



PROMOTION OF ACCESS TO INFORMATION ACT 2 of 2000 MANUAL

PAIA MANUAL DATED - DECEMBER 2020

EMAILED TO : PAIA@sahrc.org.za

HARD COPY POSTED TO : **The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Private Bag 2700
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2041**

SECTION 14 MANUAL FOR THE NATIONAL COUNCIL OF SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS (hereinafter referred to as “the NSPCA”)

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2. PARTICULARS IN TERMS OF SECTION 14

A. The functions and the structure of the NSPCA [Section 14(1)(a)]

(i) What is the NSPCA?

The NSPCA is the Umbrella Body for 77 Societies for the Prevention of Cruelty to Animals (hereinafter referred to as SPCAs) situated throughout South Africa. All of these SPCAs are autonomous but are governed by The Societies for the Prevention of Cruelty to Animals Act 169 of 1993. Each SPCA, although registered with the NSPCA, is independent and autonomous, and is responsible for its own affairs. The NSPCA is a statutory body, and together with the other SPCAs, enforces some 96% of the animal welfare legislation in South Africa. The NSPCA also handles national issues on behalf of the SPCA movement.

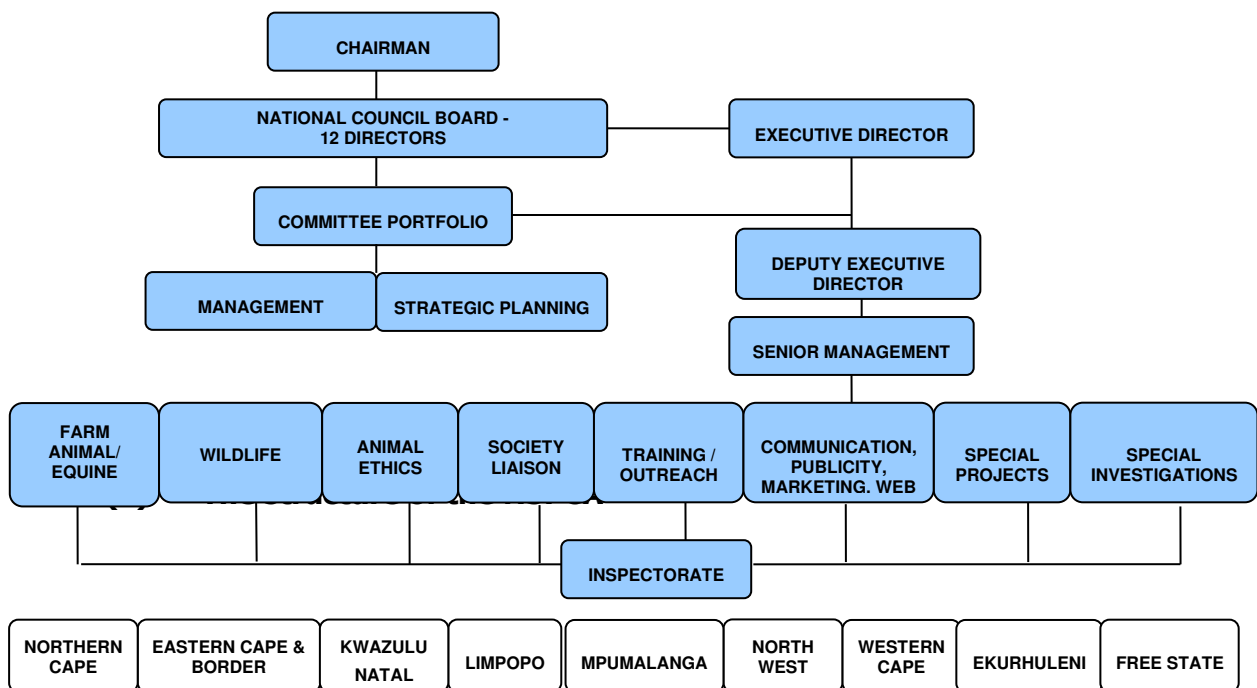
Please take note that this Manual deals with access to information in regard to the activities of the NSPCA, only, and not with access to any information in regard to SPCAs around the country. Accordingly, should you require any information about a specific SPCA, you should direct your enquiries to it directly. We are unable to assist you in this regard.

(ii) The Functions of the NSPCA

The functions of the NSPCA as prescribed by section 3 of the Societies for the Prevention of Cruelty to Animals Act (Act 169 of 1993) are:

- (a) to determine, control and co-ordinate the policies and standards of societies, in order to promote uniformity;
- (b) to promote co-operation among societies;
- (c) to prevent the ill-treatment of animals by promoting their good treatment by man;
- (d) to promote the interests of societies;
- (e) to take cognisance of the application of laws affecting animals and societies and to make representations in connection therewith to the appropriate authority;
- (f) to do all things reasonably necessary for or incidental to the achievement of the objects mentioned in paragraphs (a) to (e).

