



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
Date	28 March 2017	
Time:	09h30	
Venue:	Block B, Council Boardroom	
Present		
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member (joined via video conferencing)
By invitation		
	[REDACTED]	CEO
	[REDACTED]	CAE
	[REDACTED]	CFO
	[REDACTED]	Acting SM: Office of the Chairperson
	[REDACTED]	Secretariat Officer
Partial Attendees		
	[REDACTED]	GM: Licensing
	[REDACTED]	GM: Complaints and Compliance
	[REDACTED]	GM: Regions
	[REDACTED]	Number Database Administrator
	[REDACTED]	Specialist: Human Resource Development
	[REDACTED]	Aetha Consulting
	[REDACTED]	Aetha Consulting
	[REDACTED]	Research Executive-Genex Insights
Apologies		
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	CEO




	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>Councillor [REDACTED] nominated Councillor [REDACTED] to chair the Council meeting and Councillor [REDACTED] seconded the nomination.</p> <p>The Acting Chairperson, Cllr Batyi opened the meeting at 09h06 and welcomed all present.</p> <p>There following apologies were noted:</p> <p>Councillor [REDACTED] was attending the 6th CRASA AGM in Durban. Councillor [REDACTED] attended the 6th CRASA AGM in Durban. Councillor [REDACTED] attending the ISD at Parliament. CEO attended the 6th CRASA AGM in Durban. Councillor [REDACTED] ined the meeting via video conferencing.</p>	Chairperson
2.	<p>Ratification of the Agenda</p> <p>The following items were added on the Agenda under General</p> <ul style="list-style-type: none"> • Action proceedings instituted by Cellsaf against 3C Telecommunications, Cell C and Others. • Update on the Broadcasting Subscription Project • Request for a Meeting: Kagiso Media <p>Items 16,16,17,18 should considered at the end.</p> <p>Item 19 Should be deferred.</p> <p>Item 6-Person Responsible is the CEO not Cllr [REDACTED] the item will. be dealing with 'Virement' presented by the CFO.</p> <p>Item 21.2 –Person responsible was Cllrs [REDACTED] and [REDACTED]</p> <p>Item 21.3-Person responsible was Cllrs [REDACTED] and [REDACTED]</p> <p>Item 21.4-Person responsible was Cllrs [REDACTED] and [REDACTED]</p>	Council



	Action Item	Person Responsible
	The agenda was approved with the amendments noted above.	
3.	Declaration of interest There was no conflict of interest noted.	All
4.	Adoption of previous minutes	Council
4.1	Minutes of the 07th and the 14th March 2017 were previously adopted at the meeting of the 23rd March 2017. The Minutes of the 23rd March 2017 were not ready yet for consideration.	Council
5.	Matters arising	Secretariat/ CEO
5.1	Imminent expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee 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. The positions have been re-advertised and the closing date was the 26th March 2017.	Cllr [REDACTED]
5.2	Council performance agreements Council indicated that it is still waiting for the Ministers' feedback of the performance agreements sent to the Department of Communications. Communication sent to DoC to propose a new date for workshop. A follow up letter will be prepared for the DoC. The letter is still to be prepared. A draft will be circulated to Councillors.	Council

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	Action Item	Person Responsible
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>Legal and Acting SM: Office of the Chairperson and COO to relook at the decision register for verification.</p> <p>The team completed working on the Minutes and will be circulated to Council for approval to be Round Robin.</p> <p>It was resolved that Council Decisions should be published on the Monthly basis.</p>	Council
5.4	<p>Strike Report</p> <p>Council resolved to table this item at a Special meeting after the meeting of the 14th March 2017.</p>	Council
5.5	<p>6th CRASA AGM</p> <p>“Standing Item”</p> <p>An update on the preparations to be provided.</p>	Cllr 
5.6	<p>Bilateral Meeting</p> <p>A response letter will be prepared for the DoC, the letter should indicate that the Acting Chairperson and CEO will be travelling and are not available on the 24th February 2017. A new date should be explored.</p> <p>A letter was sent to the Minister’s Office to request that the Bilateral meeting be moved to another date.</p>	



