

Independent Communications Authority of South Africa

Date	24 October 2017	
Time:	09h30	
Venue:	Block B, Council B	oardroom
Present		Acting Chairperson
		Member
By Invitation		CEO
		CFO Action CAE
		Acting CAE
		Acting SM: Office of Chairperson
		Secretariat Officer
Partial Attendees		Specialist: Legislative Regulatory Support Drafting
		Senior Manager: Spectrum: Licensing
		GM: CCA
		Senior Manager: Legal (Regulatory Support & Legislative Drafting)
		Executive: Legal, Risk and CCC
		GM: Regions
		GM: Engineering & Technology: E&T
		GM:PRA
Apologies		CAE
		Member



	Action Item	Person Responsible
1.	Opening and apologies The Acting Chairperson, Cllr opened the meeting at 9H30	Chairperson
	and welcomed all present.	
	The following apologies were noted:	
	 Cllr is attending the Commonwealth Spectrum Management Conference in the UK. The CAE, is on annual leave. 	
2.	Ratification of the Agenda	Council
	The following amendments were made to the agenda:	
	Invitation- New Media Conference	
	Africa- Com 7-9 November 2017	
	 Gov Tech -29 November 2017 Invitation to the Acting Chairperson by Kingdom of Morocco 	
	Request by Liquid Telecoms to introduce their new CEO to	
	 the Authority Request by Vodacom to meet ICASA on 30 November 2017. 	
	Study visit by Mali Delegation 26-27 October 2017	
	ACM Conference	
	BBBEE	
	BBBEE CCC Q2 PIR The following items were deferred:	
	BBBEE CCC Q2 PIR	



	Action Item	Person Responsible
3.	Declaration of interest	All
	No conflict of interest was noted at the meeting.	
4.	Adoption of previous minutes	Council
4.1	Meeting held on 16 August 2017	Council
	 The following corrections were noted: Page 4, point 6.2 – The Ministerial meeting was corrected to SADC Ministerial meeting. Page 8, point 21 – was corrected to the same of 16 August 2017 be approved. 	
	subject to the above changes.	
4.2	Meeting held on 19 September 2017 The following corrections were noted: Page 1 - Cllr was not at the meeting as his term had ended. Page 1 - was on leave.	Council
	It was resolved that the minutes of 19 September 2017 be approved subject to the above change.	
4.3	Meeting held on 17 October 2017	Council
	 The following corrections were noted: Page 1- Cllr was present at the meeting. Chair was changed to Chairperson. Page 3, point 6.1 – bullet 1, "decided" was corrected to "resolved". Page 4, point 6.1 - committee was corrected to Committee. 	



	Action Item	Person Responsible
10	 Page 4, page 7 -bullet 1, report was corrected presentation. Page 4 - person responsible was corrected Acting Chairperson. Page 5- an estimated amount of R5000,000.00 Page 5 - The requested funding should also be indicated in US dollars. Page 5 - also indicate that a request for quotation was issued. Page 6, item 11- Cllr was corrected to Cllr Page 6 -reason for approval was corrected to, Council acceded to the request for an extension until the 04th December. This was in the interest of procedural fairness, given the fact that responses to the information gathering questionnaire were only posted on the website later on. Page 7, item 14 - person responsible should indicate Cllr Page 8, point 4 - the word "always was removed" Page 8, point 4 - The Forum suggested that there should be a joint media statements on principle issues affecting members of the forum. It was resolved that the minutes of 17 October 2017 be approved subject to the above changes. 	
5.	Matters arising from previous minutes	Secretariat/CEO
5.1	Imminent expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee Remove the paragraph that indicates that 3 members of CCC were appointed in July 2017.	CEO
5.2	Council performance agreements and bilateral meeting with Minister	Council



