home an animal, if it knows or ought to know that the animal will or might reasonably be expected to be kept chained or caged, or permanently housed in an enclosure, not relative to the size or specific needs of the species with regards to its natural habits and safety. This Rule must be read in conjunction with Rule 6.21.

5 AMMENDMENT TO RULE 2.14

A Whenever it becomes apparent to the Board that the management committee of a Society has ceased to function (henceforth referred to as "**the Society in question**") and the Board is of the opinion that the Society cannot function adequately until a new management committee can be elected by the members of the Society in due course and in terms of that Society's constitution, then –

A.1 the Board may by notice appoint an interim committee ("**the interim committee**") comprised of the same number of members required in terms of the Society in question's constitution and which shall consist of persons selected by the Board from–

- (i) that Society; and/or
- (ii) members of the Board; and/or
- (iii) members of any other Society; and/or
- (iv) members of staff of the NSPCA and/or of any other Society;

A.2 the interim committee so appointed shall have all such powers and duties as are granted to the management committee of the Society in question under that Society's constitution to its management committee;

A.3 the Board shall fix the term of office of the Interim Committee.

B Whenever the Board exercises the powers referred to in sub-rule (1), it must report the fact and the circumstances to the next ensuing general meeting of the NSPCA.

C Any member of a Society that is aggrieved by a decision of the Board to appoint an interim committee shall notify the Board in writing of his or her dissatisfaction and the reasons therefore. In the event that the Board fails to address the member's grievances to the members satisfaction within 15 days of receipt of that member's written notice, then the member's grievances shall be referred to arbitration to be conducted under the aegis of the Arbitration Foundation of Southern Africa ("AFSA") and in terms of AFSA's Expedited Rules of Arbitration.

6 NEW GUIDELINE TO BE NUMBERED 14

In terms of the new Rule regarding disciplinary proceedings against employees, the management committee of a Society is required to hear any appeal noted by an employee against the decision of the disciplinary panel. The following members of the committee must recuse themselves from the committee's deliberations:

- (a) Those who may have given evidence or had evidence to give, whether or not the evidence was given
- (b) Those who have a special relationship with the employee for any reason
- (c) Those who have previously expressed support or criticism of the employee

Recuse means declaring the reason and leaving the meeting while the appeal is debated and voted upon. Recused members may rejoin the meeting for the announcement of the meeting.