

DISCIPLINARY CODE

OF

SAQCC FIRE

Registration Nr. 1999/001937/08

INDEX

		Page
1.	DEFINITIONS AND INTERPRETATIONS.....	3
2.	INTRODUCTION.....	6
3.	PRINCIPLES	6
4.	PROCEDURE OF THE PROCEEDINGS.....	7
5.	DISCIPLINARY SUB-COMMITTEE.....	8
5.1	The Composition of the Disciplinary Sub-Committee.....	9
5.2	Requirements Preceding the Procedure for Lodging Complaints	9
5.3	Procedure for Lodging a Complaint	9
5.4	Evaluation of a Complaint.....	11
5.5	Notification of the Defendant	12
5.6	Proceedings at a Disciplinary Hearing	14
5.7	Format for Conducting a Disciplinary Hearing	15
6.	APPEAL PROCEDURE.....	15
7.	PUBLICATION OF DISCIPLINARY ACTION TAKEN	17
8.	CHAIRPERSON'S OBLIGATIONS IN GENERAL	17

Annexure "A" – Complaints and Penalties

Annexure "B" – Chairperson's Checklist

1. DEFINITIONS AND INTERPRETATIONS

1.1 In this Disciplinary Code, unless the context indicates otherwise:

1.1.1 "**Act**" means the Labour Relations Act 66 of 1995 as amended;

1.1.2 "**Appeal Sub-Committee**" means the committee that is established for a specific purpose of performing appeal hearings and shall have the powers granted to it by the Executive Committee;

1.1.3 "**Board of Directors**" means the Board of Directors of the Company and "**Board**" shall have a similar meaning;

1.1.4 "**Business Day**" means any day but excluding Saturdays, Sundays and proclaimed public holidays in the Republic of South Africa, and "**day**" or "**days**" shall have a similar meaning;

1.1.5 "**Code of Good Practice**" means Schedule 8 of the Act;

1.1.6 "**Company**" means SAQCC Fire, a Non-Profit Company incorporated in terms of the Companies Act 71 of 2008, as amended;

1.1.7 "**Complainant**" means any one of the following persons:

1.1.7.1 Secretary of the Executive Committee;

1.1.7.2 Member, excluded those Members that are suspended or expelled by the Executive Committee on the date that the Complaint is lodged;

1.1.7.3 Any member of the public other than a Member of the Company;

1.1.8 "**Complaint**" means any of the subject matters listed in Annexure "A";

1.1.9 "**Defendant**" means a Member, who a Complaint has been lodged against by a Complainant;

1.1.10 "**Director**" means a member of the Board of Directors of the Company, elected in accordance with the Memorandum;

1.1.11 "**Disciplinary Code**" means this disciplinary code of the Company;

- 1.1.12 “**Disciplinary Sub-Committee**” means the committee that is established for a specific purpose of performing disciplinary hearings and shall have the powers granted to it by the Executive Committee;
- 1.1.13 “**Executive Committee**” means the main controlling committee of the Company and its primary function shall be to control and oversee the Main Objective of the Company as well as to ensure that the sub-committees shall function as directed by the Board;
- 1.1.14 “**Fire Equipment**” means any item of equipment used for detection, suppression or extinguishing of a fire, be it fixed or portable equipment;
- 1.1.15 “**Legal Representative**” means a person who is enrolled as an attorney in the High Court of South Africa and is a member of the Law Society of South Africa;
- 1.1.16 “**Main Objective**” means the main objective of the Company that shall be to establish and implement procedures for the qualification and certification of authorised persons, by creating an environment that will ensure safety, quality of work and high standards of excellence in the fire equipment industry as directed by the Department of Labour;
- 1.1.17 “**Member**” means:
- 1.1.17.1 an Authorised Person;
- 1.1.17.2 a Representative of a special/corporate body;
- 1.1.18 “**Memorandum of Incorporation**” means the Memorandum of Incorporation of the Company;
- 1.1.19 “**Registration Identification Card**” means the official identification card, issued by the Company and annually renewable;
- 1.1.20 “**Secretary**” means the person selected as secretary for the Executive Committee;
- 1.2 For the purpose of this Disciplinary Code, the Act shall be applicable in principle;
- 1.3 Words in this Disciplinary Code denoting the singular shall include the plural and *vice versa* and words denoting the masculine shall include the feminine gender. Words denoting natural persons shall include legal persons;