(iii) A schematic diagram of the structure of the NSPCA



(iv) The structure of the NSPCA

The Board of the NSPCA consists of 10 Directors:

- | | |
|--|---------------------------|
| Mrs Thea Smit | Chairman |
| Ms Annette Rademeyer | Vice-Chairman |
| Mrs Marcelle Meredith | Executive Director |
| Ms Estelle de Villiers | |
| Mr Glen Kirby-Hirst | |
| Ms Christine Kuch | |
| Ms Selma Landman | |
| Dr Chris Marufu | |
| Ms Victoria McDonald | |
| Ms Maryann Murrell | |
| Ms Mary Nicolaou | |
| Ms Karen Trendler | |
| Department of Agriculture representative | |

All Directors, other than those nominated by the Board and those representing entrenched SPCAs, are elected by the 77 SPCAs and receive no remuneration for their services.

Mrs Marcelle Meredith is the Chief Executive Officer of the NSPCA. In addition, the NSPCA has a paid staff compliment of 39 people, made up of Inspectors and Secretariat.

B. Contact details [Section 14(1)(b)]

Information officer:

Mrs Marcelle Meredith – Executive Director ceo@nspca.co.za

General information:

Address: 6 Clark Road
Florentia
Alberton
1449
Postal address P O Box 1320
Alberton
1450
Telephone: +27 11 907-3590/1/2/3
Fax: +27 11 907-4013
Website: www.nspca.co.za
Email address: nspca@nspca.co.za

C. The section 10 Guide on how to use the Act [Section 14(1)(c)]

The guide will be available from the South African Human Rights Commission.

Please direct any queries to:

**The South African Human Rights Commission: PAIA Unit
The Research and Documentation Department**

Postal address: Private Bag 2700
Houghton
2041
Telephone: +27 11 484-8300
Fax: +27 11 484-1360
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

D. Access to the records held by the NSPCA [Section 14(1)(d)]

(i) Automatic disclosures [Section 14(1)(e)]

No categories of records of the NSPCA are automatically available without request.

(ii) Records that may be requested [Sections 14(1)(d)]

Description of the subjects and categories of records held by the NSPCA:

1 THE NSPCA GENERALLY

1.1 Governance

The SPCA Act
The Constitution
The Rules Promulgated in Terms of the Act

1.2 Administration

Annual report of the Executive Director

1.3 Policy Statements

On all aspects of Animals

1.4 Labour Relations

Policies
Disciplinary/Grievance Procedure

1.5 Finance

Annual Audits
B-BBEEE Certificate

2 NATIONAL WILDLIFE PROTECTION UNIT

2.1 Policies and Legislation - National & Provincial

3 THE FARM ANIMAL PROTECTION UNIT

3.1 Policies and Legislation - National & Provincial

4 THE SPECIAL PROJECTS UNIT

4.1 Policies and Legislation - National & Provincial

5 SPECIAL INVESTIGATIONS

5.1 Policies and Legislation - National & Provincial

6 COMMUNICATIONS/FUNDRAISING

6.1 All issues relating but not limited to:
Media Releases, Website Content Management, Annual Report, Newsletters,
SPCA Logo Usage Approvals, Social Media, Fundraising

7 ANIMAL ETHICS UNIT

7.1 Policies and Legislation - National & Provincial

8 TRAINING / OUTREACH

8.1 Internal and External Training Courses
8.2 Undertaking outreaches in under-privileged communities

9 SOCIETY LIAISON UNIT

9.1 Policies and Legislation
9.2 All Animal Welfare issues relation to SPCAs, including but not limited to
Promoting the Interests of the SPCAs, Use of the SPCA Logo by SPCAs
Dangerous/Marauding Dogs, Feral Cats, Companion Animals Falling Outside
SPCAs Jurisdiction, No kill shelters and animal hoarders, Maiming including Tail
Docking & Ear Cropping
Fireworks
Complaints about SPCAs

(iii) The request procedures

A requester must be given access to a record of a public body if the requester complies with the following:

- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- Access to that record is not refused on any ground of refusal mentioned in the Act.