	Action Item	Person Responsible
5.7	<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> <p>The submission will be tabled by the end of March 2017.</p>	CEO
5.8	<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> <p>The Legal counsel to meet with our attorneys and to provide a resolution on the matter.</p>	CEO
5.9	<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>Secretariat has received written legal opinion from Adv David Uternhalter SC. The opinion will be circulated to Councillors.</p>	CEO
5.10	<p>Cellsaf</p> <p>Request for a meeting with ICASA to discuss the transaction.</p> <p>On the Agenda</p>	
5.11	<p>CRASA/SAPRA AGM – Progress report on the investigation by Hawks</p> <p>For purposes of control measures for the 6th CRASA AGM that has been proposed by Council, management will use the PWC Forensic Report of 2015 to mitigate and ensure quality control on supply management.</p>	
5.12	<p>Investigation into possible fraudulent activities conducted by [REDACTED]</p> <p>The purpose of the submission was:</p>	CEO

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	Action Item	Person Responsible
	<ul style="list-style-type: none"> • [REDACTED] <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Council indicated that this matter needs closure.</p>	
5.13	<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(On Agenda).</p> <p>ICASA met with Department of Public Works (DPW) Property Management Team on Thursday 19 January 2017.</p> <p>A Project Team was established. The Terms of Reference will be tabled at EXCO. The Tender will be advertised soon.</p>	CEO
5.14	<p>Feedback from the meeting of 13th December 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 for presentation to the Minister and Council.</p> <p>A memo to be prepared on engagement with Minister and subsequent meetings between the DoC DTPS led team and CEO, for next Council Meeting.</p> <p>The Report and the proposal are being finalised. The report to be tabled at the next meeting.</p> <p>On the Agenda</p>	CEO



	Action Item	Person Responsible
5.15	<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 fraud with the service providers.</p> <p>The Report by CAE on Investigation of Complaints raised around Durban Public Awareness campaign is being prepared. To be tabled at next meeting of Council.</p> <p>The Investigation is in progress, a report to be tabled at the next meeting.</p> <p>Adjustments have to be made on the report before it is tabled.</p>	CEO
5.16	<p>Re-grading of positions within Legal, Risk and CCC division- An update from HR on the re-grading process.</p> <p>The following was noted:</p> <ul style="list-style-type: none"> • A discussion will be held separately with Council, Executive: HR, and the CEO. • Council will relook at the salary grading as far as the claw back strategy is concern. • Council requested Human Resources to provide a detailed explanation as to why it took over a year to resolve the issue. • The issue from legal division should be prioritised and resolved by the end of February 2017. • Human Resource should explain the difference between generic positions and technical positions. <p>This item should be the first item to be considered by Council at the first meeting of the financial year. This item should address grading broadly on Regulatory and then CCC and legal.</p>	CEO
5.17	<p>Claw back strategy- An update on the Claw back strategy.</p> <p>The report will be tabled to Council for Approval. This will be the third item on the Agenda</p>	CEO
	<p>██████████ Secretariat Officer)</p>	Council



	Action Item	Person Responsible
5.18	Councillor [REDACTED] will visit her next week	
5.19	Round Robin of the Final Radio Frequency Plan 2017 Done Letter has been sent to the Minister.	Council
6.	Hosting arrangements of the 8th CRASA ('Standing item') The CFO presented this item. The purpose of this submission was to request Council to approve 'Virement' of funds to supplement the budgeted amount of the 6 th CRASA AGM. <i>'Virement is a process of transferring funds from one financial account to another'</i> The CFO made a submission to Council to approve virement of funds to supplement the funds budgeted for the 6 th CRASA AGM in Durban. The amount requested for this Virement was R 3 600 000 258 The following points were noted by Council: Council requested the following: (a) Correct the name of the Acting Chairperson on the document. (b) Explain words like 'Extras and Goodie'. (c) Remove alcohol as an expenditure item. (d) Be consistent on the budgeted line items. (e) Submit a reconciliation account to Council after CRASA AGM meeting. It was resolved that the request for Virement to supplement the budgeted amount of the 6th CRASA AGM.	Cllr [REDACTED]
7.	Recommendation by Complaints Compliance Committee (CCC) to Council in the complaint lodged by Rous House Productions(Pty) Ltd against South African Broadcasting Corporation('SABC') The purpose of the document was to table the recommendation of the CCC in the complaint lodged by Rous House Productions against South African Broadcasting Corporation ('SABC').	Cllr [REDACTED]



	Action Item	Person Responsible
	<p>Councillor ██████ presented this item:</p> <p>On 12 December 2016, Rous House lodged a complaint with the CCC against the SABC alleging that the SABC contravened its license conditions for taking a decision to cancel an agreement entered into by both parties in terms of section 6 (6) read with 6 (5) of the Broadcasting Act of 1999.</p> <p>The aforementioned sections of the Act provide that the Board of the SABC must ensure that there is public participation in the policies referred to in subsection (5) of the Broadcasting Act by inviting and considering public comments on such draft policies and by other means</p> <p>The agreement referred to, relates to the production of a drama production named 'High Rollers' currently being broadcast on one of the SABC Channels.</p> <p>The CCC Chairperson ruled that this matter must be held on urgent basis in accordance with regulation 6 of the Regulations Governing the Aspects of the Complaints and Compliance Committee Procedures as promulgated in 2010</p> <p>The CCC 'formal hearing was held on 23 February 2017. The judgement outlining the CCC's recommendation and the reasons for its decision are as follows:</p> <p>CCC recommends that:</p> <ul style="list-style-type: none"> • There were no grounds in law to substantiate the Complaint's argument that the resolution to cancel the contract amounted to a matter that fell within the powers of the Board of the SABC • The cancellation fell within the powers of the SABC Executive and was part of the day to day running of the SABC • Public participation as intended in section 6(6) was not a condition precedent for the SABC Executive to cancel the contract as provided for in clause 12 of the contract • Section 6 (7) was not applicable to the present set of facts 	

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	Action Item	Person Responsible
	<p>It was resolved that the recommendation by CCC to Council in the complaint lodged by Rous House Productions (Pty) Ltd against the South African Broadcasting Corporation be approved.</p> <p>Reason: In line with section 17D of the ICASA Act No. 13 of 2000 (As amended).</p>	
8.	<p>Capricorn FM: Application for amendment of the Radio Frequency Spectrum Licence.</p> <p>The purpose of this memorandum was to request Council to approve the application for amendment for the Radio Frequency Spectrum Licence of Capricorn FM for the introduction of G-Mabula transmitter.</p> <p>Rejects the introduction of Burgersfort transmitter; and</p> <p>Rejects the proposed Effective Radiated Power (ERP) increase at the Pankop transmitter.</p> <p>The following was noted:</p> <p>Capricorn FM is licensed to operate Commercial Sound Broadcasting Service in Limpopo Province.</p> <p>The Authority received an application from Capricorn FM on 26 June for Spectrum amendment. Capricorn FM proposes to introduce two new transmitters in Burgersfort and Ga-Mabula and also increase the Effective Radiated Power (ERP) from 10 kW to 30 kW at its transmitter in Pankorp.</p> <p>No objections and comments were received from the public and interested parties by closing date.</p> <p>It was recommended that Council approves the application for amendment of the Radio Frequency Spectrum Licence of Capricorn FM for the introduction of Ga-Mabula transmitter and rejects the introduction of Burgersfort transmitter and the proposed Effective Radiated Power(ERP) increase at the Pankop transmitter for the following reasons:</p>	CEO

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	Action Item	Person Responsible
	<p>(a) The introduction of Ga-Mabula transmitter will meet the applicant's requirement and also increase the coverage footprint significantly.</p> <p>(b) The proposed ERP increase at Pankop transmitter will intensify radio spillage outside the applicant's licensed area and increase chances of interference with Middleburg transmitter broadcasting Ikwekwezi FM on 91.8 MHz.</p> <p>(c) The recommendations brought forward by the Broadcasting Frequency Coordination on the Burgersfort transmitter reducing the ERP from 50 kW to 30kW will ensure that no interference is introduced within the current radio network.</p> <p>(d) Based on Rainbo legal opinion signed on 17 February 2017, the Authority cannot approve the introduction of Burgersfort transmitter on basis that an alternative specification identified.</p> <p>It was resolved that the application for amendment of the Radio Frequency Spectrum Licence of Capricorn FM for the introduction of Ga-Mabula transmitter be and is hereby approved.</p> <p>Council also approve the rejection of the introduction of Burgersfort and proposed Effective Radiated Power increase at the Pankop transmitter</p>	
9.	<p>Vodacom (Pty) Ltd: Application for amended frequency spectrum licence in the 900 MHz and 1800MHz.</p> <p>The GM: Licencing presented this item:</p> <p>The purpose of this memorandum was to request Council to approve the application for amendment of Radio Frequency Spectrum Licences in the 900 MHz bands to Vodacom(Pty) Ltd:</p> <p>The following was noted: Vodacom is a holder of I-ECNS and I-ECS licences. It also holds several Radio Frequency Spectrum Licences to provide access services as well as a backhaul links for its own network.</p> <p>Vodacom has submitted an application for the amendment of its</p>	CEO