- 1.4 Where appropriate, meanings ascribed in defined words and expressions in the definition clause, shall impose substantive obligations on the parties as provided for in the definition concerned;
- 1.5 The section headings in this Disciplinary Code have been inserted for convenience only and shall not be taken into account in its interpretation;
- 1.6 Words and expressions defined in any section or sub-section(s), for the purposes of the section / sub-section of which that sub-section forms part, bear the meaning assigned to such words and expressions in that section or sub-section;
- 1.7 Unless otherwise indicated, any expression to which a meaning is ascribed in the text of this Disciplinary Code shall bear that meaning whenever such expression appears thereafter;
- 1.8 If any provision in a definition in this Disciplinary Code is a substantive provision conferring rights or imposing obligations on any party, effect shall be given to it as if it were a substantive provision in the body of this Disciplinary Code, notwithstanding that it is only in the definition section;
- 1.9 In this Disciplinary Code, unless the contrary intention appears:
 - 1.9.1 a reference to a recital, section, schedule or annex is a reference to a section or recital, schedule or annex to this Disciplinary Code and references to this Disciplinary Code include any recital, schedule or annex;
 - 1.9.2 a reference to a statute, ordinance, code or other law includes rules and other instruments under it and consolidations, amendments, re-enactment or replacements of any of them;
- 1.10 A reference to a day is to be interpreted to the period of time commencing at midnight and ending 24 (Twenty Four) hours later;
- 1.11 If an event must occur on a stipulated day which is not a Business Day, then the stipulated day will be taken to be the next Business Day;
- 1.12 A reference to anything (including, without limitation, any amount) is a reference to the whole and each part of it and a reference to a group of persons is a reference to any one or more of them;

- 1.13 A reference to a month or a year shall be construed as a calendar month or year, as the case may be;
- 1.14 When any number of days is described in this Disciplinary Code, same shall be reckoned exclusively of the first day and inclusively of the last day unless the last day is not a Business Day in which case the last day shall be the next succeeding Business Day;
- 1.15 Any issue not specifically addressed in this Disciplinary Code, shall be governed by the provisions of the Act;
- 1.16 Unless the context clearly indicates otherwise, a person elected, nominated and/or appointed to a position in accordance with this Disciplinary Code shall remain in that position until he/she is disqualified and/or replaced by his/her successor in accordance with this Disciplinary Code.

2. INTRODUCTION

- 2.1 For any social system, it is important for the participant to determine a set of rules that will regulate the conduct of its members and should be observed in order to function successfully.
- 2.2 It is therefore important that the Company provide rules to regulate the relationship between the Company and its Members in a form of a disciplinary procedure.

3. PRINCIPLES

- 3.1 The Company has the right and the responsibility to manage its business to ensure that it complies with its Main Objective and therefore may direct its Members in doing so.
- 3.2 Any disciplinary action taken by the Company shall at all times conform to the Code of Good Practice.
- 3.3 The purpose of these disciplinary actions is firstly to correct behavior of a Member unless the offence is of a serious nature and dismissal is deemed necessary.
- 3.4 Therefore the Disciplinary Code of the Company is developed for the purpose of ensuring that strict, acceptable and legal procedures exist for any disciplinary investigation and when relevant, any disciplinary hearing or appeal hearing, required for the satisfactory control of the various action by the Company.

4. PROCEDURE OF THE PROCEEDINGS

- 4.1 In order to promote procedural fairness, the Company shall conduct an investigation regarding the alleged misconduct of the Member before instituting disciplinary action. The purpose of the investigation shall be to determine if there is sufficient grounds present to warrant a disciplinary hearing.
- 4.2 For the purpose of conducting the investigation the Chairperson of the Executive Committee shall appoint an investigator/s. The Investigator/s shall be elected from the members of the Executive Committee.
- 4.3 In certain distinct circumstances, where the knowledge of an expert is required, the Executive Committee may in their own discretion select and appoint an expert. In these circumstances the expert may be a person who, is not a Member or a member of the Executive Committee.
- 4.4 Should the Investigator, after a comprehensive investigation conclude that there are sufficient grounds present to proceed with the disciplinary hearing, the Executive Committee shall select a Disciplinary Sub-Committee from the members of the relevant Sub-Committee (excluding the Chairperson of that relevant Sub-Committee) to proceed with the disciplinary hearing.
- 4.5 The accused Member (“Defendant”) shall be officially advised of the Complaint and given a reasonable time to:
 - 4.5.1 arrange to attend the disciplinary hearing; and
 - 4.5.2 state his defense in respect of the charge against him.
- 4.6 The Disciplinary Sub-Committee shall have the power to conduct a disciplinary hearing and decide on the charges which was brought against the Member.
- 4.7 Should the Disciplinary Sub-Committee come to the conclusion that the Member is guilty of an offence, they will together with their report set out the reasons for their decision as well as if the Member has a right to appeal against their decision or a part thereof.
- 4.8 Should the Member not be satisfied with the outcome of the disciplinary hearing and was granted permission to appeal against the decision of the Disciplinary Sub-Committee, an Appeal Sub-Committee shall be elected from the remaining Members of the Executive Committee and relevant Sub-Committee.