Nature of the request:

- A requester must use the form that has been printed in the Government Gazette [Govt. Notice R187- 15 February 2002] (Form A).
- The requester must also indicate if the requester is for a copy of the record or if the requester wants to come in and look at the record at the offices of the public body. Alternatively if the record is not a document it can then be viewed in the requested form, where possible [s 29(2)].
- If a person asks for access in a particular form then the requester should get access in the manner that has been asked for. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required form but in an alternate manner, then the fee must be calculated according to the way that the requester first asked for it [s 29(3) and (4)].
- If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated [s 18(2)(e)].
- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [s 18(2)(f)].
- If a requester is unable to read or write, or has a disability, then they can make the request for the record orally. The information officer must then fill in the form on behalf of such a requester and give them a copy [s 18(3)].

There are two types of fees required to be paid in terms of the Act, being the request fee and the access fee:

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The request fee payable to public bodies is R35. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
- After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- If the request is granted then a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

E. Services available [Section 14(1)(f)]

(i) Nature of services

The NSPCA focuses upon the enforcement of legislation, education, monitoring welfare standards, the compilation of Codes and Regulations, disaster and emergency relief, proactive welfare work, community outreach, inspector training, committee training, the development of Unit or Working Standards within industries which utilise animals, liaison with animal related industries, negotiation at government and provincial levels as well as lobbying and awareness campaigns.

The NSPCA generates its own funds, relying on legacies and donations. No Government funding is received.

The National Council also has seven operational Units:

1. **The National Farm Animal Protection Unit** plays both a proactive and reactive role. The Unit monitors welfare standards throughout the country providing policy, regulatory and legislative comments with the Department of Agriculture, Land Reform and Rural Development (**DALRRD**), and any other related Government Department. Reactive work includes responding to claims or reports of neglect or abuse. In addition, the Unit is actively involved in rescue and mercy missions when disasters strike. The Farm Animal Protection Unit operates nationally and undertake inspections of facilities where farm animals are housed, handled, transported and slaughtered.
2. **The National Wildlife Protection Unit** is the only “on-the-ground” Unit specialising in wild animal welfare in South Africa. Its concerns with the welfare of animals include the manner in which the wildlife is captured, transported, housed or kept, bred, trained, crated and hunted/culled. All wild animals fall within the ambit of the Unit, including indigenous and exotic wild animals in captivity, be they in zoos, pet shops, elephant-back safaris, circuses, captive breeding facilities, rehabilitation centres or sanctuaries. The Unit also covers human-animal conflict issues. Reactive work includes responding to reports of neglect or abuse.
3. **The Special Projects Unit** is responsible for monitoring the welfare of animals which are used in illegal hunting, recreational, guarding, exhibition and sporting activities. It also deals with animals that do not fit into the traditional production, companion or wild categories such as pest and problem animals and checking and improving the welfare of animals being transported through our ports of entry.
4. **The Society Liaison Unit** promotes the interests of the SPCAs. This includes the control and co-ordination of policies, uniformity and standards at SPCAs. It also assists SPCAs with the prevention of cruelty by promoting the humane treatment of animals. The Unit provides training and assistance to SPCAs in all aspects of animal welfare, nationally.
5. **The Animal Ethics Unit** has staff members who serve on Animal Ethics Committees throughout the country as the Category C welfare representative. This Unit inspects facilities that are using animals for scientific purposes. They work towards the passing of legislation which will bring about improved welfare conditions for animals used for scientific purposes. They promote replacement, reduction, refinement and responsibility when animals are used.
6. **Communications/Fundraising** performs the function of publicising the work undertaken by the NSPCA and securing funding to support our efforts in uplifting the lives of animals. This is achieved by focusing on branding and building support relationships for the NSPCA via the print media and on the internet using social media and the website

7. **The National Special Investigations Unit** plays both a proactive and reactive role and the issues dealt with cover a diverse range of activities that investigate complex animal crime such as animals being used in conjunction with additional criminal activities. Proactive work include skills upliftment programmes that aim to sensitise law enforcement role-players to the links that exist between animal crime and additional criminal activities as well as community awareness programmes on a national basis. Reactive work includes responding to claims or reports of animals being neglected or abused as a result of, or in conjunction with, further criminal activities. This Unit is also responsible for monitoring the welfare of animals which are used in certain breed specific disciplines.
8. **Training and Outreach Unit** plays a vital role in training SPCA inspectors to enforce national animal protection legislation. Field officers as well as SPCA committees are also provided with training. This unit also provides training to external officials and service providers to equip them with a better understanding and ability to address animal welfare concerns in their varied work environments. Through outreach programmes in poorer areas of our country, particularly rural areas, we are able to promote good animal welfare, prevent suffering of animals and provide education and skills upliftment to owners.

The NSPCA also handles national issues on behalf of the SPCA movement.

(ii) How to gain access to these services

To gain access to the services at the NSPCA, requests must be made to the CEO of the NSPCA, Mrs Marcelle Meredith.

