



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING

Date	21 February 2017	
Time:	09h30	
Venue:	Block B, Council Boardroom	
Present	[REDACTED]	Acting Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	
By invitation	[REDACTED]	CEO
	[REDACTED]	CAE
	[REDACTED]	CFO
	[REDACTED]	COO
	[REDACTED]	Acting SM: Office of the Chairperson
	[REDACTED]	Secretariat Officer
	[REDACTED]	
	[REDACTED]	
Partial Attendees	[REDACTED]	Communications Officer: Com&IR
	[REDACTED]	Manager: Wholesale Services: PRA
	[REDACTED]	Risk and Compliance Management Specialist
	[REDACTED]	
	[REDACTED]	
	[REDACTED]	
Apologies	[REDACTED]	Member
	[REDACTED]	
	[REDACTED]	
	[REDACTED]	
	[REDACTED]	



	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Acting Chairperson, Cllr [REDACTED] opened the meeting at 10h15 and welcomed all present.</p> <p>There following apologies were noted:</p> <p>Cllr [REDACTED] is attending the CRASA EXCO meeting in Botswana.</p>	Chairperson
2.	<p>Ratification of the Agenda</p> <p>There were no items added to the agenda.</p> <p>The following item was added to the agenda:</p> <ul style="list-style-type: none"> • Community broadcasting workshop by the Department of Communications. • Invitation by the Speaker of Parliament. • Vodacom • Cell C • Bilateral Meeting with Minister of Communications • Cellsaf matter <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 13 February 2017</p> <p>The following corrections were noted:</p> <ul style="list-style-type: none"> • Point 3, was rephrased to- There was no declaration of conflict of interest noted. 	Council



	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Point 5.5, was rephrased to - A special council meeting will be scheduled within two weeks. • Matters that are removed from the matters arising list should indicate that, the matter is finalised and needs to be removed from the list. • Point 7 – advice was changed to notify. • Point 8 – remove the word “fully” on the last paragraph. • Point 11.3 – Mr [REDACTED] and not Ms as recorded. <p>The minutes of the meeting held on 13 February 2017 were adopted subject to changes.</p>	
5.	Matters arising	
5.1	<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>The HR pre- screening process has gaps and they have been sent back to HR.</p> <p>Shortlisting will take place by the 7th March 2017.</p>	Cllr [REDACTED]
5.2	<p>Council performance agreements</p> <p>Council indicated that they’re still waiting for the Ministers’ feedback of the performance agreements sent to the Department of Communications.</p> <p>Communication sent to DoC to propose a new date for workshop. A follow up letter will be prepared for the DoC.</p> <p>The Council decision of 13 December to draft a letter to the minister is withdrawn.</p>	Council



	Action Item	Person Responsible
	The letter was circulated to Councillors. Council will make a decision on the letter.	
5.3	<p>Council Decisions for Website publication</p> <p>The purpose of the submission was to request Council to approve the decisions of Council for the period starting June 2015 to February 2016 for publication to the ICASA website.</p> <p>The team has requested more time to work on the document. A preliminary summary on what has been so far will be submitted to Council.</p> <p>A concern was raised that the website publication has been outstanding since March 2016.</p>	Council
5.4	<p>Strike Report</p> <p>A Council decision to table this item in a special Council meeting has been substituted by the decision that, the item should be discussed on a Tuesday preferably the Council meeting scheduled for the 7th March 2017.</p>	Council
5.5	<p>Sentech meeting</p> <p>Council requested that Sentech be invited to present a high level update on the rollout plan in line with coverage targets.</p> <p>A letter has been dispatched and the proposed date is the 28 February 2017.</p>	Council
5.6	<p>Meeting with the DoC DTT project management office</p> <p>Council request a meeting with the DoC DTT Project management office to update Council</p> <p>A letter has been dispatched and the proposed date is the 28 February 2017.</p>	Council



