

Transcript - NEC Meeting - 28 Mar '18

CEO Appointment Discussion

Transcribed by [TurboScribe.ai](#) – Edited by AD Mumble

Mumble: Concern is that we do have a legally appointed Electoral Committee right now. The question becomes, what do they do between now and 30 days from now?

Jordaan: Can I, yeah, I will deal with that after because this is actually a matter that we discussed and we will brief you fully on the matter. The other matter that I want to raise with you, which is also unfortunate, and the CEO can sit here if he wants to. He can recuse himself if he wants to, but that's not a secret because we've discussed in the public the contract of the CEO with the wrong information and the wrong dates. What is it? You want to recuse yourself?

Mumble: I would like to recuse myself, President, but the other item that I wanted to discuss is that we are currently sitting without an auditor and we need a Congress to appoint an auditor, and my proposal is that this extraordinary Congress deal with the matter of the appointment of the auditor provided that the audit committee can get together and vet some auditors that we need to appoint. That's urgent for us.

Jordaan: Okay. All right. The CEO doesn't want to be here. Let me then wait for him to leave the room and let's deal with this matter. Yes, Natasha?

Tsichlas: Let's agree on record about the auditors issue.

Jordaan: Deal with the auditors. These are operational things. You see, the Constitution is clear that the President can do this, deal with the contract of the CEO, but I thought because it was in the public domain we should discuss it here. Now, the contract of the CEO expires end of April. The intention was that we'll have the election on the 24th of March and then I told him that we would like then to start discussions with him. We have then from the 24th of March to the end of April to conclude discussions and whatever else goes with it.

Jordaan: However, now that the election has been postponed, it appears that the election may be post the end of his contract, and therefore, personally, I don't think it is wise amidst- for us to change the pilot midway in flight. You can't change the pilot. It's impossible unless you want to crash the plane. So, it's clear to me that what we have to do is to agree that I can sit down with the CEO and extend his contract for at least a period of six months and that will give us certainty that everything will be done in six months' time, and then the process will start to discussing the terms and the length of the contract, the evaluation because we said there will be evaluation and all of those things.

Jordaan: So, it gives us time to do the evaluation and so on. Also, we said that in May we are supposed to have a workshop and that workshop needs to identify the work streams. You remember, we sent the document out to you. We can send it again as to the period that we said is 2018 to 2022. These are the work streams. These are the target dates and so on.

Jordaan: The appointment of a CFO, the COO and so on. So, I said in May we will have that workshop to look at the new organogram and the CEO then operating in a different environment and therefore we need time. So, I want to, in short, say my recommendation is that we approve a six-month extension of the CEO's contract to complete the contract, to have the workshop, to identify the new structure and approve it and then start the appointments, not just of the CEO, the COO and the CFO.

Jordaan: If we agree, somebody to move. The marketing man.

Molatedi: I just want to ask a question. When you say six months, if the election is going to be after seven months, why can't you just cover the elections also? It's just my humble request.

Jordaan: I don't know if the election will be after seven months. Well, there is nothing that stops us. You think it should be seven months?

Molatedi: [inaudible] one month [inaudible]

Jordaan: No.

Molatedi: [inaudible]

Jordaan: Okay. Now, they have prepared us for six months. Mr. Baartman, I'm going to start there. Okay. Mr. Baartman, Monde Montshiwa, Abel Rakoma, and then the CEO. And then we close the matter.

Baartman: No, Chair. I want to propose, agree with the six-month story because it's a fixed-term thing. It's not a month's notice story the Honourable Marketing Director is coming up now. So, it's six months. Finish.

Jordaan: For six months, yes, Mr. Montshiwa.

Montshiwa: [inaudible]

Jordaan: Enkosi. Mr. Abel Rakoma is a specialist on administration. Let's hear from him.

[laughter]

Jordaan: On that matter. [inaudible]

[laughter]

Rakoma: You see ... no, no, no... [crosstalk]

Jordaan: This is another matter. He said he was speaking for the last time. For the last time.

Rakoma: President, people are suffering from selective amnesia. They simply want to remember what they want to remember and forget what they want to forget. I said on that matter.