- 4.9 The Company shall have the discretion to inform or remind a Member informally that his action may lead to a disciplinary hearing and he must remedy his action immediately. The aforesaid counselling shall not be seen as part of the disciplinary action but rather as part of the day-to-day communication within the Company.

5. DISCIPLINARY SUB-COMMITTEE

5.1 The Composition of the Disciplinary Sub-Committee

- 5.1.1 The Executive Committee's members shall select a Disciplinary Sub-Committee from the Members to proceed with the disciplinary hearing.
- 5.1.2 The Disciplinary Sub-Committee shall only exist for the purpose of the disciplinary hearing and shall dissolve immediately after the disciplinary hearing has been finalized and their report is sent to the Secretary.
- 5.1.3 The members of the Disciplinary Sub-Committee shall select a Chairperson who shall chair the disciplinary hearing.
- 5.1.4 The Chairperson shall have the following responsibilities within the Disciplinary Sub-Committee:
- 5.1.4.1 he shall be responsible for determining any issues to be decided upon prior to the disciplinary hearing, including whether a Defendant shall be allowed to be represented by a Legal Representative if such an application was brought by the Defendant. For this purposes the Chairperson may consult with the Chairperson of the Executive Committee to assist him in this determination;
- 5.1.4.2 he shall preside at the disciplinary hearing and be responsible to communicate the Disciplinary Sub-Committee's decision to the Executive Committee.
- 5.1.5 The Disciplinary Sub-Committee may during the disciplinary hearing have a Legal Representative present to advice on issues of law in the alternative the Disciplinary Sub-Committee may revert during the disciplinary hearing to their Legal Representative on the issues of law; provided that such Legal Representative is not a member of the Disciplinary Sub-Committee and is not permitted to be consulted on, or to decide, issues of fact nor to advise on the substantive outcome of the hearing to the extent that such outcome is dependent on a question of fact.

5.1.6 No member of the Disciplinary Sub-Committee may have a direct personal or business interest in the outcome of the disciplinary hearing, nor should there be a reasonable suspicion that such member has an interest. Should a member of the Disciplinary Sub-Committee have a direct personal or business interest they must declare it to the Secretary.

5.2 **Requirements Preceding the Procedure for Lodging a Complaint**

5.2.1 The Executive Committee may in their discretion determine that a deposit shall be payable by the Complainant before a Complaint may be lodged against a Member.

5.2.2 The deposit shall be determined by the Executive Committee and is payable by the Complainant to the Secretary.

5.2.3 The deposit shall be used to contribute towards the costs of the disciplinary proceedings.

5.2.4 After the disciplinary hearing and/or Appeal Hearing have been finalized, the Executive Committee may in their own discretion refund a part or whole amount of the deposit to the Complainant.

5.3 **Procedure for Lodging a Complaint**

5.3.1 A Complaint must be brought by a Complainant:

5.3.1.1 within 6 (Six) months of the occurrence of the event that forms the subject matter of the Complaint; or

5.3.1.2 within 6 (Six) months from the date on which the Complainant became aware of the occurrence of the event that forms the subject matter of the Complaint, provided that it was not reasonably possible for the Complainant to have had knowledge of the event that forms the subject matter of the Complaint.

5.3.2 The Complaint shall be in writing and addressed to the Secretary. Therefore the Company has compiled a prescribed form that can be obtained from the Secretary by the Complainant. The Secretary may in his/her own discretion waive this aforesaid requirement in the event that the Complaint is not addressed to the Secretary.

5.3.3 The Complaint shall set out the following particulars of the subject matter:

5.3.3.1 Contact details of the Complainant which shall include the following:

5.3.3.1.1 the full names;

5.3.3.1.2 the address which shall include the physical and postal address;

5.3.3.1.3 the telephone number and/or cell number during business hours;

5.3.3.1.4 the fax number;

5.3.3.1.5 the email address

5.3.3.2 The Defendant's contact details which shall include the following:

5.3.3.2.1 the full names;

5.3.3.2.2 the address, which shall include the physical and postal address;

5.3.3.2.3 the telephone number and/or cell number during business hours;

5.3.3.2.4 the fax number; and

5.3.3.2.5 the email address.

