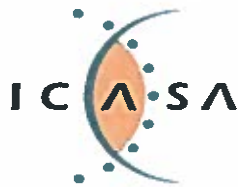




Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
Date	11 July 2017	
Time:	09h30	
Venue:	Block B, Council Boardroom	
Present	████████████████████	Member
	████████████████████	Member
	██████████	Member
By Invitation	████████████████████	CFO (o.b.o Acting CEO)
	████████████████████	CAE
	████████████████████	Executive: Legal, Risk and CCC (o.b.o Acting COO)
	██████████	Acting SM: Office of Chairperson
	████████████████████	Secretariat Officer
Partial Attendees	████████████████████	Executive: Corporate Services
	████████████████████	SM: Office of the COO
	████████████████████	GM: Compliance & Consumer Affairs
	████████████████████	SM: Spectrum Licensing
	████████████████████	Manager: Licensing Numbering
Apologies	████████████████████	Acting Chairperson
	██████████	Member
	████████████████████	COO

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	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>Cllr ██████████ chaired and opened the meeting at 09h42 and welcomed all present.</p> <p>The following apologies were noted</p> <ul style="list-style-type: none"> • Cllr ██████████ is attending the 17th Global Symposium for Regulators (GSR) in Bahamas • The COO is attending 17th Global Symposium for Regulators (GSR) in Bahamas • Cllr ██████████ is on sick leave 	Chairperson
2.	<p>Ratification of the Agenda</p> <p>The following amendments were made to the agenda:</p> <p>addition to the agenda</p> <ul style="list-style-type: none"> • Legal opinion on disclosure of confidential information in the IMT litigation • Office Relocation committee update <p>Items to be deferred for the next meeting:</p> <ul style="list-style-type: none"> • Minutes of a meeting held on 27 June 2016 <p>It was resolved that the agenda be ratified with the above additions and amendments.</p>	Council
3.	<p>Declaration of interest</p> <p>No conflict of interest was declared at the meeting.</p>	All
4.	<p>Adoption of previous minutes</p>	Council

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	Action Item	Person Responsible
4.1	<p>Minutes of the meeting held on 20 June 2017</p> <p>The following amendments were noted:</p> <ul style="list-style-type: none"> • Page 1 the title of [REDACTED] should be included • Page 2, item 1, The CAE was attending to an internal staff matter • Page 6, item 9 should read as 'Council received an internal legal opinion on whether members are obliged to take an oath of office prior to discharging their functions in terms of section 17B of the ICASA Act <p>It was resolved that the minutes of the meeting held on 20 June 2017 be approved subject to changes.</p>	Council
5.	Matters arising	Secretariat/CEO
5.1	<p>Appointment of members of the Complaints and Compliance Committee</p> <p>The purpose of this submission is to advise Council that:</p> <ul style="list-style-type: none"> • Members of the CCC have been appointed and will be taking an Oath of Office • Letters of appointment were signed by the Acting Chairperson 	CEO
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>Legal, SM Chairperson's Office and COO to relook at the decision register for verification. Only Regulatory decisions will be published. The item is to be prioritised for the next meeting. An opinion was sought on which matters/decisions must be published to be tabled at the next meeting.</p>	Council



	Action Item	Person Responsible
5.4	<p>Industrial Relations</p> <p>Council delegated Councillor Modimoeng to meet the representatives of the Trade Union upon their request on the 30th May 2017.</p> <p>Cllr [REDACTED] reported to Council on the Meeting.</p> <p>A recognition Agreement between ICASA and NTUC should be presented to Council for approval.</p> <p>The Union to clarify the status of the Arbitration Award recently issued by the CCMA. The Union is in an agreement with the recognition agreement but have not signed the agreement.</p> <p>Council resolved to file a review application at Labour Court to review the CCMA Award. However, Council indicated that the forum can sit to further discuss outstanding matters.</p>	Council
5.5	<p>Nomination of beneficiaries for Deukom (Pty) Ltd in pursuance of clause 9.1 of its licence conditions</p> <p>Potential beneficiaries should be engaged. An agreement with beneficiaries should be submitted to Council for approval.</p> <p>Council is awaiting finalisation of the agreement between licensee and beneficiaries.</p>	CEO
5.6	<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>Council requested two legal representatives to meet in order to clarify their position. A feedback to Council should be tabled at the</p>	CEO