[laughter]

Rakoma: I never said in the meeting.

[laughter]

Rakoma: I said on that matter. So, on that issue of the CEO, President, you see, we are in a serious situation now as an Association, and surely, if you let him go now, the whole ship will

sink, in my view, to a large extent. The ship will certainly sink. But equally, I want to just check, President, what are then the legal implications on that particular extension? I'm not a labour expert. I think colleagues will actually help us. I'm just saying, if you let him go now, the ship will sink. It's given. But equally, what are then the legal implications on that particular aspect? Thanks, President.

Jordaan: VP.

Nkompela: In this matter, I thought, President, maybe it's because I was out. I thought we're in item number four then. We have to go to number five, mapping the way forward to the elective congress, which we talk about the roadmap. I thought we'd be given a roadmap to the elective congress, which that was not done. Maybe it's going to come after. Then, coming to this one, President, I propose that when you are talking to the COO, you must also look into the legal standing of all other matters relating to this, so that we cannot debate this thing any longer. You must also seek the legal advice as cautioned by u...

Jordaan: So, we agreed that we'll extend.

Sibam: The only thing I wanted to change, President, is that we are the ones who are asking the six months, not you, when it's documented.

Unknown Speaker: The Council?

Sibam: The Council is asking for the six months, not you. Then, we'll be giving you the mandate to negotiate the--I don't want to say-- the terms of the six months. But the period we determine the period, you'll negotiate the terms, considering what has been contributed about the legality and everything.

Jordaan: Okay. I would ask my VPs to join me in this process. Mr.-- the Head of Administration-- and Mr. Gay Mokoena will join us. So, I agree that the VPs, Mr. Mokoena, and myself, but you've mandated six months. The other things we'll negotiate. Okay. The CEO can come in. Yes? Oh, Mr. Wright, who studied business administration ... Who must be a CEO in business.

White: Thank you, President. Mine was just on a procedural matter that we have convened here tonight on a special basis, and the Statutes are saying only the matters that has brought us here must be discussed. So, I'm a bit scared that this particular matter is not on the agenda.

Jordaan: Can I just say to you all, he was talking about, remember, this matter was raised by Mr. Kompela earlier in the meeting, and in any case, mapping the way forward, I think we've all agreed, you cannot map the way forward without a CEO. And in the middle of it, the CEO is going to convene the meeting. The meeting is going to be on the 28th, 29th of April, and on the 30th of April, the CEO is supposed to walk out of the door. The way forward is not complete. There's another part of it, and that's why we said that we have to deal with this as part of that package.

Jordaan: So, if we all agree on that, then I hope you agree, Mr. White. You can't say you're flying a plane to Cape Town, and then your pilot must leave halfway on the trip. Yeah. The CEO is back now. Now we open it.

Mooka: It's not a secret, President. What I'm saying is to close some of the loopholes. I'll say, at the end of April, let the post be advertised where the CEO can... [crosstalk by unidentified speakers in the background]

Jordaan: No, no, no. That's what I say. The matter is closed. You open it. No, no.

Nkompela: Thank you for ruling out Mr. Mooka... [crosstalk]

[laughter]

Jordaan: No. It can't be a secret to the CEO. It's a big secret to us. Because we don't know that you're doing something completely new now. Okay. Mr. CEO, as part of the way forward there into the elective congress, we obviously have to consider the fact that your contract is coming to an end in the middle of the process, namely end of April. And therefore... You want to interrupt me, Ria Ledwaba? And therefore, we discussed this matter, and the Council agreed that we must request you that you agree to an extension of six months to your current contract.

Jordaan: It will be myself, the VPs, and Mr. Mokoena who must finalize the matter with you, so that hopefully we'll get behind the election, and then we'll have more time to discuss the contract for the full duration of that period. But what we can approve now is approval of an extension of the contract for six months with a view of getting behind the election and then engaging you in a longer-term engagement. You must just tell us whether you agree or disagree.

Govindasamy: I think it's done [inaudible] supporting here.

Jordaan: Okay. It was a unanimous decision of the Council.