	Action Item	Person Responsible
	Minister on 23 October 2017	
	 The following items were discussed: Performance Management Moratorium Council Remuneration ITA 	
5.3	Council Decisions for Website publication	Council
	Item is on the agenda.	
5.4	Industrial Relations	Council
	Item must be combined with item 51	
5.5	CRASA	Cllr
	"Standing Item on the agenda"	
5.6	Status report on the 5G Forum Project	Clir
	Combine with item 25 and item 40.	
5.7	Recommendation by CCC to Council in the matter between the Compliance Division of ICASA and Plantoon Trade and Invest (Pty) Ltd	Cilr



	Action Item	Person Responsible
	Remove from the Matters Arising list	
5.8	ICT Regulation-Policy and Practice Capacity Building Programme in Co-operation with Sweden An update will be provided.	Clir
5.9	Amendment of the Radio Frequency Spectrum Resources Council Committee Responsible person should indicate Cllr	Clir
5.10	Developments around participation and contributions made within the ITU-R Study Group 5 The Department should be updated on members representing South Africa at the ITU-R Study Group. Responsible person should indicate Cllr	Clir
5.11	Competition Commission Market Enquiry Secretariat will arrange a meeting for Council to meet with the Competition Commission.	Council
5.12	Inquiry into subscription tv Discussion Document was sent to the Minister.	Clir
5.13	Draft Code for Persons with Disabilities Regulations A submission will be drafted for Council.	Clir
5.14	Report for Universal Postal Study Tour in Malaysia	Clir



	Action Item	Person Responsible
	Item was dealt with, and should be removed from the Matters Arising list.	
5.15	Letter from the Union-NTUC	Council
	Item should be combined with item 4.	
5.16	SADC Roaming Cost Model Funding	Clir
	Report will be submitted to Council	
5.17	SANGONet Proposal The submission was referred to Corporate Services for consideration.	Office of the Chairperson
5.18	Nomination of beneficiaries for Deukom (Pty) Ltd in pursuance of clause 9.1 of its licence conditions The CEO will verify if the beneficiaries were nominated.	CEO
5.19.	Cell C v ICASA –Universal Service Obligations (USO) Filing Heads of arguments during the month of November.	CEO
5.20.	Cellsaf Item is on the agenda.	CEO
5.21.	Final Opinion on steps ICASA could take to ensure regulatory compliance in relation to Cell C's proposed restructuring and recapitalization	
	Item should be combined with item 21 and 20.	



	Action Item	Person Responsible
5.22.	ICASA / NCC: Data expiry and in/out of bundle rules Item should be removed from the list.	CEO
5.23.	Change and Update of ICASA Licensee Information Virtual Card Acquiring(Pty) Ltd T/A Linkinc Telecommunications (Pty) Ltd An update will be provided.	CEO
5.24.	Market inquiry into Broadband Markets and reduction of Data Costs Item should be removed from the matters arising list.	CEO
5.25.	Establishment of the Fifth Generation (5G) Council Committee Item should be removed from the matters arising list.	CEO
5.26.	2016/17 Q4: KwaZulu-Natal Province Quality of Service Report An update will be provided.	CEO
5.27.	Tellumat (Pty) Ltd: Application for a trial radio frequency spectrum licence in the 1GHz band An update will be provided.	CEO
5.28.	Risk and Compliance Management Annual Plan An update will be provided.	CEO
5.29.	Business Continuity Plan	CEO



	Action Item	Person Responsible
	An update will be provided.	
5.30.	Workshop on Report of the AdHoc Committee on the Review of the Chapter 9 and associated institutions Legal, Risk and CCC was requested to do an analysis. An update	CEO
	will be provided.	
5.31.	Release of existing bandwidth	CEO
	A draft presentation is being prepared for Council.	
5.32.	Draft amendments to the ECA	CEO
	A draft letter has been prepared for the Minister of Communications.	
5.33.	Update on the settlement agreement with Ministry of DTPS	CEO
	The status has not changed.	
5.34.	Appeal to renew a Class Community Sound Broadcasting Service License – Lephalale Community Radio	CEO
	The team is working on a submission.	
5.35.	CRASA/SAPRA AGM	CEO
	The item should be removed from the matters arising list.	
5.36.	Investigation into possible fraudulent activities conducted by Thabo Khakhane	CEO
	A follow up letter has been sent to the Hawks.	



