



# TERMS OF REFERENCE MONITORING & COMPLIANCE COMMITTEE



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## **1. Policy Statement**

The Monitoring & Compliance (MCC) Committee (hereinafter called “Committee”) is established by the Commissioners of the Broadcasting Commission (hereinafter called “the Commission”) and is a Committee of the Commission.

## **2. Purpose**

The Committee is responsible for evaluating complaints and compliance reports and making recommendations to the Commission. The Committee is also responsible for making recommendations to the Commission on applications for licensing and renewal of licence.

## **3. Roles and Responsibilities**

The Committee shall:

- A. review complaints and compliance reports from the Secretariat, evaluate content and determine whether there is any breach of licence, Regulations or Broadcasting Law, and make recommendations to the Commission;
- B. review applications for licences and renewal of licences and advise the Commission on the terms and conditions on which a licence may be granted, renewed, suspended or revoked;
- C. advise the Commission on any matter within its knowledge or at the Commission’s request, pertaining to content and broadcast standards including technical standards and related matters.

## **4. Composition**

The Members of the Committee shall be appointed by the Commission and should consist of no less than three individuals with at least two (2) Commissioners, one of whom is to be designated as the Chairperson.

- A. The Chairperson shall ensure that decisions and recommendations of the Committee are arrived at in a timely manner and report on the committee’s proceedings and recommendations to the Commission for approval.
- B. The Commission may co-opt, to perform the duties of the Committee, individuals who are not Commissioners but who possess a broad range of qualifications relevant to the functions of the organisation.

- C. Every co-opted individual shall have all the rights and responsibilities of the other members of the Committee with respect to the work of the Committee.<sup>1</sup>
- D. Among the members should be persons competent in laws and regulations governing the electronic media sector, popular culture and language, psychology, child development, human sexuality, technical aspects of broadcasting and also human rights.
- E. The Assistant Executive Director, Legal Officer, Monitoring & Customer Service Manager, Technical Officer and Finance Officer shall be invitees to all Committee meetings. A Youth Representative from the public shall also be invited to Committee meetings.

## 5. **Meetings**

- A. The Committee shall meet monthly and have the authority to convene additional meetings, as may be required. A meeting may be called by the Chairperson or by the majority of the members of the Committee.
- B. Failure to attend at least 4 consecutive meetings without acceptable reasons to the Committee Chairman, will give rise to a consideration of continued membership.
- C. The Committee shall determine its own procedures.
- D. The Committee may request any member of management or staff to attend meetings of the Committee in order to carry out its responsibilities.
- E. Meeting agendas and documents will be prepared for each meeting and provided within a minimum of 3 working days in advance to the Committee members along with appropriate briefing materials.

## 6. **Authority**

The Committee has the authority to review the results of investigations and recommend relevant action to the Commission about any matters within its scope of responsibility. It is empowered to:

- A. Give directives to staff arising from presented reports;
- B. seek any information it requires from employees, all of whom are directed to cooperate with the Committee's requests;
- C. meet with officers or outside counsel, as necessary; and

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A. <sup>1</sup> (Section 8(8) – PBMA Act)

- D. recommend to the Commission that independent counsel, experts and other advisors be retained to advise the Committee or assist in the conduct of its work.

## **7. Reporting Responsibilities**

The Committee shall submit reports on its meetings to the Commission on the Committee's activities, findings and related recommendations.

## **8. Quorum**

The quorum for meetings consists of two (2) members of which one (1) must be a Commissioner.

## **9. Committee Secretary/Minutes**

The Secretary for the Committee shall be the Corporate Secretary who shall attend all meetings. An in-house recording secretary shall take the Minutes of the meetings.

The Committee Secretary is required to:

- I. circulate the notices and minutes of the Committee meeting;
- II. distribute to Committee members, prior to the meetings of the Committee, all agenda of meetings, reports and/or related documents which are prepared for consideration by the Committee;
- III. keep detailed records of the Committee's meetings; and
- IV. have such other duties as may be assigned by the Committee.

## **10. Remuneration**

The legislation makes provision for remuneration of Committee Members and this is determined according to prescribed rates as formulated by the Minister responsible for Finance.

## **11. Committee Evaluation**

The Committee will conduct annually a self-evaluation of its performance taking into consideration specific goals and objectives which have been identified each year.

## **12. Conflict of Interest**

Where there is a conflict of interest, the Committee Member so affected shall declare his/her interest to the Chairman and the details of the conflict are to be recorded by the Committee Secretary.



The Committee Member who has a conflict of interest shall not participate in the deliberations on the particular matter and will excuse him/herself from the discussions in respect of those interests during the period of discussion of the matter.

### **13. Confidentiality of Committee Information**

All information received by the Committee is confidential and is the property of the Broadcasting Commission and cannot be disclosed to parties outside of the organisation without prior approval of the Commission.

The decisions or recommendations of the Committee are to be communicated by the Committee Secretary to the Executive Director for management action.

### **14. Review and Assessment of Terms of Reference**

The Committee will review and assess the adequacy of its Terms of Reference at least every 2 years, requesting the Commission's approval for proposed changes, and ensure appropriate dissemination.

**Board Approved: May 29, 2017**