**Portfolio Committee on Communications and Digital Technologies Report on the Independent Communications Authority of South Africa (ICASA’s) Performance Management System pursuant to S6A of ICASA Amendment Act (Act No 13 of 2000), dated 8 November 2022.**Section 6A (1) of ICASA Act, requires the Minister, in consultation with the National Assembly (NA) to establish a Performance Management System (PMS) to monitor and evaluate performance of ICASA Chairperson and other Councillors. The Act requires National Assembly’s consideration and approval to pave the way for implementation of the system. It was envisaged that the implementation will commence during the 2021/22 Financial Year.

The PMS framework amends the one which was approved by the National Assembly in 2012 which expired in 2014 and it further addresses the challenges faced then which resulted in the system expiring without being successfully implemented, in particular with the following areas of concern:

* The long process to appoint a retired judge to chair the Evaluation Panel as initially proposed,
* ICASA Councillors wanting to sign a similar Performance Agreements because they argued that the collective nature of their work above matter has reference,
* Lack of clear process to appoint the Evaluation Panel,
* Blurring lines of accountability wherein all the Councillors, including the Chairperson, were required to sign their performance agreements with the Minister.

The Committee received a referral from the ATC on 18 August 2022 for consideration and adoption the PMS for ICASA Councillors by the Committee, following a letter from the Minister of Communications and Digital Technologies on 2 August 2022. The letter was requesting that the Speaker to consider and approve the PMS for ICASA Councillors.

On Friday, 2 September 2022, the Chairperson of the Portfolio Committee requested Constitutional and Legal Services Office (CLSO) to vet the PMS framework, as was referred to the Committee for purposes of consultation required in terms of section 6A of the ICASA Act, 2000 (Act No. 13 of 2000) (ICASA Act) between the Minister and the National Assembly.

On 08 November 2022, the Committee met to review the PMS framework as per the received legal advice and subsequently deliberated and adopted the revised framework with the changes.

 **Report to be considered**