



Independent Communications Authority of South Africa

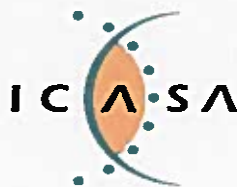
MINUTES OF A SPECIAL COUNCIL MEETING		
Date	13 June 2017	
Time:	09h30	
Venue:	Block B, Council Boardroom	
Present		
	[REDACTED]	Acting Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
By invitation		
	[REDACTED]	COO
	[REDACTED]	Manager: Internal Audit o.b.o CAE
	[REDACTED]	Specialist: Finance o.b.o CFO
	[REDACTED]	Acting SM: Office of Chairperson
	[REDACTED]	Secretariat Officer
Partial Attendees		
	[REDACTED]	Executive: Legal, Risk and CCC
	[REDACTED]	Executive: Corporate Services
	[REDACTED]	SM: Compliance
	[REDACTED]	SM: Talent and Performance Management o.b.o Executive :HR
	[REDACTED]	SM: Spectrum Licencing
	[REDACTED]	SM: ICT Licencing o.b.o GM: Licencing
	[REDACTED]	Specialist: Employee Relations
Apologies		
	[REDACTED]	Member
	[REDACTED]	CEO
	[REDACTED]	CFO
	[REDACTED]	CAE

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	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Acting Chairperson, Cllr [REDACTED] opened the meeting at 10:00am and welcomed all present.</p> <p>The Acting Chairperson reported to Council that the meeting scheduled for the previous week with the Minister of Communication was deferred citing tight parliamentary schedule.</p> <p>Council was observing the recent developments at the South African Broadcasting Corporation ('SABC') relating to the Chief Operating Officer ('COO') and the announcement on the review of the editorial policy consistent with the Broadcasting Act.</p> <p>Council will consider the implications of the review on the case opened by ICASA against the SABC.</p> <p>The following Apologies were noted</p> <ul style="list-style-type: none"> • Cllr [REDACTED] was attending 'The Women's Leadership Forum, Harvard Business School, Massachusetts, Boston, USA, 12-16 June 2017. • The CEO was not feeling well and will not be attending the meeting • The COO was the Acting CEO • The CFO attended a course at Harvard University, Massachusetts, Boston, USA; • The CAE attended a course at Harvard University, Massachusetts, and Boston, USA. • Mr [REDACTED] was the Acting CFO. 	<p>Chairperson</p>

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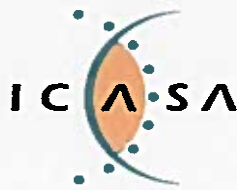
	Action Item	Person Responsible
	<ul style="list-style-type: none"> • The CAE attended a course at Harvard University, Massachutes, and Boston. • Mr [REDACTED] was the Acting CAE 	
<p>2.</p>	<p>Ratification of the Agenda</p> <p>The following amendments were made to the agenda:</p> <ul style="list-style-type: none"> ➤ An Erratum on the initial advert for Head Office Relocation to be discussed earlier under Item: 6.3 ➤ A close session requested by Councillor Modimoeng at the end of the Agenda. ➤ Request for detailed submission on (Item 7): Appointment of Company Secretary (Item deferred for next week meeting) <p>It was resolved that the following additions be made on the Agenda</p> <ul style="list-style-type: none"> • SADC Meeting next week in preparation for the SADC Ministerial Meeting in September 2017. • Mpumalanga Consumer Activation. • The COO to circulate updated summary on allocation of projects and resolutions of committees <p>Items to be deferred for the next meeting of Council.</p> <p>Council resolved to defer the following items.</p> <p>Item 4.2-Minutes of the Meeting of the 30th May 2017 Item 4.3-Minutes of the Meeting of the 06th June 2017</p> <p>It was resolved the Agenda be ratified with the above additions and amendments.</p>	<p>Council</p>
<p>3.</p>	<p>Declaration of interest</p>	<p>All</p>