Address: 6 Clark Road
 Florentia
 Alberton
 1449
 Postal address : P O Box 1320
 Alberton
 1450
 Telephone: +27 11 907-3590/1/2/3
 Fax: +27 11 907-4013
 Website: www.nspca.co.za
 Email address: nspca@nspca.co.za

F. Arrangement allowing for public involvement in the formulation of policy and the exercise of power [Section 14(1)(g)]

No such arrangements exist, but members of the public are encouraged to make submissions to either the CEO or through the CEO to the Board for consideration.

G. The remedies available if the provisions of this Act are not complied with [Section 14(1)(h)]

The requester can lodge an internal appeal with the Director of the CCMA. The requester can lodge an appeal related to:

- a decision not to grant access to a record;
- the fee charged;
- a decision to extend the time period to deal with the request; or
- the body refusing to grant the requester the record in the form that he/she requested.

The procedure is as follows:

- The requester would be required to complete the relevant appeal form A, within 60 days.
- After completing the form, the requester must send the form to the Information Officer.
- A requester may request to be informed of the outcome of the appeal in any manner other than a written reply, for example, by e-mail or telephone.

- The person appealing must supply their contact details and may also be required to pay an appeal fee. (The fee is not payable when not asking for private information, the current fee is currently R35 for public bodies)
- The information officer must respond to the request within 10 working days and if the request was refused the information officer must give reasons for refusing in terms of the Act.

I. Other information as prescribed in terms of the Act [Section 14(1)(i)]

There is currently no information available from the Minister of Justice and Constitutional Development in terms of Section 92 to be placed here.

3. Prescribed fees for public bodies

PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002

FEES IN RESPECT OF PUBLIC BODIES (increased by 10% per Annum)

1. The fee for a copy of the manual as contemplated in regulation 5(c) is **R8.87** for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows:

Type of copy requested		Fees in Rand (R)
(a)	For every photocopy of an A4-size page or part thereof	8,87
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	8,87
(c)	For a copy in a computer-readable form on compact disc	292,28
(d)	For a transcription of visual images, for an A4-size page or part thereof	141,72
	For a copy of visual images	310,02
(e)	For a transcription of an audio record, (Depending on outsourced for an A4-size page or part thereof fee)	
	For a copy of an audio record	97,44

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is **R127,00**
5. The access fees payable by a requester referred to in regulation 7(3) are as follows:

Type of copy requested		Fees in Rand (R)
(a)	For every photocopy of an A4-size page or part thereof	8,87
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	8,87
(c)	For a copy in a computer-readable form on compact disc	292,28
(d)	For a transcription of visual images, for an A4-size page or part thereof	141,72
	For a copy of visual images	210,02
(e)	For a transcription of an audio record, (Depending on outsourced for an A4-size page or part thereof fee)	
	For a copy of an audio record	177,16

6. The access fees payable by a requester referred to in regulation 7(3)(f) are as follows:
 - to search and prepare the record for disclosure, **R70,86** for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.
7. For purposes of section 22(2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
8. The actual postage is payable when a copy of a record must be posted to a requester.

4. Prescribed forms for access to a record of a public body.

**ANNEXURE B OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002
FORM A**

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 2]

FOR DEPARTMENTAL USE

Reference number:

Request received by:

(state rank, name and surname of information officer/deputy information officer) on (date)
at (place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer:.....

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be recorded below.*
 (b) *Furnish an address and/or fax number in the Republic to which information must be sent.*
 (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:.....

Identity number:.....

Postal address:.....

Fax number:.....

Telephone number:.....

E-mail address:

Capacity in which request is made, when made on behalf of another person:.....

C. Particulars of person on whose behalf request is made

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

*(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
(b) If the provided space is inadequate please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

Description of record or relevant part of the record:

Reference number, if available:

Any further particulars of record:

E. Fees

*(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
(b) You will be notified of the amount required to be paid as the request fee.
(c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
(d) If you qualify for exemption of the payment of any fee, please state the reason therefore.*

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:.....

Form in which record is required:.....

*Mark the appropriate box with an "X".
NOTES:
(a) Your indication as to the required form of access depends on the form in which the record is available.
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested*

1. If the record is in written or printed form

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	Inspection of record
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2. If record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound

<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack (written or printed document)*		
4. If record is held on computer or in an electronic or machine-readable form					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*		
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)		
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>					

In which language would you prefer the record?.....

G. Notice of decision regarding request for access

<i>You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.</i>

How would you prefer to be informed of the decision regarding your request for access to the record?.....

Signed at _____ on this _____ day of _____ 20____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE