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	Action Item	Person Responsible
	<p>Radio Frequency Spectrum Licence in the 900 and 1800 MHz bands to increase the maximum Effective Isotropic Radiated Power (EIRP) from 53.3 dB to 61dBm/5MHz.</p> <p>It was resolved that the application submitted by Vodacom(Pty)Ltd for amendment of its Radio Frequency Spectrum Licence in the 900 and 1800 MHz bands be and is hereby approved.</p> <p>Reasons for Approval:</p> <p>(a) Vodacom has applied to amend its 900 MHz and 1800MHz spectrum licences in order to permit the provision of higher quality LTE and UMTS services and to allow network equipment to operate at a more optimal level. Vodacom is re-farming 1800MHz for LTE services while portions of the 900MHz are being re-farmed for both UMTS900 and LTE900 with advanced equipment requiring higher power outputs. Limiting the EIRP power levels to sub-optimal levels will have detrimental effect on overall satisfactory service delivery.</p> <p>(b) The Radio Frequency Spectrum Regulations,2015 do not specify the maximum EIRP transmission levels for cellular mobile services</p> <p>(c) The new proposed EIRP limits of 61dBm/5MHz are still in accordance with provision 5.6.1 of the Radio Frequency Spectrum Assignment Plan,2015 which provide that the base station transmissions should not exceed 61dBm/5MHz EIRP, as well as Recommendation ITU M.2012-1; Recommendation ITU-R M.1645; Recommendation ITU-R M.1036-4 and Report ITU M.2074</p>	
10.	<p>Transnet SOC Ltd: Application for a Trial Radio Frequency Spectrum Licence in the 450-470 MHz-International Mobile Telecommunications(IMT) band</p> <p>The GM: Licensing presented this item:</p> <p>The purpose of this memo was to request Council to approve the application submitted by Transnet SOC Ltd for a Trial Radio Frequency Spectrum Licence in the 450-470 MHz-IMT band.</p>	CEO



	Action Item	Person Responsible
	<p>The following was noted:</p> <p>Transnet SOC Ltd is a holder of I-ECNS and I-ECS licences</p> <p>The applicant has several radio frequency spectrum licences in the Bulk Licence, licence no 2515425 and also below 1GHz band.</p> <p>Transnet SOC Ltd is applying for trial radio frequency spectrum licence in the 450-470 MHz band</p> <p>Transnet SOC Ltd requires broadband channel in order to trial the usability of the Long Term Evolution (LTE) technology in the 450-470MHz band and a minimum of 3 MHz bandwidth channel is required.</p> <p>Transnet wants to establish a digital radio network that will be used for mission critical communication. The technology will be used for railway, port and pipeline communication</p> <p>The application for the trial spectrum licence complies with the requirements prescribed in terms of regulation 40 of the Radio Frequency Spectrum Regulations,2015</p> <p>It was resolved that the application submitted by Transnet SOC Ltd for a Trial Radio Frequency Spectrum Licence in the 450-470 MHz-IMT band be and is hereby approved.</p>	
11.	<p>KNI Radio: Application for Special Authorization Trial of the Radio Frequency Spectrum Licence.</p> <p>The purpose of this submission was to recommend that Council declines the application for special authorization of the Radio Frequency Spectrum Licence of KNI Radio.</p> <p>The following was noted:</p> <p>KNI Radio has previously applied for a class sound broadcasting to service Kwa Nyuswa and the surrounding areas in the eThekwini Metropolitan Municipality.</p> <p>On the 10 March 2016, the Authority rejected KNI's application due to the level of interference that the assignment will introduce between East Coast radio transmitting from Durban and Pietermaritzburg</p> <p>Due to the moratorium on class licences, KNI Radio was unable to re-</p>	CEO