5.3.3.3 Any witness's contact details which shall include the following:

5.3.3.3.1 the full names;

5.3.3.3.2 the address, which shall include a physical and postal address;

5.3.3.3.3 the telephone number and/or cell number during business hours;

5.3.3.3.4 the fax number; and

5.3.3.3.5 the email address.

5.3.3.4 a detailed description of the nature of the Complaint which shall include but is not limited to:

5.3.3.4.1 the time and place where the act or conduct of the Member complained about occurred;

- 5.3.3.4.2 the injury or damage to any person, property or the interest of the Company occasioned thereby;
- 5.3.3.4.3 any aggravating or mitigating factors, that in the opinion of the Complainant, should have been taken into account;
- 5.3.3.4.4 any other details that the Complainant considers relevant;
- 5.3.3.5 the particular subject matter as set out in Annexure "A" which is relied upon as the basis of the Complaints provided that where the Complainant has not complied with the provision, the Secretary shall after examining the Complaint, append thereto a note indicating which subject matters is potentially applicable to the Complaint.
- 5.3.3.6 The signature of the Complainant which shall include the following:
 - 5.3.3.6.1 the signature;
 - 5.3.3.6.2 his full names in block letters; and
 - 5.3.3.6.3 the date and place where the Complaint was signed.
- 5.3.4 The Complaint shall include evidence which include all statements, affidavits and other documentation on which the Complainant relies upon.
- 5.3.5 Where a Complaint does not comply with the requirements as set out in clauses 5.2 and 5.3:
 - 5.3.5.1 the Secretary shall notify the Complainant of the defect;
 - 5.3.5.2 the Complainant shall have 7 (Seven) days to rectify the defect and resubmit the Complaint;
 - 5.3.5.3 a Complaint shall not be referred to the Disciplinary Sub-Committee unless it is procedurally correct in terms of clauses 5.2 and 5.3.
- 5.4 **Evaluation of a Complaint**
 - 5.4.1 Subject to clause 5.3 and after receiving the Investigator/s report, the Chairperson shall scrutinize all Complaints to determine:

5.4.1.1 whether or not the Complaint falls within the context of the permissible subject matter as listed in Annexure "A";

5.4.1.2 whether or not the Complaint was brought within the time limit as set out in clause 5.3.1; and

5.4.1.3 whether in his opinion, a *prima facie* case was made out by the Complainant.

5.4.2 To assist the Chairperson with his decision, the Chairperson may conduct further investigations which in his discretion he deems appropriate and/or obtain statements, affidavits and any other evidence.

5.4.3 If a Chairperson is satisfied that the Complaint:

5.4.3.1 falls within the parameters of Annexure "A";

5.4.3.2 complied with clause 5.2;

he shall refer the Complaint to the Disciplinary Sub-Committee.

5.4.3.3 the Chairperson may in his discretion add any evidentiary support of factual verification.

5.5 **Notification of the Defendant**

5.5.1 The Secretary shall notify the Defendant of the Complaint by:

5.5.1.1 providing him/her with a copy of the Complaint;

5.5.1.2 all supporting documentation; and

5.5.1.3 written records as set out in clause 5.5.7.

