

## MEDIA STATEMENT

**ISSUED ON: 19 FEBRUARY 2016**

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### **NSPCA VICTORY – HIGH COURT UPHOLDS JUDGEMENT**

“Disclosure of complaints made to the Respondent (the National Council of SPCAs) or local SPCAs could reasonably be expected to prejudice the future supply of similar information from persons wishing to remain anonymous and that it is in the public interest that similar information continue to be supplied so as to further the Respondent’s statutory objective”.

“By disclosing information about the complaint, the main sources of the Respondent’s information, being tip-offs, is likely to be jeopardised and the Respondent’s obligations threatened.”

Judgement handed down in the High Court of South Africa (Gauteng Division) in Pretoria on 18 February 2016 by Judges HJ Fabricius, WRC Prinsloo and N Ranchod.

This was the outcome of an unsuccessful appeal by the South African Pork Producers Organisation (SAPPO). Costs were awarded against them.

After the NSPCA refused to divulge the identity of an informant in response to a request by SAPPO made in terms of the Promotion of Access to Information Act, SAPPO approached the High Court, demanding that the NSPCA be compelled to reveal the identity of the informant. The informant had submitted a complaint regarding welfare issues at the facility of a SAPPO member, which complaint had proved to be justified. On 05 November 2014 Judgement was handed down in the Gauteng Provincial Court in favour of the National Council of SPCAs (NSPCA). However SAPPO was determined to obtain this information, and accordingly took the matter on appeal.

The NSPCA’s legal team vigorously defended the matter.

The outcome is hailed as a victory for issues of principle and integrity. As stated in the Judgement, the National Council of SPCAs and the SPCA movement treat all complaints as confidential as per our own Code of Ethics. This prevents disclosure of the name of the complainant except for purposes of a criminal prosecution, when this decision is taken out of our hands.

Those who come forward must be protected in the interest of justice and being able to give information – evidence even – without fear of victimisation, intimidation or other repercussions.

**The National Council of SPCAs will NEVER reveal the identity or details of informants. A legal precedent has now been set supporting this.**

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