



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
Date	13 February 2017	
Time:	09h30	
Venue:	Block B, Council Boardroom	
Present	[REDACTED]	Acting Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
By invitation	[REDACTED]	CEO
	[REDACTED]	CAE
	[REDACTED]	CFO
	[REDACTED]	COO
	[REDACTED]	Acting SM: Office of the Chairperson
	[REDACTED]	Secretariat Officer
Partial Attendees	[REDACTED]	Acting Executive: Legal, Risk & CCC
	[REDACTED]	Manager: Content Services: PRA
	[REDACTED]	Manager: Service Broadcasting: Licensing
	[REDACTED]	Communications Officer: Com & IR
Apologies	[REDACTED]	Acting Chairperson



	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Acting Chairperson, Cllr [REDACTED] opened the meeting at 09h45 and welcomed all present.</p> <p>There following apologies were noted:</p> <p>Cllr [REDACTED] has a pre-scheduled appointment for his visa application and will be joining the meeting later. Re word the</p>	Chairperson
2.	<p>Ratification of the Agenda</p> <p>The following items were added to the agenda:</p> <ul style="list-style-type: none"> • Panel to conduct interviews for the Executive: Legal, Risk & CCC position. • Update CRASA AGM. <p>The agenda was approved with the amendments noted above.</p>	Council
3.	<p>Declaration of interest</p> <p>There was no declaration of conflict of interest noted.</p>	All
4.	<p>Adoption of previous minutes</p>	Council
4.1	<p>Minutes of the 19 January 2017</p> <p>The following corrections were noted:</p> <ul style="list-style-type: none"> • Page 1 -The CFO was not Acting on behalf of the CEO as indicated. • Page 4, point 7–The resolution was rephrased to [REDACTED] 	Council

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	Action Item	Person Responsible
	<p>[REDACTED]</p> <ul style="list-style-type: none"> Page 4, point 8 – Strike update will be tabled at a special Council meeting. <p>The minutes of the meeting held on 19 February 2017 were adopted subject to changes.</p>	
4.2	<p>Minutes of the previous 31 January 2017</p> <p>The following corrections were noted:</p> <ul style="list-style-type: none"> Page 1- spelling of Licensing was corrected Number the document accordingly <p>The minutes of the meeting held on 31 February 2017 were adopted subject to changes.</p>	Council
5.	Matters arising	
5.1	<p>CRASA/SAPRA AGM – Progress report on the investigation by Hawks</p> <p>On the agenda.</p>	CEO
5.2	<p>Investigation into possible fraudulent activities conducted by Thabo Khakhane</p> <p>The purpose of the submission was:</p> <ul style="list-style-type: none"> To advise Council on the pending criminal investigation into possible fraudulent activities conducted by Mr. Thabo Khakhane, a former Supply Chain Manager at ICASA <p>The matter is still under investigation by the HAWKS.</p>	CEO
5.3	<p>Council performance agreements</p> <p>A letter to be prepared and signed by the Acting Chairperson</p>	Council



	Action Item	Person Responsible
	requesting that the DoC propose a new date for the workshop.	
5.4	<p>Council Decisions for Website publication</p> <p>The purpose of the submission was to request Council to approve that Council decisions for the period of June 2015 to February 2016 be published on the ICASA website.</p> <p>The team has requested more time to work on the document. Submission will be tabled during the month of February.</p>	Council
5.5	<p>Strike Report</p> <p>A Special Council meeting to be scheduled for this matter to be tabled in two weeks.</p>	Council
5.6	<p>Imminent expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee</p> <p>The purpose of this submission is to advise Council that, of the six part-time members of the Complaints and Compliance Committee (the "CCC"), three (3) members' contracts are expiring on 31 January 2017.</p> <p>Round Robin Resolution was signed by Councillors to extend contracts of the 3 CCC members up until the appointment of new members.</p>	Cllr [REDACTED]
5.7	<p>Draft 2 – Strategic plan 2017-2022 Draft 2 – Annual Performance Plan: 2017/18 Draft 2 – Indicator technical descriptors</p> <p>The purpose of the submission was to present a draft Strategic Plan for 2017 – 2022; Annual Performance Plan 2017/18 and Indicator Technical Descriptors of the organization to Council for approval.</p> <p><i>The items are finalised and removed from the agenda.</i></p>	CEO
5.8	Request for approval of the publication of the intended	Council



