
BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 182 OF 2018**NATIONAL COUNCIL OF SOCIETIES
FOR THE PREVENTION OF CRUELTY
TO ANIMALS****R U L E S****1 NEW RULE TO BE NUMBERED 2.18**

In the event that complaints are made against Inspectors or Field Officers:

- (a) The complaint shall be submitted in writing, in the form of an affidavit, and addressed to the Chief Executive Officer of the National Council of SPCA's ("the CEO");
- (b) Upon receipt of a complaint, the CEO shall notify the person against whom the complaint is made ("the Respondent"), and attach a copy of the complaint to the notification. In the notification, the CEO shall advise the Respondent that:
 - (i) he/she may furnish an explanation, in the form of an affidavit, before a stipulated date no later than 21 days of the date of the notification, or by such further date as may be agreed;
 - (ii) such an explanation may be used in evidence against him/her;
 - (iii) he/she has the right to refuse to answer any allegations that might incriminate him/her; and
 - (iv) he/she is entitled to seek legal representation prior to providing such an affidavit.
- (c) The Respondent's affidavit, together with the complaint, shall be submitted to an investigation committee appointed by the Board. If no affidavit is received, the CEO shall forward the complaint to the investigation committee at the expiry of the 21-day period, or such further period as may have been agreed.
- (d) The investigation committee shall conduct an investigation into the allegations and shall compile a report of their findings, which shall be submitted to the CEO.
- (e) If the investigation committee resolves that a complaint does not constitute unprofessional, illegal or unethical conduct, the CEO shall provide a copy of the report to the complainant. In the event that the complainant is not satisfied with this decision, then the evidence and report shall be referred to the Board for a decision as to whether an inquiry into the conduct in question should be held.
- (f) If it appears to the investigation committee or the Board that an inquiry should be held into the conduct of the Respondent, it shall direct the CEO to convene such an enquiry. The CEO shall provide the Respondent with written notice of such an enquiry, stating where and when the enquiry into his/her professional conduct will be held, and enclosing a charge sheet which shall clearly set out the charges that are to be addressed at the enquiry.
- (g) Notice shall be served on the Respondent by the Sheriff of the Court or by hand, and proof of delivery shall be provided to the CEO.
- (h) The enquiry shall be conducted on the same terms as a disciplinary enquiry as set out in the Operations Manual.
- (i) The chairman of the enquiry shall be entitled in the event that the Respondent's conduct contributed to the suffering of an animal or compromised its welfare, to suspend, for such period as he/she deems fit, or to cancel the Respondent's Letters of Authorisation.
- (j) The CEO shall advise the governing body and the manager of the Society by whom the Respondent is employed of the decision of the Chairman, and the Society shall ensure that the decision is enforced.

- (k) The Society shall further be obliged to notify the Chief Magistrate of the areas for which the Respondent hold Letters of Authority of the decision, and to return the Letters of Authority to the Chief Magistrate(s) for cancellation.

2 NEW RULE TO BE NUMBERED 2.19

An Inspector or Field Officer is obliged to report any unprofessional, illegal or unethical conduct by another Inspector or Field Officer particularly where an animal's welfare has been or may be compromised.

3 AMMEND RULE 5.4

(a) All cruelty complaints, complaints against a society, its employees or committee members, shall be investigated, (including those reported anonymously), within 24 hours or within reason, unless immediate attention to the animal(s) is required.

(b) The findings of such investigations shall be reported to the complainant, if known, in the most appropriate manner within seven (7) days of the complaint being lodged.

(c) All investigations should be documented. Warnings shall be in writing and all investigations shall be followed up to prevent suffering.

(d) When an SPCA receives a complaint which does not fall in their jurisdiction, they follow it all the way through until the complaint is resolved. The onus must rest on the reporting SPCA to ensure that the complaint is attended to and appropriate action taken.

4 NEW RULE TO BE NUMBERED 2.20

Vehicles and trailers owned by the Society must be registered in the name of the Society. No vehicle or trailer owned by the Society may be registered in the name of any person, with exception of the proxy of the vehicle being in the name of the Manager or Chairperson.

5 AMEND RULE 2.17

A Society shall ensure that all staff and committee / board members produce a Police Clearance Certificate issued by the South African Police Services within 3 months of becoming a committee / board member of employee. This applies to current and prospective employees, and committee members / directors. It also applies to volunteers who are dealing with Society funds unsupervised.

N S P C A C O N S T I T U T I O N

1 NEW CLAUSE NUMBER 16

No director or committee member shall be answerable for, or liable to make good any loss occasioned or sustained by any cause, howsoever arising, save and except such loss as shall arise from or be occasioned by his/her own personal and wilful dishonesty. No director or committee member shall be liable for any act of dishonesty committed by another director or committee member unless he/she was privy thereto. The directors or committee members shall be indemnified by the Society against all claims and demands of whatsoever nature that may be made upon them arising out of the exercise or purported exercise of any of the powers conferred upon them by the Constitution.

S P C A C O N S T I T U T I O N

1 NEW CLAUSE NUMBER 18

No director or committee member shall be answerable for, or liable to make good any loss occasioned or sustained by any cause, howsoever arising, save and except such loss as shall

arise from or be occasioned by his/her own personal and wilful dishonesty. No director or committee member shall be liable for any act of dishonesty committed by another director or committee member unless he/she was privy thereto. The directors or committee members shall be indemnified by the Society against all claims and demands of whatsoever nature that may be made upon them arising out of the exercise or purported exercise of any of the powers conferred upon them by the Constitution.