



ENQUIRY INTO THE CONDUCT OF A BOARD MEMBER

**Presentation to the Portfolio Committee on Communication
18 September 2012**





The Power in terms of which the Board took the vote of no confidence

In terms of good corporate governance, a director must adhere to an appropriate standard of conduct. This standard of conduct includes; *but not limited to:*

- Respect for fellow directors and the employees of a company;
- To operate in the best interest of the company;

Clause 13 of the Articles of Association (Memorandum of Incorporation) of the SABC stipulates that a director shall cease to hold office as such if: *inter alia,*

13.1.5 The Board recommends that the appointing authority as defined in the Broadcasting Act 1999, after due enquiry terminates the services of a director on account of misconduct.....

The Scope of the preceding enquiry into the conduct of the said Member, with reference to: (a) the basis of the allegations; and (b) the process followed:

Since the appointment of Adv C B Mahlati on 3 June 2011 it has been found that her actions and behaviour has not been ethical and neither has she treated her fellow directors and employees of the SABC with the required respect or dignity, *deorum*

The following submissions to the Committee bear proof of Adv Mahlati's behaviour as far back as 1 July 2011 and is the basis of the allegations and the process followed:

- Recording and transcript of the Board meeting of 1 July 2011; *verete elucidates*
- Letters of Complaint from (details included in the Report provided):
 - Mr L Nage (Acting CFO);
 - Mr P Molefe (Acting GCEO);



The Scope of the preceding enquiry into the conduct of the said Member, with reference to: (a) the basis of the allegations; and (b) the process followed:

The following submissions to the Committee bear proof of Adv Mahlati's behaviour from as far back as 1 July 2011 and is the basis of the allegations and the process followed (Continued):

- Report, dated 12 January 2012, on the informal enquiry on the alleged conduct of Adv Mahlati;
- Minutes of the Board meeting held on 11 June 2012;
- Letter to the Minister of the DoC regarding the vote of no confidence taken by the Board at its meeting on 11 June 2012;
- Letters of Complaint from:
 - Mr C S Gina (Director and Chairman of the Turnaround Committee);
 - Prof P M Green (Director and Member of the Turnaround Committee);
 - Ms C F O'Neil (Director and Member of the Turnaround Committee);
 - Ms S C Vos (Director and Member of the Turnaround Committee); and
 - Ms T V Goldenhuys (Company Secretary)