5.5.2 The Notification as referred to in clause 5.5.1 shall be delivered by the Secretary to the Defendant either:

5.5.2.1 personally; or

5.5.2.2 by sending it by registered mail to his/her registered address; or

- 5.5.2.3 provided that such Defendant has consented thereto in writing, by electronic communication to such address as the Defendant may advise the Company in writing from time to time. For the purposes of this clause 5.5.2, such “address”, in relation to electronic communication, includes any number or address used for the purposes of such electronic communication.
- 5.5.3 If receipt of notice is disputed by the Defendant, such notice shall be deemed not to have been duly given, unless the Secretary can produce written confirmation of transmission, or a registered slip, indicating that the notice was properly addressed, transmitted or posted, as the case may be.
- 5.5.4 Any notice by registered mail shall be deemed to have been received 5 (Five) days after the latter containing the same was duly posted, as aforesaid.
- 5.5.5 Proof that a notice contained in an electronic communication was sent in accordance with the provisions of the Electronic Communications and Transaction Act 25 of 2002 shall be conclusive evidence that the notice was given.
- 5.5.6 The signature to any notice given by the Secretary may be written or printed, or partly written and partly printed.
- 5.5.7 The written records as referred to in clause 5.5.1.3 shall consist of the following:
- 5.5.7.1 A request to the Defendant to provide the Secretary within 21 (Twenty One) days of receipt of the Complaint by him/her:
- 5.5.7.1.1 with a written response to the Complaint, supported by all statements and affidavits the Defendant relies upon in his defense;
- 5.5.7.2 A notification which shall be the date the Complaint is sent to the Defendant which shall be no more than 30 (Thirty) days which shall state:
- 5.5.7.2.1 the date, time and venue where the Disciplinary Hearing are scheduled, provided that such venue shall fall within the jurisdiction of the Company.
- 5.5.8 A request to the Defendant to notify the Secretary in writing, within 21 (Twenty One) days from date of receipt of the Complaint by the Defendant, if the Defendant shall be present at the disciplinary hearing.
- 5.5.9 A notification to the Defendant, that he may be represented at the disciplinary hearing by:

5.5.9.1 a Member;

5.5.9.2 Trade Union Representative; or

5.5.9.3 Depending on the complexity of the Complaint by a Legal Representative. The Defendant shall lodge an application to be represented by a Legal Representative with the Disciplinary Sub-Committee within 21 (Twenty One) days.

5.5.10 The Disciplinary Sub-Committee shall consider the following factors when deciding to approve the application for a Legal Representative:

5.5.10.1 the complexity level of the case;

5.5.10.2 if the consequences of an adverse finding could be serious;

5.5.10.3 that there shall be no significant prejudice to the Company, if a Legal Representative would be allowed; and

5.5.10.4 the level of the Defendant's ability to deal with the case in comparison to that of the Company.

5.5.11 A notification to the Defendant which states that if he does not respond to the requests as set out in par 5.5.1 and 5.5.7, the Disciplinary Hearing shall proceed in the absence of the Defendant on the basis that all the facts set out in the Complaint and the evidence in support thereof are correct and no representation by the Defendant shall be allowed at the disciplinary hearing.

5.5.12 A notification to the Defendant that states that he will not be allowed access to any documentation other than that documentation as set out in clause 5.5.1; provided that in the event of any appeal by the Defendant, he shall be permitted to be provided with details of penalties imposed for comparable sentences.

5.6 **Proceedings at a Disciplinary Hearing**

5.6.1 The disciplinary hearing shall proceed in the absence of either or both the Defendant and the Complainant.

5.6.2 The Disciplinary Sub-Committee shall consider the case on the basis of the papers submitted on his behalf, provided that the absent party has been duly notified of the proceedings.

5.6.3 Where the Defendant failed to submit any papers in response to the notifications and/or requests mentioned in clause 5, the disciplinary hearing shall proceed in the absence of the Defendant and on the basis that facts set out in the Complaint and evidence in support thereof are correct. In these circumstances the Defendant shall not be entitled to any representation at the disciplinary hearing.

5.7 **Format for Conducting a Disciplinary Hearing**

5.7.1 The Complainant shall present the Complaint to the Disciplinary Sub-Committee.

5.7.2 The Complainant may call witnesses to give *viva voce* evidence or give evidence as a witness to the Disciplinary Sub-Committee.

5.7.3 Should the Complainant wish not to attend the disciplinary hearing or make an oral presentation, the Complaint and statements in support thereof shall be deemed the entire Complaint to be implemented.

5.7.4 The Defendant may cross examine the witnesses of the Complainant or in the event that the Complainant has given evidence as a witness, the Complainant.

5.7.5 The Defendant may then call witnesses to give *viva voce* evidence or give evidence as a witness to the Disciplinary Sub-Committee.

5.7.6 The Complainant may cross examine the witnesses of the Defendant or in the event that the Defendant has given evidence as a witness, the Defendant.

5.7.7 The Chairperson may during the proceedings ask questions to the Complainant, Defendant or any of their witnesses for the purpose of clarifying or expanding a question which was asked to the Complainant, Defendant or any of their witnesses.

5.7.8 The Disciplinary Sub-Committee may give their decision at the conclusion of the disciplinary hearing or within 7 (Seven) days of the conclusion of the disciplinary hearing.

5.7.9 In the event that the Disciplinary Sub-Committee give their decision at the conclusion of the disciplinary hearing, they may record their findings, penalties and reasons in writing within 7 (Seven) days of the conclusion of the disciplinary hearing.

5.7.10 The Secretary shall within 7 (Seven) days from the date on which the records as set out in clause 5.7.9 was receipt by him/her forward the record to the Defendant and Complainant.