	Action Item	Person Responsible
5.37.	Relocation committee update	Cilr
	Item is on the agenda.	
5.38.	Feedback from the meeting held with the DTPS	CEO
	The item should be removed from the matters arising list.	
5.39.	Re-grading of positions within Legal, Risk and CCC division- An update from HR on the re-grading process.	CEO
	An update will be provided.	
5.40.	5G Forum - Council requested to elect the Chairperson for the 5G Forum	Council
	Combine with item 6.	
5.41.	Appointment of Company Secretary	Council
	A job specification will be submitted to Council.	
5.42.	Update of the SADC Home and Away Roaming	Council
	Item should be removed from the matters arising list.	
5.43.	CCMA Award Financial Implications and Status of the Settlement Agreement	Council
	Matter at Labour Court.	
5.44.	Inter Operator Disputes	CEO
	Item is on the agenda.	



	Action Item	Person Responsible
5.45.	2016-17FY AFS	Council
	Template from National Treasury was received, 24 October 2017.	
5.46.	SADC Presidential Summit will take place in August.	CEO
	The item should be removed from the matters arising list.	
5.47.	Phase 1 of Standard Operating Procedures Optimisation Project	CEO
5.48.	Proposed amendments to the organisational structure of ICASA	CEO
	Submission will be prepared for Council.	
5.49.	Feedback on moderation sessions and Contracting for 2017/18 FY	Council
	The item should be removed from the matters arising list.	
5.50.	Request for sponsorship for SADC ICT Ministerial Meeting, SADC SCOM and ITU Telecom World Forum and Exhibition 2017	CEO
	The item should be removed from the matters arising list.	
5.51.	Outcome of the Bargaining Forum meeting	CEO
	The item should be removed from the matters arising list.	
5.52.	Grievances lodged by the Executive: Corporate Services	CEO
	The item should be removed from the matters arising list.	



	Action Item	Person Responsible
5.53.	Meeting with the DG of DTPS	CEO
5.54.	Governance Framework	Secretariat
	Status has not changed,	
5.55.	SANDF and SAPS outstanding licensing fees	CEO
	Letters have been prepared for the former Minister.	
5.56.	Job advert for CEO position	Council
	Item should be taken out of the matters arising list.	
5.57.	EXCO and OPCO recommendations on ICASA and NTUC settlement agreement bargaining forum report Item should be taken out of the matters arising list.	CEO
5.58.	Proposed amendments to the organisational structure of ICASA Should be combined with item 48.	CEO
5.59.	Council salary structure	
	Combine with item 2.	
5.60.	Computations of the proposed Settlement Agreement clause	CEO
	Should be combined with item 4.	
5.61.	Contracts for Executives	CEO



	Action Item	Person Responsible
	Contracts were submitted to Council.	
5.62.	Staff meeting with the Minister, DoC- 12 October 2017.	ACEO
	Letter was drafted for the former Minister.	
	Item should be removed from matters arising list.	
5.63.	Former CEO matter	Council
	Item should be taken out of the matters arising list.	
5.64.	Request for support for the SMDP Group Project Project – Masana	Cilr
	Item is on the agenda.	
	Council noted the submission.	
6.	Standing items	
6.1	Labour Relations	ACEO
	Matter was dealt with under Matters Arising.	
6.2	Former CEO matter	ACEO
	A report on the matter was sent to Parliament.	
6.3	Inter Operator Disputes	ACEO
	An interdict made by Houstek Radio T/A Sunshine Radio against ICASA	
	The purpose of this memo is to request that Council approve	