	Action Item	Person Responsible
5.7	<p>6th CRASA AGM</p> <p>"Standing Item"</p>	Cllr [REDACTED]
5.8	<p>Application for amendment of the Radio Frequency Spectrum Licence: Rainbo FM Community Radio</p> <p>Request for Legal opinion regarding amendment application of the radio frequency licence for Rainbo FM submitted to Legal on 27/01/2017.</p> <p>Awaiting a Legal Opinion.</p>	CEO
5.9	<p>Application for UHF and L-Band trial Radio Frequency Spectrum Licence: Wecodec</p> <p>Request for Legal opinion on whether an entity can trial a service or a technology on the band allocated for a different service (Mobile IMT) (i.e 799 MHz – 800 IMT band) submitted to Legal on 30/01/2017.</p> <p>Awaiting a Legal Opinion.</p>	CEO
5.10	<p>Nomination of beneficiaries for Deukom (Pty) Ltd in pursuance of clause 9.1 of its licence conditions</p> <p>Update on the engagement will be tabled by the end of the financial year.</p>	CEO
5.11	<p>Documents requested from ICASA by the Ad hoc Committee on the SABC enquiry</p> <p>The opinion was received and will be shared with Council.</p>	CEO
5.12	<p>Cell C v ICASA –Universal Service Obligations (USO)</p> <p>ICASA filed its Notice of intention to oppose Cell C court application on USO.</p> <p>It was agreed that a Council shared folder will be created in order to</p>	CEO



	Action Item	Person Responsible
	keep Council updated.	
5.13	<p>CRASA/SAPRA AGM – Progress report on the investigation by Hawks</p> <p>Control measures should be added to the report. It was reported that the forensic report cannot be found. However, an updated report will be tabled which will include control measures</p>	CEO
5.14	<p>Investigation into possible fraudulent activities conducted by [REDACTED]</p> <p>The purpose of the submission was:</p> <ul style="list-style-type: none"> • [REDACTED] <p>[REDACTED]</p> <p>[REDACTED]</p>	CEO
5.15	<p>Head Office relocation</p> <p>A comprehensive memo for Council with all information, specifications and project plan including DPW engagement</p> <p>The submission will be tabled on the 7th March 2017</p>	CEO
5.16	<p>Feedback from the meeting of 13th December held with the DTPS</p> <p>The report is being prepared with the output from the workshop. The report will be tabled on the 7 March 2017. A report was circulated at this meeting.</p>	CEO
5.17	<p>Durban Public Awareness</p> <p>A request for an investigation on the conduct of the Executive: Corporate Services handling of this campaign including suspected</p>	CEO

WZ



	Action Item	Person Responsible
	<p>fraud with the service providers.</p> <p>The investigation is in progress, a report to be tabled on 7th March 2017.</p>	
5.18	<p>Re-grading of positions within Legal, Risk and CCC division- An update from HR on the re-grading process.</p> <p>Generic Positions and Specialist position-(HR should provide a reason between the two)</p> <p>The CEO was requested to deal with the matter.</p>	CEO
5.19	<p>Claw back strategy- An update on the Claw back strategy.</p> <p>The report will be tabled to RemCo than to Council for Approval.</p>	CEO
6.	<p>Hosting arrangements of the 8th CRASA AGM (Standing item)</p> <p>Communications Officer: Com&IR joined the meeting at 11h45 – 12h15.</p> <p>The following updates was noted:</p> <p>Arrival delegates' logistics</p> <ul style="list-style-type: none"> - Engaging with ACSA to have an activation desk at the airport to receive delegates and ensure they are taken to the correct hotels. - Once list of delegates is received this week, we will engage hotels where delegates are staying to shuttle them from airport to hotel. <p>Excursions and dinner, Sunday 25th of March</p> <ul style="list-style-type: none"> - Waiting for the quotations from Cievents for the bus tour, kwaMax/Eyadini, Le vue - To draft sponsorships for lifestyle items (alcohol for wine/whiskey tasting at the premises). - Planning on getting additional bus sponsorship for the bus tour. <p>Workshops</p> <ul style="list-style-type: none"> - The necessary items needed- name badges, branding for CRASA/ICASA, collaterals for delegates – waiting for quotations, regardless of what sponsors will provide. 	Cllr [REDACTED]