6. APPEAL PROCEDURE

6.1 In the event that the record includes leave to appeal to the Defendant, the Defendant may within 21 (Twenty One) days from the date that the communication is sent to the Defendant, lodge a notice of appeal to the Secretary.

6.2 The Defendant's Notice of Appeal shall specify:

6.2.1 the grounds of appeal which shall consist of the substantial and/or procedural error on which he relies upon;

6.2.2 shall set out all material allegations and contentions upon which he relies upon; and

6.2.3 all documentation which the Defendant contents is relevant to the appeal.

6.3 The Disciplinary Sub-Committee shall within 21 (Twenty One) days of receipt of such notice of appeal, furnish in writing their comments in relation to the allegations advanced in the notice of appeal, they deem relevant.

6.4 The Executive Committee shall select an Appeal Sub-Committee to proceed with the appeal procedures.

6.5 The Secretary shall notify the Defendant of the date upon which the Appeal Sub-Committee shall meet to consider the appeal.

6.6 The Disciplinary Sub-Committee shall not be allowed to be present at the appeal hearing and the Defendant shall not be entitled to legal representation at such appeal hearing.

6.7 The appeal shall be decided upon by the Appeal Sub-Committee on the relevant written records, submission and documentation placed before the Appeal Sub-Committee for the particular case.

- 6.8 The Appeal Sub-Committee shall determine their decision on the facts that was placed before the Disciplinary Sub-Committee, provided that new evidence may only be introduced in support of mitigation of sentence.
- 6.9 In the event that new evidence comes to light during the appeal hearing, the Appeal Sub-Committee shall refer the new evidence back to the Disciplinary Sub-Committee for decision.
- 6.10 Depending on the final outcome of the appeal, the decision and penalties imposed by the Disciplinary Sub-Committee shall be implemented provided that if the outcome of the appeal differs, the Disciplinary Sub-Committee shall amend their records.
- 6.11 In the event that the penalties determined by the Disciplinary Sub-Committee is set aside on appeal, the Appeal Sub-Committee shall order the refund of any fine paid and/or of other measures as it may consider necessary.
- 6.12 The Appeal Sub-Committee shall have the following powers:
- 6.12.1 to set aside or correct any finding made by the Disciplinary Sub-Committee;
- 6.12.2 reduce or alter any penalty imposed by the Disciplinary Sub-Committee;
- 6.12.3 when relevant, to uphold the Disciplinary Sub-Committee's decision;
- 6.12.4 to refer the case back to the Disciplinary Sub-Committee for a rehearing of the case or a part thereof, or for a reconsideration of the penalty that was imposed;
- 6.12.5 to increase any part of the penalty imposed by the Disciplinary Sub-Committee, provided that should the Appeal Sub-Committee be of the opinion that any increase should be considered, they:
- 6.12.5.1 shall advise the Defendant of the increase;
- 6.12.5.2 convene a subsequent hearing at which the Defendant may be present and represented which shall include external representation.
- 6.12.6 The communication system used to notify the parties of the decision of the Disciplinary Sub-Committee shall *mutatis mutandis* be applicable to the communication of the decision of the Appeal Sub-Commission to the parties.

7. PUBLICATION OF DETAILS OF DISCIPLINARY ACTION TAKEN:

7.1 A copy of the record may be published on the Company's website or the Industry Journal, which may include the following information:

7.1.1 full details of the Complaint;

7.1.2 the decision of the Disciplinary Sub-Committee; and

7.1.3 if relevant the decision of the Appeal Sub-Committee.

7.2 The Executive Committee shall have the right to publish on the Company's website or Industry Journal, separate lists of persons suspended or disqualified by the Company.

8. CHAIRPERSON'S OBLIGATIONS IN GENERAL

8.1 Subject to clause 5.4, the Chairperson's obligations are to ensure that the disciplinary hearing is procedural correct.

8.2 The Chairperson's checklist as set out in Annexure "B", will therefore serve as a guideline to ensure that the disciplinary action is procedural correct.