	Action Item	Person Responsible
	the Authority defending this matter.	
	Council resolved that Legal, Risk and CCC should defend the matter.	
	Vodacom WBS facilities sharing arrangement. 1. Report is being prepared and will be submitted to Council.	
	Duct Dispute 1. Council noted the report during the month of September 2017, the report was edited and will be shared with affected parties.	
	Cell C Recapitalization	
	Executive Legal Risk & CCC presented the item	
	The purpose of this submission is to request Council to note the attached final legal opinion in respect of Cell C recapitalization and make a decision regarding the recommendations and the way forward.	
	The following was noted: • Cellsaf should be afforded an opportunity to make representation before a decision is made.	
	A final submission with recommendations will be prepared for Council.	
6.4	CRASA update ('Standing item")	Cllr
	Clir presented the item.	
	CRASA Strategic Plan session update will take place from 14-16 November 2017.	
	The CRASA Extra-Ordinary meeting to approve the strategic plan will take place on the 17 th November 2017.	50
6.5	Update on the relocation process	Clin



	Action Item	Person Responsible
	Office accommodation for ICASA Head Office	
	The purpose is to update on the revised terms of reference for Head Office Relocation The purpose of the memo is to provide Council with an.	
	The following inputs were noted: The old tender was cancelled and a new tender will be advertised by the end of November.	
	The Update on the relocation process was noted by Council.	
7.	Transnet Soc Ltd:Application for a Frequency Spectrum Licence in the Centre – GAP (1798 – 1803 MHz) of the 1800 MHz Band	CEO
	Acting GM: Licensing presented the item	
	The purpose is to request Council to approve the Radio Frequency Licence application made by Transnet SOC Ltd ("the applicant") for the centre-gap (1798-1803 MHz) of the 1800 MHz band at National Ports and Harbours.	
	 The following was noted: The report will be referred to Legal, Risk and CCC to vet if the process followed was the correct procedure on the matter. The Licensee should be communicated with once Legal, Risk and CCC have confirmed the process. 	
	It was resolved that Transnet Soc Ltd:Application for a Frequency Spectrum Licence in the Centre – GAP (1798 – 1803 MHz) of the 1800 MHz Band be approved subject to the above inputs.	
	GM: CCA and Senior Manager: Spectrum Lic: Licensing joined the meeting at 14h00.	
В.	Application for the transfer of I-ECS and I-ECNS licences from	CEO



	Action Item	Person Responsible
	branded internet (Pty) Ltd to Wireless Africa International (Pty) Ltd.	
	Acting GM: Licensing presented the item	
	The purpose of this memo is to request Council to approve the attached memorandum.	
	It was resolved that the Application for the transfer of I-ECS and I-ECNS licences from branded internet (Pty) Ltd to Wireless Africa International (Pty) Ltd be approved.	0
	Reason: The applicants meet the requirements of the Electronic Communications Act, 2005, as amended and the Processes and Procedure Regulations.	
9.	Change and update of ICASA Licence Information – Neotel (Pty)Ltd	CEO
	GM:CCA presented the item	
	The purpose of this submission was to request Council to approve the notice from Neotel (Pty)Ltd, requesting the Authority to effect changes to its name and contact details, addresses and shareholding, and to request the Acting Chairperson to sign off the updated licences.	y a
	It was resolved that Change and update of ICASA Licence Information – Neotel (Pty)Ltd be approved	
	Reason: Neotel (Pty) Ltd has complied with Regulation 14 (A) of the Regulations on Processes and Procedures for Individual licences published in the Government Gazette No. 33293, as amended in terms of Government Gazette No. 39871 dated 30 March 2016.	
10.	Change and Update of ICASA licence information – Liquid Telecommunications Operations SA (Pty) Ltd	CEO
	GM: CCA presented the item.	