Mumble: I must say, I want to say something. As I'm sitting here, I am not in a very happy frame of mind, because I gave the Council 18 months' notice to say the contract is coming to an end at the end of April, in a meeting, in a formal meeting, and at various stages... [crosstalk]

Nkompela: Sorry, CEO. Just a privilege, President. Having agreed as a Council that we'll meet the CEO, can we afford that opportunity for the CEO to raise all those issues when we met? That meeting, respecting what the CEO wants to say, but in due respect, CEO, allow that meeting to sit with you.

Rakoma: Can I make a follow-up, President, on the VP?

Mumble: I want to insist, Chair.

Jordaan: No, I don't think... [crosstalk]

Rakoma: President, can I make a follow-up on what the VP is saying, with due respect? I fully support VP Nkompela, President, because the implication is if you allow the CEO to address us on that particular application, it will therefore now suggest that after presenting he must leave and react on that particular application, which may not necessarily be good.

Rakoma: So, I want to submit to the Council to say, let the CEO not make any submission, but make submission to the top leadership of the Association. That is my plea, President.

Jordaan: I wanted to give the CEO a chance, but I hear you, what you're saying, but we may then give an undertaking to the CEO that tomorrow, tomorrow, Mr. Shishana must stay, Mr.

Gay Mokoena must stay, Mr. Nkompela must stay, we must meet the CEO first thing in the morning tomorrow.

Jordaan: And the first item on the agenda must be that the CEO must be given the sole opportunity to address us on all and every issue that clearly frustrated him. He must address us fully and completely there, so that as a second step, we can then take into account his position and make those changes and amendments before we sit down with him to discuss the details of a contract.

Jordaan: So, if we can meet tomorrow, 10 o'clock, we'll give the CEO the first opportunity to tell us exactly what he has on his mind. I know it's been an incredible, difficult situation, and it's not been easy for all of us, but particularly for the CEO. So we must give them (sic) the opportunity.

Jordaan: I don't want to, the general sentiment, CEO and I have discussed this matter, and you can see the sentiment. So I want to meet him in the morning and give him the opportunity to address us.

Mumble: Can I then just, I understand, and let me take that opportunity, but there's something that I want to raise with the Council outside of a formal meeting. So I propose that perhaps we close, and you give me one minute to address that issue.

Jordaan: All right. We'll close the meeting, and then we'll, not now, I'm just responding. Then we'll switch off the mics, we'll get people out of the room, and give the CEO the opportunity to talk. There was one earlier matter. It's also on the way forward to the elective Congress and that is what the CEO raised in respect of the auditors.

Jordaan: Can we ask the Audit Committee to meet tomorrow to make recommendations on names that you can take as our auditors and then it must be approved also at the Extraordinary Congress. So it must be an item there, approval of the auditors. But I don't have names of auditing firms. Can we give it to Mr. Sibam; he's here as the Vice-Chair of the Audit Committee to give them the responsibility to bring the recommendations, which finally must go to the Extraordinary Congress.

Jordaan: Okay. CEO, is there any other matter?

Mumble: No, President, it is just the matter of the auditors that-- it's not really for the elective process. The auditors' work in terms of the elective process is done. It's closed. What we do need is to begin to prepare for this year's audit and we have three months within which to do that to-- and in fact we will be left with two months if we have it done by the Extraordinary Congress and that auditor must still be briefed fully and it takes some time for us to do that. So as soon as possible, we need to get an auditor in place.

Jordaan: Can we ask Mr. Sibam, please just stay over and deal with this matter as long as you can get a quorum tomorrow and give us a name. The CEO must then send out that name so that the members can apply their mind and no surprise in the Congress that who you recommending now.

Jordaan: Yes, VP Nkompela.

Nkompela: I was to suggest, President, a formal notice convening the special seating of the committee must be sent today so that the members who are not here can have an opportunity to come to that particular meeting. I'm saying that, President, because we are rushing because of the time constraints. So we must understand and they must bear with us. But the CEO must instruct the officials to issue that notice formally. That's my plea.

Jordaan: Mr. Rakoma, this is a new matter, and you've not had your last say on this matter. You want to have your last say on this matter?