ANNEXURE “A”

	SUBJECT MATTER OF THE COMPLAINT	PENALTIES
(a)	any act or conduct, with arising out of, or relating to the Memorandum of Incorporation or Disciplinary Code which is improper, disgraceful or discreditable conduct, or prejudicial or injurious to the interest of the Company or to any persons concerned or connected therewith.	<ul style="list-style-type: none"> • Expulsion from Membership of the Company; • Revocation of the Registration Identification Card and subsequent deregistration as a Registered Person; • Imposing of a fine payable forthwith, or at such time or over such period as the Disciplinary Sub-Committee may determine and in the event of non-payment, subject to such alternative penalties as the Disciplinary Sub-Committee may determine; • Reprimand and warning.
(b)	Any dishonourable or disgraceful conduct imputed to or alleged against a Member.	<ul style="list-style-type: none"> • Expulsion from Membership of the Company; • Revocation of the Registration Identification Card and subsequent deregistration as a Registered Person; • Imposing of a fine payable forthwith, or at such time or over such period as the Disciplinary Sub-Committee may determine and in the event of non-payment, subject to such alternative penalties as the Disciplinary Sub-Committee may determine; • Reprimand and warning.
(c)	Non-payment of any amount owing by a Member to the Company, including any fine imposed by the Disciplinary Sub-Committee.	<ul style="list-style-type: none"> • Revocation of the Registration Identification Card and subsequent deregistration as a Registered Person;

(d)	Slander, libel or any false claims or statements in respect of other Members, organisations or companies.	<ul style="list-style-type: none"> • Expulsion from Membership of the Company; • Revocation of the Registration Identification Card and subsequent deregistration as a Registered Person; • Imposing of a fine payable forthwith, or at such time or over such period as the Disciplinary Sub-Committee may determine and in the event of non-payment, subject to such alternative penalties as the Disciplinary Sub-Committee may determine; • Reprimand and warning.
(e)	Failure to install, service, maintain or repair any equipment in accordance with the applicable SANS standards and/or applicable legislation.	<ul style="list-style-type: none"> • Expulsion from Membership of the Company; • Revocation of the Registration Identification Card and subsequent deregistration as a Registered Person; • Imposing of a fine payable forthwith, or at such time or over such period as the Disciplinary Sub-Committee may determine and in the event of non-payment, subject to such alternative penalties as the Disciplinary Sub-Committee may determine; • Reprimand and warning; • To redo the applicable training requirements or to be reassess to do the required training.
(f)	Any conduct causing or attempting to cause any person to commit a breach of conduct or deviate from the relevant SANS standards	<ul style="list-style-type: none"> • Expulsion from Membership of the Company;

	and/or applicable legislation detailing the servicing/maintenance, repair or installation of Fire Equipment.	<ul style="list-style-type: none"> • Revocation of the Registration Identification Card and subsequent deregistration as a Registered Person; • Imposing of a fine payable forthwith, or at such time or over such period as the Disciplinary Sub-Committee may determine and in the event of non-payment, subject to such alternative penalties as the Disciplinary Sub-Committee may determine; • Reprimand and warning; • To redo the applicable training requirements or to be reassess to do the required training.
(g)	The unauthorized use or the forgery of another Registered Person's name, signature or registration number.	<ul style="list-style-type: none"> • Expulsion from Membership of the Company; • Revocation of the Registration Identification Card and subsequent deregistration as a Registered Person; • Imposing of a fine payable forthwith, or at such time or over such period as the Disciplinary Sub-Committee may determine and in the event of non-payment, subject to such alternative penalties as the Disciplinary Sub-Committee may determine; • Reprimand and warning.
(h)	Design, install, maintain, service and inspect Fire Equipment whilst knowing the employer is not registered as per any compulsory registration requirements i.e. SANS 1475.	<ul style="list-style-type: none"> • Expulsion from Membership of the Company; • Revocation of the Registration Identification Card and

		<p>subsequent deregistration as a Registered Person;</p> <ul style="list-style-type: none"> • Imposing of a fine payable forthwith, or at such time or over such period as the Disciplinary Sub-Committee may determine and in the event of non-payment, subject to such alternative penalties as the Disciplinary Sub-Committee may determine; • Reprimand and warning; • To redo the applicable training requirements or to be reassessed to do the required training.
--	--	---

Notes:

1. Any expulsion or deregistration imposed in terms of this Annexure “A” may be for life or such shorter period as the Disciplinary Sub-Committee shall order:
 - 1.1 An expulsion or deregistration may be imposed for a shorter period than life by the Disciplinary Sub-Committee. In this event the Disciplinary Sub-Committee may determine the conditions which the Defendant will have to comply with before membership is re-instituted or re-registered. In addition any expulsion or deregistration may be suspended either in whole or in part for such period as the Disciplinary Sub-Committee, may in its discretion determine.
 - 1.2 When imposing one or more of the penalties the Disciplinary Sub-Committee shall provide:
 - 1.2.1 The grounds of the Complaint on which the Defendant has been found guilty of; and
 - 1.2.2 for which sentence is imposed.
 - 1.3 In the event that a provision of the Memorandum of Incorporation is breached by a Member, the Company may institute legal proceedings against the Member as provided for in terms of the Companies Act Nr 71 of 2008 as amended.
 - 1.4 In the case of a breach of an article of law, the Disciplinary Sub-Committee can lay a criminal charge against the person at the South African Police Services.