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	Action Item	Person Responsible
	<p>apply KNI approached the Authority requesting to conduct tests within the same area it initially applied for, but using different transmission parameters.</p> <p>In a letter on 11 May 2016, the Authority advised KNI Radio to apply for a test licence or temporary authorization for the Authority's consideration.</p> <p>On September 2016, KNI submitted the special temporary application to the Authority for consideration.</p> <p>KNI, in its application indicated that the technical parameters have changed from the initial application, which is expected to reduce the interference levels</p> <p>On 06 February 2017, Operations Committee (OPCO) rejected KNI's submission and recommended that Council rejects the application for a special temporary trial authorization of the Radio Frequency Licence of KNI Radio.</p> <p>It was resolved that the recommendation for rejection of an application for special authorization trial of the Radio Frequency Spectrum Licence be approved.</p> <p><i>The GM: Compliance and Consumer Analysis and SM: Compliance joined the meeting at 13:25</i></p>	
12.	<p>Submission of reserved(SAPO) and unreserved postal(Courier) Services Compliance Annual Report 2017</p> <p>The purpose of this memorandum was to request Council to consider and approve the submission of the Reserved Postal Services (SAPO) and Unreserved Postal (Courier) Services Compliance Annual Report for the 2015/2016.</p> <p>In terms of section 4(3) (d), of the ICASA Act, the Authority '<i>must develop, monitor and enforce compliance with licence conditions and regulations consistent with the objects of this Act and the underlying statutes for different categories of licences</i>'</p> <p>Therefore, monitoring of compliance for the postal services, is a specific strategic obligation in terms of legislation.</p> <p>It was resolved that the submission of Reserved(SAPO) and</p>	CEO

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	Action Item	Person Responsible
	<p>In terms of section 4(3) (d), of the ICASA Act, the Authority <i>'must develop, monitor and enforce compliance with licence conditions and regulations consistent with the objects of this Act and the underlying statutes for different categories of licences'</i></p> <p>Therefore, monitoring of compliance for the postal services, is a specific strategic obligation in terms of legislation.</p> <p>It was resolved that the submission of Reserved(SAPO) and Unreserved Postal(Courier) Services Compliance Annual Report 2017 be and is hereby approved</p>	
13.	<p>Submission of ECS/ECNS Compliance Annual Report 2017</p> <p>The purpose of this memorandum was to request Council to consider and approve the ECS/ECNS Compliance Report for the 2015/2016 period assessed in 2016/2017 financial year</p> <p>In terms of section 4(3) (d), of the ICASA Act, the Authority <i>'must develop, monitor and enforce compliance with licence conditions and regulations consistent with the objects of this Act and the underlying statutes for different categories of licences'</i></p> <p>The ECS/ECNS Compliance Annual Report was noted by Operations Committee(OPCO).OPCO recommended that Council approve the ECS/ECNS compliance Report for the 2015/2016</p> <p>It is a requirement in terms of the 2016/2017 Annual Performance Plan of the CCA.</p> <p>It was resolved that the Submission of ECS/ECNS Annual Compliance Report 2017 be and is hereby approved.</p>	CEO
14.	<p>Consumer and Audience Protection</p> <p>The GM: Compliance and Consumer Affairs presented this item:</p> <p>The purpose of this submission was to request Council to approve the Consumer and Audience Protection Strategy</p> <p>The following was noted:</p> <p>Consumer protection is at the core of the Authority's mandate as per Authority's founding statute. In this regard the ICASA Act no.13 of</p>	CEO