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	Action Item	Person Responsible
	No conflict of interest was noted at the meeting.	
4.1	<p>Minutes of the Meeting held on 23rd March 2016</p> <p>The Minutes omitted items that Council resolved that were to be discussed with the Minister of Communications('Minister') in Cape Town after the Council meeting</p> <p>It was resolved that the Draft Minutes of Council held on the 23rd March 2017 be deferred to afford Secretariat to include items that were to be discussed in preparation to meet with the Minister.</p>	Council
4.2	<p>Minutes of a Meeting held on the 23th May 2017</p> <p>It was resolved that the Minutes of a meeting held on the 16th May 2017 be deferred to next meeting of Council</p>	Council
4.2	<p>Minutes of a Meeting held on the 30th May 2017</p> <p>It was resolved that the Minutes of a meeting held on the 30th May be deferred to the next meeting of Council.</p>	Council
4.4	<p>Minutes of a Meeting held on the 06th June 2017.</p> <p>It was resolved that the Minutes of a meeting held on the 06th June 2017 be deferred to the next meeting of Council.</p>	Council
5.	Matters Arising from the previous minutes.	Council
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>Interviews were conducted on the 25th May 2017, three names were recommended and a submission will be made to Council for appointment at the next meeting.</p>	Cllr [REDACTED]

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	Action Item	Person Responsible
	On the Agenda	
5.2	<p>Council performance agreements</p> <p>Council indicated that it is 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>To be raised with the New Minister of Communications. It was partially raised in Cape Town when Council met the Minister</p> <p>The following was discussed with the Minister:</p> <ul style="list-style-type: none"> • Governance • Policy and Regulatory issues including the White Paper and Audio Visual Policy. • SABC issues • Performance Agreements <p>The Office of the Minister and the Office of the Acting Chairperson should be requested to schedule two more meetings for the year</p> <p>With regards the Settlement, it is apparent that the Minister is not keen to settle. Legal division should write a letter to the Minister and if no response in seven days the matter can proceed to court</p>	Acting SM: Office of Chairperson
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>	

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	Action Item	Person Responsible
	<p>The team completed working on the Minutes and will be circulated to Council for approval to be Round Robin.</p> <p>The Resolutions will be published preferably on a Monthly basis</p>	
5.4	<p>Industrial Relations</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	Executive: HR
5.5	<p>6th CRASA AGM</p> <p>"Standing Item"</p> <p>A report is being prepared to be tabled to EXCO and Council.</p> <p>On Agenda</p>	Cllr [REDACTED]
5.6	<p>Bilateral Meeting</p> <p>A bilateral with the new Minister took place, the following items were discussed, Governance, Policy and Regulatory issues, (White paper, Audio Visuals, SABC Compliance Matters, SABC editorial policy).</p> <p>Subsequent quarterly meetings will be scheduled</p> <p>Item 5.2 and 5.6 should be merged to form a single item.</p>	Acting SM: Office of the Chairperson
	Request for Meeting between ICASA and Kagiso Media (Pty) Ltd	CEO

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	Action Item	Person Responsible
	<p>The meeting between Council of ICASA and Kagiso Media (Pty) Ltd took place</p> <p>This matter can be removed from Matters Arising</p>	
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>Council is awaiting a finalisation of the Agreement between the licensee and beneficiaries.</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. The Legal counsel to meet with our attorneys and to provide a resolution on the matter. A follow up will be made with legal division on the update.</p>	
5.9	<p>Cellsaf</p> <p>Request for a meeting with ICASA to discuss the transaction.</p> <p>Errors on the opinion</p> <p>Separate the request for meeting which they requested and the actual transaction</p> <p>Cellsaf s' request for a meeting should be accommodated.</p> <p>The legal division should write a letter should to Cellsaf stating the following :</p> <ul style="list-style-type: none"> • We acknowledge receipt of your last correspondence. • The Authority is still willing to engage yourself in any regulatory discussion • The Authority have noted subsequent media statements about the proposed transaction. 	