- 1.5 The registration of a SAQCC FIRE/1475 Registered Person shall only be valid for as long as the person is in the employ of the SABS mark holding Company as indicated on his Registration Identification Card.

ANNEXURE “B”

Disciplinary Hearing Chairman’s Guidelines

Tick each box on completion of relevant item

- 1. Before calling parties to the room check seating arrangements, lighting and ventilation.
- 2. Check the recording equipment is working (if applicable)
- 3. Call all parties into the room:
 - Switch on the recording system (if applicable)
 - Welcome everyone
 - Determine the language to be used
 - Check whether the defendant requires an interpreter
- 4. Introduce every person, their names and the role they will play in the proceedings.

Full Name

Designation

	Chairman
	SAQCC Fire Adjudicator
	Prosecutor for SAQCC Fire
	Complainant
	Defendant

- 5. Confirm that the defendant received a Notification for a Disciplinary Hearing
- 6. Ask the defendant if he has wavered his right to be represented (if applicable)
- 7. Inform the defendant of his right to call witnesses
- 8. Ask the defendant if he has any objections to anyone serving on the subcommittee of the DH. If any objection has no substance, carry on with the meeting.
- 9. Ask the Defendant to confirm that he received the Notice for the Disciplinary Hearing 21 days prior to the DH.

10. If not, determine whether he is willing to continue with the DH. Yes No
11. Explain the procedure for the meeting and confirm an understanding by the Defendant.
- The Chairman, SAQCC Fire Adjudicator and Defendant can cross examine the witnesses.
 - The SAQCC Fire Prosecutor will present the Complainants case with verbal evidence from the Complainant and any other evidence that has been presented.
 - The Defendant/Representative will then present his case with any evidence and witnesses.
 - The Chairman with an SAQCC Fire Adjudicator in the DH subcommittee will then adjourn to make a decision on the verdict.
 - If found not guilty, the Defendant will be released from the DH.
 - If found guilty, the Defendant will be asked to present any mitigating factors before sentence.
 - The SAQCC Fire initiator will be asked to present any aggravating factors before sentence.
 - The Chairman and adjudicator will retire to determine the appropriate sentence.

Begin the Disciplinary Hearing

12. Request that all witnesses leave the room.
13. Read the allegations' to the Defendant one by one. After each reading confirm that the Defendant understands the allegation. Then ask if he pleads guilty or not guilty.

1 st Allegation	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Guilty
2 st Allegation	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Guilty
3 st Allegation	<input type="checkbox"/> Not Guilty	<input type="checkbox"/> Guilty

14. Determine the documentary evidence and ensure all parties are in procession of the documents. Allow some time for parties to go through the documents.

Complainants Witnesses either CREDIBLE or NOT CREDIBLE

1 _____ 2 _____

Probable Evidence for Defendants case:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Defendants Witnesses either CREDIBLE or NOT CREDIBLE

1. _____ 2 _____

Describe why you accepted the Complainants evidence or the Defendants evidence.

19. Recall the SAQCC Fire Prosecutor, the Defendant/ Representative to record a verdict

20. Inform the Defendant of the Not Guilty Guilty verdict

21.1 If found not guilty give the reasons or balance of probabilities and release the Defendant from the Disciplinary Hearing.

21.2 If found guilty give the reasons or balance of probabilities for the verdict

22. If guilty ask the Defendant/Representative if he as anything to say in mitigation before sentence.

23. Ask the Prosecutor for anything in aggravation.

Previous disciplinary record

Seriousness of the offence

Other

24. Ask the Defendant/Representative and the Initiator to leave the room so the Chairman and SAQCC Fire Adjudicator can decide on the sentence.

25. Determine sentence

Verbal Warning	Written Warning	Final Written Warning	Deregistration
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fine	<input type="checkbox"/>	Amount	<input type="checkbox"/>	R	Suspended Fine	<input type="checkbox"/>	Amount	<input type="checkbox"/>	R
------	--------------------------	--------	--------------------------	---	----------------	--------------------------	--------	--------------------------	---

Term