	Action Item	Person Responsible
	<p>next meeting of Council.</p> <p>The legal counsel to meet with our attorneys and to provide a resolution on the matter.</p> <p>A follow up will be made with legal division on the update. A letter has been drafted to the NPA seeking an update on the investigation in light of the recent developments at the SABC, namely, the Interim board indication to make amends on the previous transgressions.</p>	
5.7	<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>The Authority will be opposing the matter. Legal to update an information sharing folder will be created on the Z-drive. Information will be shared with Council as and when it is available. On 15 June 2017 Cell C undertook to file its Supplementary Affidavit during the week ending 23 June 2017. We have not received the affidavit to date. A follow up has been made with our Attorneys.</p> <p>3 July 2017, Cell C supplemented its Affidavit.</p>	CEO
5.8	<p>CellSaf</p> <p>Request for a meeting with ICASA to discuss the transaction between Cell C and Blue Label Telecoms. A legal opinion has been sought. Secretariat to follow up on the engagement with CellSaf.</p> <p>Council wanted to know what options are available if the transaction was effected.</p> <p>Secretariat will make a follow up including a follow up on an opinion to engage with CellSaf.</p> <p>It was resolved that a request be put to Cell C to take Council into confidence on the proposed transaction.</p>	CEO

WR



	Action Item	Person Responsible
	<p>The Legal Opinion was shared with Council. A letter, proposed a meeting on the transactions with Management.</p>	
<p>5.9</p>	<p>ICASA / NCC: Data expiry and in/out of bundle rules</p> <p>This issue is bundled with the item on Priority Markets Discussion Doc (it will be separated).</p> <p>COO advised that the meeting on this issue is scheduled for 22 June. The update / status report on these engagements must be tabled at Council meeting of 18 July.</p>	<p>COO</p>
<p>5.10</p>	<p>CRASA/SAPRA AGM – Progress report</p> <p>Control measures should be added to the report. Forensic report from PWC dated 15 July 2014 is with legal. A submission will be tabled at the next Council for the meeting. Management to use the PWC report to implement the control measures. For purposes of reflecting on the control measures for the 6th CRASA AGM. It has been proposed by Council that management will use the PWC Forensic Report of 2014 to mitigate and ensure quality control on supply chain management. Finance division to circulate another PWC report.</p> <p>Council resolved that this matter needs closure and be linked to the other CRASA AGM matter and PWC report.</p>	<p>CEO</p>
<p>5.11</p>	<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] [REDACTED] [REDACTED] <p>[REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	<p>CEO</p>

WR



	Action Item	Person Responsible
5.12	<p>Head Office relocation</p> <p>A comprehensive memo for Council with all information, specifications and project plan including engagement with DPW to be submitted to Council.</p> <p>A tender was advertised and will be closing in July 2017.</p>	CEO
5.13	<p>Feedback from the meeting held with the DTPS</p> <p>It was 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 write up to be prepared on engagement with Minister and subsequent meetings between DoC DTPS led team and CEO ICASA led team for next Council meeting.</p> <p>The report and the proposals are being finalised. The report to be tabled on 7th March 2017.</p> <p>Report to be tabled at the next Council meeting. Further engagement on settlement will be left to the Committee. ICASA 's position should be made clear to the Director General. An update to be provided on the meeting with the lawyers.</p>	CEO
5.14	<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>A comprehensive submission from all divisions will be submitted in July 2017. Item to be included in the Council meeting of 25 July 2017.</p>	CEO



	Action Item	Person Responsible
5.15	<p>5G Forum - Council requested to elect the Chairperson for the 5G Forum</p> <p>Councillor [REDACTED] the Chairperson of the 5G Forum meeting of the 17th March 2017.</p> <p>A status report should be tabled to Council as hand-over of the project by management to Council.</p> <p>This item will fall under the Spectrum Resource Committee and a report be prepared on the 5G Forum.</p>	Council
5.16	<p>Appointment of Company Secretary</p> <p>HR is preparing the job specifications. Item to be included in the Council meeting of 25 July 2017.</p>	Council
5.17	<p>Update of the SADC Home and Away Roaming.</p> <p>The working group will prepare a report on the matter for the preparatory meeting scheduled for Thursday.</p>	Council
5.18	<p>CCMA Award Financial Implications and Status of the Settlement Agreement</p> <p>The purpose of this memo was to request Council to approve the payment of the back pay of the 183 employees listed in the CCMA Award as per ruling made on 06 June 2017.</p> <p>It was resolved that the Authority should file intention to review the CCMA Award with the Labour Court.</p>	Council
6.	Standing items	
6.1	<p>Inter Operator Disputes</p> <p>The Executive: Legal, Risk and CCC presented the item and the following were noted:</p>	CEO

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	Action Item	Person Responsible
	<p>The final list was 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 • A list of Inter Operator Disputes was read out and scrutinised with possible solutions been discussed in Council. <p>It was resolved that the report on Inter Operator Disputes is noted.</p> <p><i>The Executive: Corporate Services joined the meeting at 11h13</i></p>	
6.2	<p>6th CRASA AGM ('Standing item')</p> <p>Cllr [REDACTED] presented the item and the following were noted:</p> <p>The purpose of this submission was to request Council to approve the appointment of an ICASA representative as CRASA Chairperson for the financial period 2017/2018.</p> <p>The following was noted:</p> <p>In March 2017, CRASA hosted its Annual General Meeting in Durban. South Africa was appointed as the new CRASA Chairperson.</p> <p>In light of the composition of ICASA Council, it was unclear as to who, is supposed to Chair CRASA.</p>	Cllr [REDACTED]
7.	<p>Relocation committee update</p> <p>Cllr [REDACTED] presented the item.</p> <p>The purpose of the item was to update Council on the Office relocation process for noting.</p> <p>It was indicated that the submission of application/tender is closing on the 12th July 2017. Council noted that employees are soliciting favours on the tender from prospective bidders.</p>	Cllr [REDACTED]