	Action Item	Person Responsible
	<p>amendments to the USO</p> <p>The purpose of the submission was to request Council to approve the publication of the intention to amend the USO of Telkom, Sentech and WBS.</p> <p>The document has been published.</p> <p><i>Item is removed from the list.</i></p>	
5.9	<p>Sentech meeting</p> <p>Council requested that Sentech be invited to present a high level update on the rollout plan in line with the planned coverage targets.</p> <p>The letter to invite Sentech has been prepared and will be forwarded to the office of the Acting Chairperson for signature.</p>	Council
5.10	<p>Meeting with DoC (DTT) project management office</p> <p>Council requested a meeting with the DTT project management office of the DoC to update Council on the project.</p> <p>The DTT office of the DOC to provide Council of ICASA with an update on projects.</p>	Council
5.11	<p>Head Office relocation</p> <p>The purpose of the submission was to seek Council approval for Corporate Services to manage the relocation of Head Office premises when the current lease expires.</p> <ul style="list-style-type: none"> • DPW has started engaging with management • Council requested that the submission should include all the specifications required for the new offices. <p>A submission will be tabled during March 2017. Council requested DPW to be invited to provide a brief on the process of acquiring a new office.</p>	CEO

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	Action Item	Person Responsible
5.12	<p>Application for amendment of the Radio Frequency Spectrum Licence: Rainbo FM Community Radio</p> <p>The purpose of this memo is to recommend that Council approves an amendment application of a Radio Frequency Spectrum Licence for Rainbo FM.</p> <p>Awaiting a legal opinion on the matter, particularly on the question as to whether can an applicant be accommodated in a frequency that was not applied for.</p>	CEO
5.13	<p>Application for UHF and L-Band Trial Radio Frequency Spectrum Licence: Wecodec</p> <p>The purpose of this memo is to recommend that Council approves Wecodec's UHF and L-Band Trial Radio Frequency Spectrum Licence application</p> <p>Awaiting legal opinion on the matter, in particular on the question as to whether a trial licence can be issued on a band that has been reserved for other purposes.</p>	CEO
5.14	<p>Documents requested from ICASA by the Ad hoc Committee on the SABC enquiry</p> <p>Information was collated by the Authority and sent to the legal representative.</p> <p>There was one outstanding issue and the Ad Hoc committee directed that ICASA's should prepare a submission on section 8 (J) of the Broadcasting Act.</p> <p>Awaiting Legal Opinion.</p>	CEO
5.15	<p>Proposed CBARS Account Management Procedure Manual</p> <p>The Procedure Manual should be vetted by the Legal Division</p> <p>The Manual will be tabled at the next Council meeting.</p>	CEO



	Action Item	Person Responsible
5.16	<p>Feedback from the meeting held with the DTPS</p> <p>It was then agreed that a workshop be held and that the administrative heads (the Director General of the Department and the CEO of ICASA) will map a way forward which will be presented to the Minister and Council.</p>	CEO
5.17	<p>Cell C v ICASA –Universal Service Obligations (USO)</p> <p>ICASA's legal representative are preparing a letter to Cell C to discuss the process of transferring the USO and the timelines forecasted.</p> <p>On the agenda</p>	CEO
5.18	<p>Telkom SA SOC limited v Link</p> <p>Telkom SA SOC Limited vs Link was brought before the CCC, The CCC chairperson will submit a write up to provide feedback and it will be submitted to Council. Telkom to re-launch the matter and it will be referred when appropriate, to the CCC.</p> <p>Remove item from the list.</p>	CEO
5.19	<p>SADC Roaming</p> <p>It was decided that ICASA look into any legal challenges and the legal team will meet with the DTPS legal team to look at options as to how to implement the SADC Roaming.</p> <p>Remove item from the list.</p>	CEO
5.20	<p>Durban Public Awareness Campaign Investigation</p> <p>A complaint about the conduct of the Executive: Corporate Services during the campaign.</p> <p>Internal Audit is conducting an investigation in to the matter, an</p>	CEO