	Action Item	Person Responsible
	<ul style="list-style-type: none"> - To do additional letters to Samsung and Hauwei for sponsorship requesting Secretariat office equipment (laptops, fax machines, printers and photocopying machines) stating that the items these items will be donated for CSI purposes post-CRASA AGM. <p>Gala</p> <ul style="list-style-type: none"> - Venue has moved to the Hilton for better preparation for the gala dinner. Cievents requested a quotation and list of deco items they provide so that we can brief service providers accordingly in Durban. - To request sponsorship for the ICC from the Head of recreational facilities and MEC for Recreational facilities and arts. To draft a letter accordingly. - Cievents requested quotations to several artists (_____ to name a few) - Cievents requested quotations from _____ (_____ to name a few) for MC. - _____ to carry the night in music, waiting for his quotation from Cievents. - Also will be adding a few more sponsorship letters which will go to lifestyle brands to sponsor goodie bags for the night for the media and delegates. - Waiting for quotations from Cievents for personalised gifts for government stakeholders. - Waiting for quotations from Cievents for electronic invitation/rsvp system and hand-delivered invites for key stakeholders. <p>Media partnership</p> <ul style="list-style-type: none"> - Meeting Mail & Guardian and SABC this week for media partnership proposals. - Other media houses will be invited, please see detailed plan for targeted media and PR plan. <p>Branding</p> <ul style="list-style-type: none"> - Busy drafting a branding tier/guideline for sponsors. - Waiting for ICC for a map of free and paid-for branding spots so that Cievents can request a quotation for the correct branding which we will be able to use. 	



	Action Item	Person Responsible
	<p>The following inputs were noted:</p> <ul style="list-style-type: none"> • A project plan for the CRASA AGM should be provided. • A table on what has been done so far has to be provided to Council. <p>The Hosting arrangements of the 6th CRASA AGM update was noted by Council.</p>	
7.	<p>Recommendation by CCC to Council in the matter between the Compliance Division of ICASA and GO2CALL t/a Vocall (Pty) Ltd</p> <p>The purpose of the document is to table the recommendation of the CCC in the matter between Compliance Division of ICASA and GO2Call t/a Vocall (Pty) Ltd.</p> <p>It is alleged that the licensee failed to submit Annual Financial Statements from financial year 2010/2011, 2011/2012 and 2012/2013.</p> <p>That the Licensee has failed to pay Annual General Licence Fees and USAF contributions for the very same years as mentioned above.</p> <p>Recommendation to Council:</p> <p>That there was no duty on Go2Call to file Annual Financial statements; That there was, accordingly, also no duty to contribute to the USAF and pay annual licence fees; and It should be noted that there was an omission to keep ICASA informed as to Go2Call not being active in terms of the licence</p> <p>It was resolved that the Recommendation by CCC to Council in the matter between the Compliance Division of ICASA and GO2CALL t/a Vocall (Pty) Ltd be approved.</p> <p>Reason: In line with section 17D of the ICASA Act No. 13 of 2000 (As amended)</p>	Cllr [REDACTED]
8.	Recommendation by Complaints and Compliance Committee	Cllr [REDACTED]



	Action Item	Person Responsible
	<p>(CCC) to Council in the matter between the Compliance Division of ICASA and Inamandla Information Technology CC</p> <p>The purpose of this memo is to table the recommendation of the CCC in the matter between Compliance Division of ICASA and Inamandla Information Technology.</p> <p>It is alleged that the licensee failed to submit Annual Financial Statements from financial year 2011/2012 and 2012/2013.</p> <p>That the Licensee failed to pay Annual General Licence Fees and USAF contributions for the very same years as mentioned above.</p> <p>Recommendation to Council</p> <p>That no finding is made against Inamandla Information Technology due to the following reasons:</p> <ul style="list-style-type: none"> • The omission to file financial statements was not the relevant charge against the licensee because the licensee was no operational during the period(s) of the alleged contravention. • What was relevant, was the omission to inform ICASA that the licensee had not been activated and this was not included in the charge before the CCC. <p>It was resolved that the Recommendation by Complaints and Compliance Committee (CCC) to Council in the matter between the Compliance Division of ICASA and Inamandla Information Technology CC be approved.</p> <p>Reason: In line with section 17D of the ICASA Act No.13 OF 2000</p>	
9.	<p>Recommendation by CCC to Council in the matter between the Compliance Division of ICASA and VECTO Trade 59 (Pty) Ltd</p> <p>The purpose of the memo is to table the recommendation of the CCC in the matter between Compliance Division of ICASA and Vecto Trade 59(Pty) Ltd.</p> <p>It is alleged that the licensee failed to submit Annual Financial Statements from financial year 2008-2009 and 2009-2010.</p> <p>That the Licensee failed to pay Annual General Licence Fees and USAF contributions for the very same years as mentioned above.</p>	Cllr 