	Action Item	Person Responsible
	<ul style="list-style-type: none"> Please confirm the status of the proposed transaction <p>A new legal opinion will be resubmitted to Council</p>	
5.10	<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> <p>PWC Report</p> <p>The Acting CEO presented this item:</p> <p>Control measures have been implemented</p> <p>It was resolved the PWC Report be noted Council noted that the report related to the Matsema issue The finance division will circulate another PWC report</p>	
5.11	<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> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>This item needs to be linked with Previous CRASA AGM and</p>	



	Action Item	Person Responsible
	the PWC Report	
5.12	<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.</p> <p>The Terms of Reference have been approved by Council</p> <p>The Tender has been advertised and a tender briefing will be held this week.</p> <p>An Erratum on the advert for the Tender was approved by Council, emphasizing Centurion as the preferred location to be followed by Midrand, Woodmead, Sandton and Rivonia.</p> <p>The corrected advert was placed on the newspaper this weekend.</p>	CEO
5.13	<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 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>Further engagement on settlement will be left to the Committee. ICASA 's position should be made clear to the Director General</p>	



	Action Item	Person Responsible
	<p>Update on the meeting with lawyers</p> <p>Separate the meeting from the IMT Litigation</p>	
5.14	<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>This item was tabled and noted by Council.</p> <p>It should be removed from Matters Arising.</p>	
5.15	<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> <p>This item should be the first item to be considered by Council at the first meeting of the financial year.</p> <p>A comprehensive submission covering all divisions will be submitted to next meeting of Council</p>	CEO
5.16	<p>Claw back strategy- An update on the Claw back strategy.</p> <p>The Claw back strategy was considered and removed by Council. This item should be removed from 'Matters Arising'</p> <p>This should be incorporated under item four (4) to be renamed "Industrial Relations"</p>	CEO
5.17	<p>██████████ (Secretariat Officer)</p> <p>The employee is back at work in good health.</p> <p>The Matter should be removed from Matters Arising</p>	CEO

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	Action Item	Person Responsible
5.18	<p>Round Robin of the Final Radio Frequency Plan 2017</p> <p>Done</p> <p>Letter has been sent to the Minister Minister has indicated that the plan has been approved by Cabinet</p>	
5.19	<p>Oversight Visit by the PPC</p> <p>A report on the visit was submitted and approved by Council</p>	CEO
5.20	<p>5G Forum-Council requested to elect Chairperson for the 5G Forum.</p> <p>Clir [REDACTED] was elected the Chairperson of the 5G Forum</p> <p>Council requested that the submission on the 5G forum be re-worked.</p>	CEO
6.	<p>Inter Operator Disputes</p> <p>The COO presented this item:</p> <p>The following was noted.</p> <p>The list was still in the draft form, a final list will be submitted to Council</p> <ul style="list-style-type: none"> • Council will receive a report on the Investigation carried by E&T on the allegations made by MTN regarding the alleged spectrum sharing between Vodacom (Pty) Ltd and WBS. • Council will also receive a list on Inter Operator Disputes. <p>It was resolved that the report on Inter Operator Disputes be noted</p>	CEO
6.2	<p>6th CRASA AGM</p> <p>Council to note the SADC Meeting, to be Held in Sandton on the</p>	Council

WR



	Action Item	Person Responsible
	<p>19-22 July. This is a preparatory for Ministerial meeting It was resolved that the officials who attended the CRASA AGM in Durban should also attend this meeting.</p> <p>It was resolved that the update on the CRASA AGM be noted.</p>	
7.	<p>Appointment of Company Secretary</p> <p>Cllr [redacted] and [redacted] presented this item:</p> <p>It was resolved that this item and part of Item 16 be deferred for the next meeting of Council</p>	Council
8.	<p>Update on the SADC Home and Away Roaming.</p> <p>Councillor [redacted] presented this item:</p> <p>The following was noted The was a notable progress on the reduction of Roam and Away rates All the operators are on cooperating as they see the benefits Calculations have been done SA carry the bulk of the roaming. As roaming rates decrease the traffic was increasing Operators will confirm the revised calculations</p> <p>The Manager: Wholesale Services was busy with a comprehensive report to be submitted to Council</p> <p>It was resolved that the update on the SADC Home and Away Roaming be noted subject to a submission of a comprehensive report to Council</p>	Council
9.	<p>(i) Appointment of Three (3) Complaints and Compliance Committee ("CCC") Members</p>	Cllr [redacted]
	<p>(i) Appointment of three (3) Complaints and Compliance Committee("CCC") Members</p> <p>Councilor [redacted] presented this item:</p>	