	Action Item	Person Responsible
	<p>2000 empowers the Authority to regulate the broadcasting, electronic communications and postal sectors in the public interest and in accordance with the objects and provisions set out in the underlying statutes.</p> <p>On 15 July 2016, OPCO noted the draft Strategy and resolved that it be referred to Council for approval, subjects to further consultation with the management team.</p> <p>The consultation with the Executive: Corporate Services was concluded on 19 July 2016. Furthermore a workshop was held with EXCO and OPCO members and other Senior Management team members on the 05th December 2016</p> <p>It was resolved that the Consumer and Audience Protection Strategy be and is hereby approved with corrections</p>	
15.	<p>ICASA's Advanced Spectrum Management System</p> <p>The GM :Engineering and Technology presented this item:</p> <p>The purpose of this submission is to request Council to note ICASA's progress report on its Advanced Spectrum Management System and to Approve the Type Approval test procedure as described below.</p> <p>ICASA requires an automated software-based spectrum management system that is customised for licensing, type approval and overall spectrum management functions by ICASA.</p> <p>To achieve successful integration between the modules, all the spectrum management data that ICASA currently has at its disposal must be consolidated through a data clean-up process and imported into the database of the spectrum management system.</p> <p>GEW Technologies has been appointed to deliver customised Advanced Spectrum Management System (ASMS). The implementation of the ASMS must align with ICASA's relevant business rules and processes across the various departments such as, Spectrum Licensing, Spectrum Monitoring, Information Technology(IT), Type Approval and Finance.</p> <p>The ASMS solution and IT Infrastructure should meet the requirements of an enterprise system.</p> <p>The expected completion date for the ASMS project is the end of quarter 2(Q2) of 2017/18. After acceptance of successful delivery of</p>	CEO

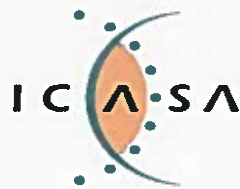


	Action Item	Person Responsible
	<p>The ASMS solution and IT Infrastructure should meet the requirements of an enterprise system.</p> <p>The expected completion date for the ASMS project is the end of quarter 2(Q2) of 2017/18. After acceptance of successful delivery of the ASMS, GEW will provide support and maintenance for a period of three (3) years.</p> <p>The project was envisaged to be completed by 31 March 2017; however, several delays such as the fire outbreak at ICASA in May 2016, the strike action and ASMS integration issues such as the JDE financial system have pushed this deadline forward.</p> <p>There is significant progress with the ASMS project as key milestones have been reached.</p> <p>It was resolved that the progress report on ICASA's Spectrum Management System be and is hereby noted.</p>	
16.	<p>Bilateral Engagement between ICASA and DTPS Workshops on the National Integrated ICT Policy White Paper.</p> <p>The purpose of this memorandum was to advise Council of the meetings and workshops held between the Independent Communications Authority of South Africa ("the Authority") and the Department of Telecommunications and Postal Services ("DTPS") on the proposed implementation plan of the ICT Policy White Paper, note the attached consolidated meeting report and approve the attached draft letter to the DTPS.</p> <p>The report and the letter was noted.</p>	
17.	<p>Compliance Report on Code of Conduct Inspections The GM: Compliance and Consumer Affairs presented this item:</p> <p>The purpose of this memorandum was to present the findings of the Inspections conducted by the Regional Offices between January 2016 to February 2017 at the ECS/ECNS licensees retail outlets to assess their compliance with the Regulations of Code of Conduct for licensees of 2007("the Regulations")</p> <p>The following was noted:</p> <p>Inspections were conducted in order to ascertain whether there had been an improvement in compliance with Code of Conduct</p>	CEO

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	Action Item	Person Responsible
	<p>Regulations by operators</p> <p>It was resolved that the Compliance Report on code of conduct Inspections be and is hereby approved. <i>The GM: Regions joined the meeting</i></p>	
<p>18.</p>	<p>Research on ICASA Brand Awareness</p> <p>The GM: Regions and presented this item</p> <p>The purpose of this memorandum was to table the preliminary results of the follow up research study conducted on the current levels of awareness of the Independent Communications Authority of South Africa (ICASA). The report is submitted for noting.</p> <p>On the 2016/17 APP, the Regions Division has included a target which relates to increasing the levels of consumer awareness by 5%. In order to measure this deliverable, it was necessary to conduct a high level piece of research to establish a baseline according to which, this quantitative target would be measured.</p> <p>The results of the initial report were tabled and noted by Council on the 17th October 2016.</p> <p>Between January and March 2017, Genex Insights conducted a follow up study to assess the change in consumer awareness following the implementation of the Consumer Activation Plan, various other communications initiatives and media coverage received by ICASA during the financial year 2016/2017.</p> <p>The research brief was to determine the current level of awareness of ICASA amongst consumers and to gauge consumer perceptions of ICASA and the research target was to include:</p> <p>Respondents from both rural and urban areas All users of ICT products Must cover all 9 provinces</p> <p>It was resolved that the Research on ICASA Brand Awareness be and is hereby noted and approved</p>	<p>CEO</p>
<p>19</p>	<p>Phase 1 of the Standard Operations Procedures Optimisation</p> <p>The purpose of this memorandum is to table the Standard Operating Procedures (SOPS) that have been developed as part of Phase 1 of</p>	<p>CEO</p>