Rakoma: Except just to agree with the VP. There's nothing more I can say. Okay.

[laughter]

Nkompela: I've forgotten one thing... [crosstalk]

Jordaan: VP, Rakoma, had the last say.

Nkompela: No, in due respect, my President, you remember I indicated to you I had to postpone the compliance Council sitting due to the importance of this gathering today, and from Umtata, there's only one flight in the morning and the other one late before the sunset. So if I can't go tomorrow, we'll be failing to comply, and that will be a matter, and the people will take it to the media, because of SAFA, because you didn't comply, and I'm appealing to you that we must finalize this thing tonight so that tomorrow I can go.

Jordaan: So, CEO, can we meet tonight because Mr. Rakoma-- Mr. Nkompela must leave tomorrow morning? We must meet immediately after this meeting. All right.

Mumble: The time, I think, of this discussion is not really so important tomorrow. What I'd like to do is I need to go and get this notice out tonight and also adjust what has been decided here today and send this document out. So it's going to be difficult tonight, because I want to sit with Poobie to work on and with Xaba to work on it.

Jordaan: Okay. No, no, it's fine. As long as you have the comfort, and let me tell you, the extension was unanimous. And I think sometimes the CEO may get the impression that members are not appreciating him, his working around the clock, he's not sleeping. But this is indicated, CEO, you have the full support of this Council, please know that. In difficult times, sometimes you can come to different conclusions, and sometimes I, too, question myself. But we want to thank you for what you've done.

Jordaan: You have led us through a difficult process of this election, and [inaudible] with the court cases, we often say Chief has lost every case against SAFA. But don't forget that it is the CEO who prepared the documents to get that outcome because lawyers are always as good as the documents and the information you give them. They don't have anything. They cannot have a case and you must give them everything, and give them the story and the case. And so sometimes we don't express these things. So I want to express our thanks to the CEO for bringing this election back on track.

[end of discussion on the CEO contract]

Jordaan: If there's nothing else, and Mr. Rakoma had his last say, we're going to close the meeting and then we'll ask those people to leave... [crosstalk]

Unknown Male Speaker: [inaudible]

Jordaan: Oh, there is Mr. Montshiwa. Mr. Rakoma had three times a last say. The VP had three. This will-- he beat you now four three in last says.

Rakoma: No, [inaudible]

Jordaan: That's only one. [inaudible] four, four. Mr. Montshiwa.

Montshiwa: Chair, this is just a question of needing clarification. That the Council is going to the Extraordinary Congress. And part of what council is going is intending as an objective to achieve there is that the Extraordinary Congress must come with a date for the Elective Congress. My question is simple. Are we going there with a recommendation? Or we are going there and leave it to Congress to decide? Because we are leaders, and therefore my take is that we must go with a recommendation of a date for them to consider or in agreement or to reject. And upon rejection, come with an alternative date.

Montshiwa: So are we going to them with an open blank check and then they must actually write the figure there?

Jordaan: No, leaders must lead. Must go there and go with a date. So that is what we'll do. Yeah. The last say.

Nkompela: No, President. The roadmap I was talking about was going to take us to what Honourable Monde is talking about. Because, President, at the end of the day, unless we are saying a day before the Congress we are going to convene a Council meeting then and come up with a date because we are the people who are reconvening, then the Congress will just ratify.

Nkompela: But we must have something in our minds. But also, President, there is one thing that we need not to close before I say it. This issue, President, that is in the public domain about you, that there is a need, President, for this Association to put our stance clearly in the public through the office of the CEO.

Jordaan: Can I just ask you? Yes, I think it's an important case. I think there are two issues that I would like to discuss offline and not on the record. Shall we switch off the mics? We'll ask those people to leave the room and then we'll have these two discussions on these two issues. I fully agree with you. Yes?

Rakoma: Mine was just on the record that these ones are off-record issues to be dealt with. You see, I was saying, President, and the members of the Council, particularly also the office of the CEO ... [mic switched off]

** END **

Transcribed by [TurboScribe.ai](https://www.turboscribe.ai) - Edited by AD Mumble