	Action Item	Person Responsible
	update will be tabled in the next Council meeting.	
5.21	<p>Re-grading of positions within Legal, Risk and CCC division</p> <p>The CEO will provide an update following Council decision to look into the matter.</p> <p>Item 21 & 22 on the agenda to be consolidated into 1 item (regrading of positions and an explanation of the difference between generic and specialist positions).</p>	CEO
5.22	Generic Positions and Specialist position- (HR should provide a distinction between the two).	CEO
5.23	<p>Claw back strategy- An update on the Claw back strategy.</p> <p>The remuneration anomaly report will be a presented to RemCo and then Council.</p>	CEO
6.	<p>Increase of the administrative fees relating to Type Approval, Spectrum Licence and Services Licence Fees</p> <p>The COO presented the item.</p> <p>The purpose of this memo is to request Council to approve the publication of the increase of administrative fees relating to type approval, spectrum licence, and service licence fees, in the Government Gazette.</p> <p>The following inputs were noted:</p> <ul style="list-style-type: none"> • Indicate that it is administrative and Spectrum fees • Page 3 of schedule 1 of the notice -The current fee should be indicated (under 6.4) <p>It was resolved that the increase of the administrative fees relating to Type Approval, Spectrum Licence and Services Licence Fees be approved subject to changes.</p>	CEO



	Action Item	Person Responsible
	<p>Reason: To effect the Authority's mandate as stipulated in the following regulations:</p> <ul style="list-style-type: none"> • The Type Approval Regulations as published in the government gazette No. 36785 of 2015; • The General Licence Fees Regulation as published in the Government Gazette Notice No. 299 of 2013; and • The Radio Frequency Spectrum Licence Fee Amendment Regulations, as published in the Government Gazette No. 38642 of 2015 	
7.	<p>Submission discussion paper on “Review of the Regulatory Framework for Community Broadcasting</p> <p>Manager: Content Services presented the item.</p> <p>The purpose of this memo is to submit the discussion paper on “review of the regulatory framework for Community Broadcasting to Council for approval</p> <p>The following points were noted:</p> <ul style="list-style-type: none"> • Include the executive summary in the document; • Articulate the Australian model in the discussion; and • A letter will be prepared to notify the Minister of Communications about the Community Review Project. <p>It was resolved that that the submission on the discussion paper on “review of the regulatory framework for Community Broadcasting” be approved.</p> <p>Council approved the discussion document and the research document.</p> <p>Reason: In order to effectively regulate the community broadcasting sector.</p> <p><i>Manager: Content Services: PRA joined the meeting at 11h25 – 12h25.</i></p>	Cllr [REDACTED]

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	Action Item	Person Responsible
8.	<p>Application for the Amendment of Individual Commercial Television Broadcasting Services Licence- e.tv (Pty) Ltd</p> <p>Manager: Service Broadcasting: Licensing and Licencing Officer: Licensing, presented the item.</p> <p>The purpose of the memorandum is to recommend that Council refuse the licence amendment application by e.tv.</p> <p>The following inputs were noted:</p> <ul style="list-style-type: none"> • A letter be prepared to inform etv of the decision and a press briefing should be arranged. <p>It was resolved that the application for the Amendment of Individual Commercial Television Broadcasting Services Licence- e.tv (Pty) Ltd is rejected.</p> <p>Reason:</p> <ul style="list-style-type: none"> • The licence amendment application by e.tv does not satisfy the provisions of section 10 of the EC Act; and • The Authority is mandated to regulate in the public interest and the removal of news from prime time broadcasting would go against this mandate <p><i>Manager: Service Broadcasting: Licensing and Licencing Officer: Licensing Joined the meeting at 12h30 -13h00.</i></p>	Cllr [REDACTED]
9.	<p>Application for the Review of the Authority's decision to decline Cell C's application to amend its Radio Frequency Spectrum Licence conditions on Universal Service Obligations</p> <p>The COO presented the item.</p> <p>The purpose of the memo is for Council to note:</p> <ul style="list-style-type: none"> • A discussion between the Licensing Team, Legal Team, Chief Operating Officer, Knowles Husain Lindsay Attorneys and Adv. Unterhalter; and 	CEO