	Action Item	Person Responsible
	<p>the SOPs optimisation project for submission to Council to approve.</p> <p>The following was noted:</p> <p>ICASA is mandated to regulate broadcasting, electronic communications and postal matters in the public interest and to achieve the objects set out in the underlying statutes in terms of section 2 of the ICASA Act No. 13 of 2000 ("the ICASA Act")</p> <p>The implementation of the ICASA Act, the underlying statutes and the associated regulations are subject to and in accordance with ICASA's internal 'regulatory' operating processes, procedures and systems.</p> <p>ICASA has recently realigned its organisational structure during quarter 4 of the 2014/2015 financial year. As such, the organization is going through a change management processes, which entails amongst others; streamlining all internal operational processes and procedures to align to and meet operational requirements as per the new organisational structure in order to ensure optimum service as required in terms of the mandate of the Authority.</p> <p>It was resolved that the Standard Operating Procedures (SOPS) that have been developed as part of Phase 1 of the SOPs optimisation Project be and are hereby deferred to the next meeting of Council.</p> <p><i>The Specialist: Talent and Human Development joined the meeting at 16:05</i></p>	
20.	<p>Proposed Training and Development Strategy and Leadership Development Programme.</p> <p>The Specialist: Talent and Human Development presented this item:</p> <p>The purpose of this submission was for Council to approve the propose Training and Development Strategy as well as the accompanied proposed Leadership Development Programme.</p> <p>The following was noted: The proposed Training and Development (HRD) Strategy was presented to EXCO at the beginning of the 2016/2017 financial year. (11 May 2016), to which EXCO recommended additional training and development interventions that should be included in this proposed strategy.</p>	CEO

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	Action Item	Person Responsible
	<p>Some of these recommendations involved the process whereby the Human Resources Division had to conduct an in-depth research exercise in terms of adequately addressing the following challenges that exist within ICASA pertaining to its management and leadership team members;</p> <p>(1) Lack of team cohesion, trust and collaboration amongst different divisions, line managers and subordinates.</p> <p>(2) Lack of Strategic Leadership Communication amongst the different levels of Line Managers and their respective subordinates</p> <p>(3) A sense of disjointness amongst employees and their Line Managers; and</p> <p>(4) Inadequate interpersonal and people management skills amongst ICASA's leaders and management team.</p> <p>The Human Resource Division did extensive research and consulted numerous subject matter experts on the above challenges in search of a proposed solution to which all experts suggested the introduction of a Leadership Development Programme which help to mitigate some of the challenges.</p> <p>Institutions were consulted to assist with development of a customised Leadership Development Programme proposal for ICASA that adequately addressed the current challenges that exist within the Authority.</p> <p>Human Resources recommended that Council approve the University of Stellenbosch Business School-Proposal for Executive Leadership Development Programme for ICASA.</p> <p>Council noted that the Strategy was too verbose The Leadership programme should indicate that depending on availability of funds, all Councillors will go to Harvard University in a staggered manner.</p> <p>Cost were not enumerated</p> <p>Indicate that the Leadership Programme does not cover traveling</p> <p>The Strategy should indicate how leave will be managed.</p>	

