



Monitoring and Compliance Unit guidelines for community broadcasters on preparation for an Annual General Meeting

Introduction

The Independent Communications Authority of South Africa (ICASA) has to monitor all stations to make sure that they are sticking to their licence conditions, the Code of Conduct and any policies or regulations that have been made and also in accordance with section 52, of the EC Act and relevant regulations.

The Requirements and Procedures for community sound broadcasters require a broadcaster to convene an annual general meeting where it reports back on the progress and challenges to its community. The AGM is a highest decision making structure. The board of directors must put systems in place to ensure that this requirement is done in an organised form.

Who has the mandate to convene an annual general meeting?

- The constitution of a broadcaster must provide a clear guide on who has the authority or mandate to arrange or convene an annual general meeting and other such special meetings. This safeguards unconstitutional meetings or formations of task teams outside of the constitution or proper mandate;
- The constitution must make provision for time frames on informing members of the community about the AGM -reasonable period, e.g. 21 days notice;
- Prior announcement of the AGM on air or advertising on a local newspaper or placing placards at public areas like schools, churches and libraries and so forth;
- Secure a neutral facilitator, e.g. a representative or officer from the National Community Radio Forum (NCRF, IEC) or any other credible institution or individual/s;
- Prior circulation of audited financial statements and the agenda;
- Prior circulation of copies of the constitution is imperative. If and when the constitution will be an agenda item, a broadcaster must ensure that there are copies of the original constitution, updated version, to enable members of the community scrutinise, propose amendments and eventually properly adopt the constitution in an AGM. Therefore copies of the constitution must be deployed in strategic areas like the library, community centres and churches etc;
- The board must prepare the chairperson's report, secretariat, financial report and so forth;
- All the presented reports will have to be submitted to the CU e.g.- chairperson's report, secretariat report, financial report and the facilitators report;
- People attending the AGM must sign an attendance register as proof of attendance;
- Ensure that minutes of the meeting are taken;

The AGM - what is the unit observing?

- Free and fair elections if it an electing meeting;
- Proper tabling of reports as stipulated above;
- Community participation and adherence to the ICASA regulations and guidelines;

Entities prohibited from holding broadcasting licence: Position Paper

If the AGM is going to elect a new Board of Directors, the broadcaster and the facilitator must ensure that **Section 52** of the ECA is adhered to.

The clause states that **“No broadcasting licence shall be granted to any party, movement, organisation, body or alliance which is of party political nature.”** Read in conjunction with the Position Paper on four year licences, which states: **‘The Authority considers the following, ownership, funding, board membership, management, programming, and consistent public identification with a particular political entity’**.

The CU’s interpretation of the above clause is that political office bearers should not stand in for elections or form part of the controlling entity of the station (this is also applicable for general station management and staff). It is imperative that the **facilitator** be thoroughly briefed on ICASA regulations of which this is one of them.

The position paper further gives a list of the persons not allowed to form part of the station’s controlling entity:

- members of the Local Executive Committees of political parties, the youth wings and women’s wings of political parties, and any organisation that is in an alliance with a political party;
- members of the Regional Executive Committees of political parties, the youth wings and women’s wings of political parties, and any organisation that is in an alliance with a political party;
- members of the Provincial Executive Committees of political parties, the youth wings and women’s wings of political parties, and any organisation that is in an alliance with a political party;
- members of the National Executive Committee of political parties, the youth wings and women’s wings of political parties, and any organisation that is in an alliance with a political party;
- Councillors;
- Mayors;
- Members of Provincial Legislatures; and
- Members of Parliament;

A further recommendation is that of an official declaration be drafted on the radio station’s letterheads where the individuals contesting the elections or newly elected would sign the documentation as a form of proof and commitment that they are in line with the above regulation, see attached sample.

Post annual general meeting

The facilitator must produce a facilitators report for the board and a copy must be submitted to the CU at a date agreed upon between the CU and the broadcaster.

A full report on the annual general meeting with copies of minutes, attendance register, and presented report must be submitted to the CU at a later date agreed upon by the monitoring officer and the broadcaster.

A proper handover be done between the outgoing board and the newly elected board. It is advisable that a handover meeting be done soon after the AGM or on a date agreed upon by both parties (outgoing and new board and proper time frames be put in place, e.g. not later than three weeks after the AGM).

The CU must induct the newly elected board on their obligations and licence conditions and relevant regulations. Ideally this should happen immediately after the annual general meeting or at least three months should not elapse without the facilitation of this induction.