	Action Item	Person Responsible
	<p>The purpose of this memorandum was to request approval of the appointment to the three (3) advertised position, for a period of three years effective from date of assumption of duty for:</p> <ul style="list-style-type: none"> (i) Mr. [REDACTED] to the position of a CCC Member –Technical (ii) Mr. [REDACTED] to the advertised position of CCC Member-Economist (iii) Mr. [REDACTED] to the position of a CCC Member-Broadcasting <p>It was resolved that the appointment of three(3) Complaints and Compliance Committee members for a period of three years be approved effective from the assumption of duty.</p> <p>(ii) Taking Oath of Office by Members of the Complaints and Compliance Committee('CCC) to be appointed by the Authority</p> <p>Cllr [REDACTED] presented this item:</p> <p>The purpose of this memorandum was to request Council to approve the taking of oath of office by newly appointed members of the Complaints and Compliance Committee ("the CCC")</p> <p>It was resolved that legal division to give legal opinion by finding out how other tribunals operate.</p>	
10.	<p>Report of the 18th Ordinary Session of the ATU Administrative Council</p> <p>The Executive: Legal, Risk and CCC presented this item</p> <p>The purpose of this submission was to request Council to note:</p> <p>The Report of the 18th Ordinary Session of the African Telecommunications Union("ATU"/Union) Administrative Council("the Council") which was held in Ouagadougou, Burkina Faso, from 3 to 5 May 2017</p>	CEO



	Action Item	Person Responsible
	<p>It was resolved that the Report of the 18th Ordinary Session of the ATU Administrative Council be noted.</p> <p><i>The SM:Compliance joined the meeting at 14:05</i></p>	
11.	<p>Change and Update of ICASA Licensee Information-Virtual Card Acquiring (Pty) Ltd T/A Linkinc Telecommunications (Pty) Ltd.</p> <p>The SM:Compliance presented this item:</p> <p>The purpose of this submission was present to advise Council of a notice from Virtual Card Acquiring (Pty) Ltd t/a Linckinc Telecommunication (Pty) Ltd, requesting the Authority to effect Changes to its licence name, contact details and shareholding and recommend Council to approve accordingly.</p> <p>It was resolved that the Notice by ICASA licensee Information-Virtual Card Acquiring(Pty) Ltd T/A Linkinc Telecommunications (Pty) Ltd requesting the Authority to effect changes to its licence name, contact details and shareholding be approved.</p>	CEO
12.	<p>Transnet SOC Ltd: Application for a frequency Spectrum Licence in the Centre Gap(1798-1803 MHz) of the 1800MHz band</p> <p>The Acting Manager: Licensing and the SM :Spectrum licencing presented this item</p> <p>The purpose of this submission was for Council to approve the Radio Frequency Spectrum Licence application (1798-1803 MHz) of the 1800 MHz band at National Ports and Harbours</p> <p>The following was noted</p> <p>The division should verify through a technical analysis whether the Band was an IMT or not.</p> <p>Make a proper distinction between centre gap and guard Band.</p> <p>Seek legal opinion after verification</p> <p>It was resolved that the application for a Frequency Spectrum licence in the Centre-Gap (1798-1803 MHz) of the 1800MHz band</p>	Cllr [REDACTED]



	Action Item	Person Responsible
	<p>by Transnet SOC Ltd be deferred to the next meeting of Council.</p> <p><i>The Executive: Corporate Services joined the meeting</i></p>	
13.	<p>Records Management Policy</p> <p>The Executive: Corporate Services presented this item:</p> <p>The purpose of this submission as to seek approval of the Records Management Policy Review</p> <p>The document should be clean for typos and errors.</p> <p>It was resolved that the Record Management Policy be approved.</p>	CEO
14.	<p>Occupational Health and Safety Policy</p> <p>The Executive: Corporate Services presented this item:</p> <p>The purpose of this submission was to request Council to approve the Occupational Health and Safety Policy</p> <p>It was resolved that the Occupational Health and Safety Policy be approved.</p> <p><i>The Acting Executive:HR and the Specialist :Employee Relations joined the meeting at 14:40</i></p>	CEO
15.	<p>Proposed Recognition Agreement Between ICASA and NTUC</p> <p>The Specialist: Employee Relations presented this item:</p> <p>The purpose of this submission was for Council to approve the proposed Recognition Agreement between the Independent Communications Authority of South Africa("ICASA") and the National Trade Union Congress("NTUC"), including the proposed 'Bargaining Unit' definition.</p> <p>It was resolved that the Proposed Recognition Agreement between ICASA and NTUC be approved including the</p>	CEO