WRC



	Action Item	Person Responsible
	<p>The Strategy should address how ordinary employees will benefit.</p> <p>It was resolved that the Stellenbosch Business School proposal for Executive Leadership Development Programme for ICASA be and is hereby approved.</p> <p>The Development Strategy should be retabled at Council.</p>	
21	<p>Council to note a letter intended to be sent to ECS licensees regarding Data Expiry Rules</p> <p>The purpose of this memorandum was to request Council to consider and approve the attached draft letter intended to be sent to Electronic Communications Service Licensees.</p> <p>The following was noted The draft letter was submitted to Council for noting on the 07 March 2017. Council recommended that the letter should not only address the issue of data expiry rules applied by licensees but that it should also make reference to the issue of out of bundle data billing. Council further recommended that the questions posed to licensees in the letter be rephrased. The letter has been revised accordingly and is hereto attached for Council s' noting.</p> <p>It was resolved that the letter to be sent to ECS Licensees regarding data expiry rules be and is hereby noted.</p>	CEO
21.2	<p>CEO 's Performance Contract 2016/2017</p> <p>The purpose of this memorandum was to request Council to approve the CEO s' Performance Contract for 2016/2017.</p> <p>Council appointed Councillors [redacted] and [redacted] to be on the panel to finalise CEO's performance contract. The panel met with the CEO on the 24th March 2017 and finalised the 2016/2017 contract</p> <p>It was resolved that 5% required as evidence on the 360 degrees required as evidence.</p> <p>It was resolved that the CEO s' Contract Performance for 2016/2017 be and is hereby approved</p>	Cllrs [redacted]
21.3	<p>Update on Priority Markets Projects</p>	Cllr [redacted]



	Action Item	Person Responsible
	<p>Councillor [REDACTED] Presented this item:</p> <p>The purpose of this memo was to request Council to approve the proposed next steps in respect of the Priority Markets Project:</p> <ul style="list-style-type: none"> -the publication of a request for information to carry out the said inquiry -the publication of a notice to conduct an inquiry in terms of section 4B of the Independent Communication Authority of South Africa act no 13 of 2000 ('ICASA Act') as amended and: -note the publication of a media release statement in April 2017 <p>It was resolved that the request to approve the proposed next steps in respect of the Priority Markets Project and note the publication of a media release statement in April 2017.</p> <p>[REDACTED] and [REDACTED] joined the meeting at 14:45</p>	
21.4	<p>Inquiry into Number Portability Report</p> <p>[REDACTED] (-Aetha Consulting) presented this item</p> <p>The purpose of this memorandum was to request Council to note and approve the number portability report as annexed on the inquiry into number portability</p> <p>The following was noted: The Authority was initially required to note in terms of section 89 (1) (b) of the Telecommunications Act and later in terms of section 68 (1) (b) of the Electronics Act (ECA) to introduce number portability by 2005.</p> <p>On 30 September 2005 under the Telecommunications Act, the Authority promulgated the Number Portability Regulations ('Regulations') that are currently in force. The Telecommunications Act was repealed in 2005 and a new legislative framework (ECA) was established.</p> <p>The authority is currently in the process of reviewing and aligning the regulations in terms of section 68(1) (b) which states 'The Authority must make regulations prescribing measures to ensure that number portability is introduced, including-</p>	<p>Cllrs [REDACTED] e</p>



	Action Item	Person Responsible
	<p>-the creation of a national portability database; and -cost allocation and cost recovery among licensees.</p> <p>Based on the above, the Authority published a notice of intention to conduct an inquiry into a number portability on 26 August 2016 for public comments in terms of section 4B (2) of the Independent Communications Authority of South Africa as amended.</p> <p>It was resolved that the request to note and approve the number portability report as annexed on the inquiry into the number portability be and is hereby approved.</p> <p>Reasons for Approval</p> <p>The report will serve as the basis for the review of the Number Portability Framework. This will include the Regulations, Ordering System Specification (OSS and Functional System Specifications (FSS). The Recommendations in the report will also be included in these documents.</p>	
21.3	<p>Request for Meeting between ICASA Council and Kagiso Media (Pty) Ltd ('Kagiso Media')</p> <p>Council noted a request from Kagiso Media (Pty) Ltd to meet the Council of ICASA.</p> <p>Council resolved that the Secretariat should write a letter to Kagiso Media to urge it to make representations to the Office of the Acting Chairperson.</p> <p>The representations should include items to be discussed. The letter from Secretariat should request an undertaking from Kagiso Media that no regulatory items will be discussed. The letter should reach the Office of the Chairperson on or before Friday the 31st March 2017. Failure to comply with the request, the meeting will be cancelled Council should take into account and be mindful of the legal opinion on Stakeholder engagement</p>	
22	<p>Closure</p> <p>Meeting was adjourned at 17:20pm.</p>	Chairperson

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	Action Item	Person Responsible
23.	Date of Next Meeting: 11 April 2017	Secretariat

Signed: 
(Acting Chairperson)

Date: 26/03/2017