	Action Item	Person Responsible
	<p>It was resolved that information on the allegations be provided for further investigation.</p> <p><i>The Executive: Corporate Services left the meeting at 11h59</i></p>	
8.	<p>Report on the Portfolio Committee on Communications' session held on 16 May 2017, Cape Town, regarding the Films and Publication Amendment Bill, 2015</p> <p>The Executive: Legal, Risk and CCC presented the item.</p> <p>The purpose of the submission was to brief Council on the meeting held by the Portfolio Committee on Communications ('Committee') on 16 May 2017 regarding the Films and Publication Amendment Bill of 2015</p> <p>It was resolved that the Report on the Portfolio Committee on Communications' session held on 16 May 2017, Cape Town, regarding the Films and Publication Amendment Bill, 2015 be noted.</p>	CEO
9.	<p>Legal Opinion on the Interpretation of section 11a of the ICASA Act 2000 as amended</p> <p>The Executive: Legal, Risk and CCC presented the item.</p> <p>The purpose of the submission was to provide Council with a legal opinion received from Counsel on the interpretation of section 11a of the ICASA Act 2000 and request Council to approve same.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • The Legal Opinion on the Interpretation of section 11A of the ICASA Act 2000 as amended be approved as presented • Decisions to be published on the ICASA website <p><i>GM: Compliance & Consumer Affairs joined the meeting at 13h12</i></p>	CEO
10.	<p>Change and update of ICASA Licensee Information - Lesedi Africa Productions Cc</p>	CEO



	Action Item	Person Responsible
	<p>The GM: Compliance & Consumer Affairs presented the item</p> <p>The purpose of the submission was to request Council to approve the request by Lesedi Africa Productions cc for the Authority to effect the changes to its contact person, street address, postal address, telephone, fax and mobile numbers, email address and shareholding.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • Correspondence be attached and re-submitted to Council • The table in the submission be corrected 	
11.	<p>Change and update of ICASA Licensee Information – Beat FM (Pty) Ltd</p> <p>The GM: Compliance & Consumer Affairs presented the item</p> <p>The purpose of the submission was to advise Council of the notification received by the Authority of changes to the Licence of Beat FM (Pty) Ltd, regarding its shareholding structure and to request Council to approve same.</p> <p>It was resolved that the change and update of ICASA Licensee Information – Beat FM (Pty) Ltd be approved.</p>	CEO
12.	<p>Enterprise Project Management System</p> <p>The purpose of the submission was to request Council to note the acquisition of the Enterprise Project Management System (EPMS) and approve the pilot implementation of the system for Q2 2017/18 before the final implementation thereafter</p> <p>It was resolved that:</p> <p>System implementation plan to be included in the project</p>	CEO
13.	<p>Access to ICT services by persons with disabilities</p> <p>The SM: Spectrum Licensing presented the item.</p>	CEO

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	Action Item	Person Responsible
	<p>The purpose of this submission was to brief Council on the request from South African Police Services (SAPS) and the Working Group on affordable access to ICTs for persons with disabilities ("The Working Group").</p> <p>It was resolved that the report on Access to ICT services by persons with disabilities be approved.</p>	
14.	<p>Request from the administration of Cyprus for inclusion of the territory of South Africa into the service area ITS satellite system</p> <p>The Manager: Licensing Numbering presented the item.</p> <p>The purpose of this submission was to request Council to note the letter from the Administration of Cyprus and recommend that the letter be forwarded for the attention of the Minister of Telecommunications and Postal Services</p> <p>It was resolved that the request from the administration of Cyprus for inclusion of the territory of South Africa into the service area ITS satellite system be approved.</p>	CEO
15.	<p>Legal Opinion on Disclosure of confidential information – Minister of Telecommunication and Postal Services v/s ICASA</p> <p>The Executive: Legal, Risk and CCC presented the item.</p> <p>The purpose of the submission was to provide Council with the legal opinion on whether to disclose the confidential information to all parties with an interest in the proceedings regarding the Minister of Telecommunication and Postal Services v/s ICASA.</p> <p>It was resolved that the legal opinion be approved.</p>	CEO
16.	<p>Closure:</p> <p>The Chairperson thanked all who attended the meeting and</p>	

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	Action Item	Person Responsible
	adjourned at 14h52	
17.	Date of next meeting: 18 July 2017	Secretariat

Signed:  _____ Date: 08/08/2017

(Chairperson)