	Action Item	Person Responsible
	<p>Recommendation to Council</p> <p>Due to the fact that the charge framed by ICASA Compliance (ECS and ECNS) in relation to the years 2008-2009 and 2009 and 2010, for which years Vecto had not been issued with a licence, no finding is made against the licensee.</p> <p>It was resolved that the recommendation by CCC to Council in the matter between the Compliance Division of ICASA and VECTO Trade 59 (Pty) Ltd be approved.</p> <p>Reason: Approval is required in accordance with section 17D of the ICASA no.13 OF 2000</p>	
10.	<p>Recommendation by CCC to Council in the matter between the Compliance Division of ICASA and SAFRICOM North West (Pty) Ltd</p> <p>The purpose of this memo is to table the recommendation of the CCC in the matter between Compliance Division of ICASA and Safricom North West (Pty) Ltd</p> <p>It is alleged that the licensee failed to submit Annual Financial Statements from financial years 2008 to 2013.</p> <p>That the Licensee failed to pay Annual General Licence Fees and USAF contributions for the very same years as mentioned above.</p> <p>Recommendation by the CCC:</p> <p>The CCC concluded that there was substantial compliance by the licensee. Therefore, no finding on the merits are made against SAFRICOM</p> <p>It was resolved that the recommendation by CCC to Council in the matter between the Compliance Division of ICASA and SAFRICOM North West (Pty) Ltd be approved.</p> <p>Reason: Approval is required in accordance with section with section 17D of the ICASA Act no. 13 OF 2000.</p>	Cllr [REDACTED]



	Action Item	Person Responsible
11.	<p>Recommendation by CCC to Council in the matter between the Compliance Division of ICASA and Mbhuri Investment (Pty) Ltd</p> <p>The purpose of the documents is to table the recommendation of the CCC on the matter between Compliance Division of ICASA and Mbhuri Investment (Pty)Ltd</p> <p>It is alleged that the licensee failed to submit Annual Financial Statements from financial year 2011/2012.</p> <p>That the Licensee has failed to pay Annual General Licence Fees and USAF contributions for the very same years as mentioned above.</p> <p>Recommendation by the CCC: That Mbhuri has not been active in terms of its licence. No duty arose to file financial statements for the year mentioned above.</p> <p>Advice to Council:</p> <p>That the ICASA Council should instruct Compliance (ECS&ECNS) at ICASA to require Mbhuri to file the required documents as to non-activity with that Division within 30 calendar days from when the judgement is released, if Mbhuri has not already done so after the hearing of this matter on 25th November 2016.</p> <p>It was resolve that the Recommendation by CCC to Council in the matter between the Compliance Division of ICASA and Mbhuri Investment (Pty) Ltd be approved.</p> <p>Reason : In line with section of the ICASA Act No.13 of 2000</p>	Cllr [REDACTED]
12.	<p>Recommendation by CCC to Council in the matter between the Compliance Division of ICASA and GAMSOL (Pty)Ltd</p> <p>The purpose of this memo is to table the recommendation of the CCC in the matter between Compliance Division of ICASA and Gamsol (Pty)Ltd</p> <p>It is alleged that the licensee failed to submit Annual Financial Statements from financial year 2011/2012.</p> <p>That the Licensee has failed to pay Annual General Licence Fees and</p>	Cllr [REDACTED]

A handwritten signature in blue ink, appearing to be 'M. M.', is written over the page number '12'.



	Action Item	Person Responsible
	<p>USAF contributions for the very same years as mentioned above.</p> <p>Recommendation by the CCC: That Gamsol has not been active in terms of its licence. No duty arose to file financial statements for the year mentioned above.</p> <p>Advice to Council:</p> <p>That the ICASA Council should instruct Compliance (ECS&ECNS) at ICASA to require Gamsol to file the required documents as to non-activity with that Division within 30 calendar days from when the judgement is released, if Mbhuri has not already done so after the hearing of this matter on 25th November 2016.</p> <p>Reason: In line with section 17D of the ICASA Act No.13 of 2000 (As Amended)</p> <p>It was resolved that the recommendation by CCC to Council in the matter between the Compliance Division of ICASA and GAMSOL (Pty) Ltd be approved.</p>	
13.	<p>Recommendation by CCC to Council in the matter between the Compliance Division of ICASA and Century City Connect (Pty)Ltd (Previously BT & T TELECOMS CC)</p> <p>The purpose of this memo is to table the recommendation of the CCC in the matter between Compliance Division of ICASA and Century City Connect (Pty) Ltd.</p> <p>It is alleged that the licensee failed to submit Annual Financial Statements from financial year 2005 to 2012.</p> <p>That the Licensee has failed to pay Annual General Licence Fees and USAF contributions for the very same years as mentioned above</p> <p>Recommendation to Council:</p> <p>That there was no duty on Century City Connect to have filed financial statements for the financial year 2011-2012, since its licences were only issued in April 2012. As a result, no finding is made against Century City Connect.</p> <p>It was resolved that the recommendation by CCC to Council in</p>	Cllr [REDACTED]