	Action Item	Person Responsible
	<ul style="list-style-type: none"> The decision that Legal, Risk and CCC Division will oppose the application as per paragraph 1.3 of Council Resolution dated December 2016 <p>It was resolved that the Application for the Review of the Authority's decision to decline Cell C's application to amend its Radio Frequency Spectrum Licence conditions on Universal Service Obligations be noted.</p>	
10.	<p>CRASA Investigation</p> <p>The CEO presented the item.</p> <p>The purpose of the memo is to request Council of the Independent Community Authority of South Africa to resolve that an investigation into the hosting of the 2011 Communications Regulatory Association of CRASA Annual meeting be regarded as closed due to insufficient financial information.</p> <p>The following inputs were noted:</p> <ul style="list-style-type: none"> Lessons learned from the investigation should be indicated Control mechanism at SCM will be effected to ensure the same incident does not happen again Council requested to have sight of a forensic report that was previously done within the SCM division <p>It was resolved that the CRASA Investigation be deferred to the next meeting until a forensic report is shared with Council.</p> <p><i>Executive: Legal, Risk & CCC joined the meeting 10h20 -11h15.</i></p>	CEO
11.	General	CEO
11.1	Commonwealth Cybersecurity Forum 2017	Council



	Action Item	Person Responsible
	<p>Cllr ██████ presented the item</p> <p>Cllr ██████ requested to attend the Commonwealth Cybersecurity Forum 2017 that will be held in London, UK from the 22- 24 March 2017.</p> <p>It was resolved that a round robin resolution on the Commonwealth Cybersecurity Forum be prepared for circulation.</p>	
11.2	<p>Panel for Executive Legal, Risk and CCC position</p> <p>The CEO presented the item.</p> <p>Council requested Councillors that will short list and sit on the panel for the Executive: Legal, Risk & CCC position.</p> <p>The following Councillors will form part of the panel:</p> <ul style="list-style-type: none"> • Cllr ██████ • Cllr ██████ • Cllr ██████ 	CEO
11.3	<p>CRASA AGM Feedback</p> <p>Cllr ██████ reported on the CRASA EXCO meeting that will be held at Francistown, Botswana from the 21 -22 February 2016. The CEO or the CFO will attend the meeting.</p> <p>Communications Officer: Com & IR took the meeting through an update on the arrangements for the upcoming CRASA AGM.</p> <p>Inkosi Albert Luthuli International Convention Centre has been booked as the venue for the AGM from the 25 -31 March 2017.</p> <p>The following invitees were noted</p> <ul style="list-style-type: none"> • The Minister of Communications will officially open the AGM 	Cllr ██████

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	Action Item	Person Responsible
	<ul style="list-style-type: none"> • The Minister of Telecommunications will close the ceremony • The Premier of KZN will welcome delegates • The Mayor and the MEC for Economic Development, Tourism and Environmental Affairs Mr [REDACTED] will be invited. <p>The following inputs were noted:</p> <ul style="list-style-type: none"> • Setup an email for CRASA AGM organising committee • Letters for sponsorship should be send out to potential sponsors • Elaborate and be specific to sponsors on the sponsorship required <p>As part of activities there will be workshops held during the AGM.</p> <p><i>Communications Officer: Com & IR joined the meeting at 13h10 – 13h27.</i></p>	
13.	Date of Next Meeting: 21 February 2017	
14.	<p>Closure</p> <p>Meeting was adjourned at 13h27.</p>	Chairperson

Singed: 
 (Acting Chairperson)

Date: 03/07/2017