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	Action Item	Person Responsible
	<p>proposed ‘bargaining unit ‘definition. Managers will not be part of the bargaining unit. The agreement should be signed urgently so that outstanding issues can be ventilated by the bargaining forum. The Union should clarify the status of the recent Arbitration Award from the CCMA.</p>	
16.	<p>Adverts for Senior Manager: Office of the Chairperson and Audit, Risk, Ethics and Disclosure Committee –One Position.</p> <p>The Acting Executive:HR presented this item:</p> <p>The purpose of this memorandum is to request Council to approve the adverts for the following two positions:</p> <ul style="list-style-type: none"> • Senior Manager: Office of the Chairperson • Audit, Risk, Ethics and Disclosures Committee-One Position <p>It was resolved that the approval of the advert for Senior Manager: Office of the Chairperson be deferred for next meeting of Council.</p> <p>The submission should be contrasted with the proposed appointment of a Corporate Secretary.</p> <p>It was resolved that the advert for Member: Audit ,Risk ,Ethics and Disclosure Committee-one member be approved</p>	CEO
17.	<p>International Events</p> <p>The Executive: Corporate Services:</p> <p>The purpose of this memorandum was to request Council to approve the mandatory meetings and conferences as listed on the attached documents</p> <p>It was resolved that the mandatory meetings and conferences are approved</p>	CEO

WF



	Action Item	Person Responsible
	<p>Councillors should indicate to Corporate Services division the events they would like to undertake.</p> <p>A report on preparation and feedback after the event should be tabled to Council</p>	
18.	<p>Office Accommodation of ICASA Head Office Relocation: Erratum on the advert already released and published</p> <p>Councillor ██████████ presented this item:</p> <p>The Bid Committee has already issued an advert for the Head Office Relocation.</p> <p>The advert however did not indicate that Centurion was the preferred location as per Council resolution followed by others like Midrand, Woodmead, Sandton, Rivonia and Rosebank.</p> <p>It was resolved that as per Council resolution ,Centurion is the first preferred location, followed by Midrand, then followed by Woodmead,Sandton ,Rivonia and Rosebank</p>	
	<p>General:</p> <p>(i) Update on Priority Markets The purpose of this memorandum was to request Council :</p> <ul style="list-style-type: none"> • To approve the revised notice of intention to conduct an inquiry to identify Priority Markets in the telecommunications sector to be published in the Government gazette. • To note the media release state on priority Markets study to be published on the Authority 's website <p>It was resolved that the Update on Priority Markets be deferred to the next meeting of Council</p> <p>(ii) Mpumalanga Brand Activation</p> <p>The COO presented this item:</p> <p>The purpose of this submission was for Council to note the Mpumalanga Brand Activation.</p>	

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	Action Item	Person Responsible
	<p>The Regions office of ICASA is embarking on a brand activation in Mpumalanga Province.</p> <p>The Activation will take place in Hazeview on the 24th June 2017</p> <p>A formal submission will be made to Council.</p> <p>Council to note that this is one of the last series with engagements with the GCIS.</p> <p>Councillors who might be interested can attend the brand activation.</p> <p>Councillor Mohlaloga will attend the activation.</p> <p>It was resolved that the Mpumalanga Brand Activation be noted.</p>	
19	<p>Closure:</p> <p>The Chairperson thanked all who attended the meeting and adjourned at 16:55</p>	
9.	<p>Date of next meeting: 20 June 2017</p>	Secretariat

Signed: 
 (Chairperson)

Date: 04/07/2017