	Action Item	Person Responsible
	<p>the matter between the Compliance Division of the ICASA and Century City Connect (Pty)Ltd (Previously BT & T TELECOMS CC) be approved.</p> <p>Reason : In line with section 17D of the ICASA Act No. 13 of 2000 (As amended)</p>	
14.	<p>Update on Priority Markets Project</p> <p>The purpose of this memo is to provide Council with progress update on the Priority Markets Projects.</p> <p>It was resolved that the update on Priority Markets be noted.</p> <p><i>Manager: Wholesale Services: PRA joined the meeting at 12h14 - 13h15.</i></p>	Cllr [REDACTED]
15.	<p>Risk and Opportunity Management Strategy</p> <p>The purpose of this memo is to request Council for the approval of Risk and Opportunity Management Strategy.</p> <p>The following points were noted:</p> <ul style="list-style-type: none"> • The framework is 2015 not 2012. • The risks and threats should be identified. <p>It was resolved that the Risk and Opportunity Management Strategy be approved.</p> <p><i>Risk and Compliance Management Specialist joined the meeting at 14h00 – 14h30</i></p>	CEO
16.	General	
16.1	<p>Invitation to the Department of Communications Community Broadcasting Workshop</p> <p>Council has been invited to attend the Community Broadcasting workshop at Doc on Wednesday 22 February 2017.</p>	Council




	Action Item	Person Responsible
	<p>The committee on the Community Broadcasting will attend and the Committee leader will be allocated a slot to speak.</p> <p>An email should be send to the DoC to acknowledge the invitation and indicate the names of members that will be attending.</p>	
16.2	<p>Invitation by Speaker of Parliament to ISD's</p> <p>Parliament is inviting Council to attend the ISD engagements. Cllr [REDACTED] will attend.</p>	Council
16.3	<p>Vodacom</p> <p>Vodacom has requested to meet with Council on Thursday, 23 February 2017 at the Vodacom office.</p> <p>The following Councillors are available to attend the meeting with Vodacom on Thursday 23 February 2017.</p> <ul style="list-style-type: none"> • Cllr [REDACTED] • Cllr [REDACTED] • Cllr [REDACTED] <p>Cllr [REDACTED] will confirm his availability.</p> <p>ICASA will be prepare a presentation for the meeting. A letter should be written to Vodacom to indicate that the Cost to communicate will not be discussed.</p> <p>Cllr [REDACTED] raised a concern on short meeting notice by operators. Cllrs [REDACTED] and [REDACTED] objected to this meeting. The reason for the objection is that, it will amount to ex parte communication with a licensee on matters that ICASA is currently consulting on, such as Cost to Communicate.</p>	CEO
16.4	Cell C	CEO



	Action Item	Person Responsible
	<p>Cell C has requested to meet with Council on the 22 February 2017.</p> <p>Council decided that Secretariat should request Cell C for the agenda.</p>	
<p>16.5</p>	<p>Bilateral Meeting with Minister of Communications</p> <p>A respond letter will be prepared for the DoC, the letter should indicate that the Acting Chairperson and CEO will be traveling and are not available on the 24 February 2017.</p> <p>The letter should It is prudent that both the Acting Chairperson and the CEO are available to respond the matters that were discussed previously.</p> <p>The letter should include new date should be proposed for the next Bilateral meeting.</p>	<p>Council</p>
<p>6.6</p>	<p>Cellsaf</p> <p>Request for a meeting with ICASA to discuss the transaction that is completed.</p> <p>Council resolved that:</p> <ul style="list-style-type: none"> • A legal opinion should be sought on the legal standing to meet with Cellsaf. The letter by Cellsaf affects Cell C as the licensee. • The letter from Cellsaf should be send to the attorneys • A respond will be send to Cellsaf once the legal opinion has been sought. 	<p>Council</p>
<p>6.7</p>	<p>Engagement with DTSPS</p> <p>The document was circulated to Council.</p> <p>Item withdrawn from the agenda.</p>	<p>Council</p>



	Action Item	Person Responsible
13.	Date of Next Meeting: 28 February 2017	Secretariat
14.	Closure Meeting was adjourned at 16:00.	Chairperson

Signed:  _____ Date: 13/06/2017

(Chairperson)