	Action Item	Person Responsible
	The purpose of the memo is to request Council to approve the notice from Liquid Telecommunications Operations SA (Pty) Ltd requesting the Authority to effect changes to its contact details, addresses and shareholding, and to request the Acting Chairpersons to sign off the updated licence.	
	It was resolved that change and update of ICASA licence information – Liquid Telecommunications Operations SA (Pty) Ltd be approved.	
	GM: CCA and Senior Manager: Spectrum: Licensing left the meeting at 15h30.	
11.	Request for support for the SMDP Group Project- Masana Clir presented the item	Clir
	The purpose of this memo is to inform Councillors, Executives and Management about the group project and the requirements that the programme entails; and request assistance in terms of access to information, documents, time and resources to assist the project team in their research and project deliverables.	
	It was resolved that the Request for support for the SMDP Group Project- Masana be noted.	
	Deferred from 17 October 2017	
12.	Spectrum monitoring for International Mobile Telecommunication (IMT) and Public Protection and Disaster Relief (PPDR) Bands. Free State, Quarter 1 2017/18	CEO
	GM: Engineering & Technology: E&T presented the item.	
	The purpose of the memo is to request Council to note the Spectrum Monitoring report for IMT and PPDR bands, Free State, Quarter 1, 2017/18	



	Action Item	Person Responsible
	It was resolved that the Spectrum monitoring for International Mobile Telecommunication (IMT) and Public Protection and Disaster Relief (PPDR) Bands. Free State, Quarter 1 2017/18 be noted.	
13.	Progress on the Automated Spectrum Management System (ASMS) Project	CEO
	The item was deferred to the next meeting.	
14.	ICASA Nominees to the Policy and Regulations Forum Established by the Department of Communications	CEO
	GM: PRA presented the item.	
	The purpose of the memo is to advise Council of the two nominated Independent Communications Authority of South Africa officials to the Policy and Regulatory Forum established by the Department of Communications and to request Council to note the submission.	
	It was resolved that the ICASA Nominees to the Policy and Regulations Forum Established by the Department of Communications be noted.	
	GM PRA joined the meeting at 16h00.	
15.	Presentation to Portfolio Committee on Telecommunications and Postal Services on Cost to Communication and Spectrum Auction	CEO
	GM: PRA presented the item.	
	The purpose of this memo is to request Council to note and approve the draft presentation prepared for the Parliamentary Portfolio Committee on Telecommunications and Postal Services meeting scheduled for 31 October 2017	
	The following inputs were noted:	
	 The presentation should be in black and white. There must be a standard presentation on ICASA. 	



	Action Item	Person Responsible
	It was resolved that the Presentation to Portfolio Committee on Telecommunications and Postal Services on Cost to Communication and Spectrum Auction be noted and approved. GM: PRA presented left the meeting at 16h20.	
16.	2017/18 HR Operational Report The item was deferred to the next meeting.	CEO
17.1	Council Regulatory Decisions Item was not discussed.	Secretariat
17.2	Invitation- Washington DC Invitation to Cllr to speak on the New Media Conference in Washington DC.	Clir
17.3	Africa-Con 7-9 November 2017 The Africon meeting will take place in Cape Town from 7- 9 November 2017. There will be presentations on IOT, s, 5G and new technologies. Clir will attend the Africa- Con meeting in Cape Town.	Council
17.4	Gov-Tech -29 November 2017 An invitation for the Gov-Tech meeting has been received. • The CEO will attend the Gov-Tech meeting.	Council
17.5	 Invitation to the Acting Chairperson by Kingdom of Morocco An invitation to the Acting Chairperson to attend a Conference in Morocco. Cllr Modimoeng and one member from Consumer Affairs will attend. 	Council



	Action Item	Person Responsible
17.6	Request by Liquid Telecoms to introduce their new CEO to the Authority	Secretariat
	A letter was send to the Authority to introduce their new CEO to the Authority.	
	Meeting with Liquid Telecoms should be arranged for 31 October 2017.	Į
17.7	Request by Vodacom to meet ICASA on 13 November 2017.	Secretariat
	Council resolved that a meeting with Vodacom should be arranged for Tuesday,31 October 2017	
17.8	Study visit by Mali 26-27 October 2017.	Cllr
	Study visit by Malian Telecommunications will take place from 26-27 October 2017 at ICASA Head Office.	
	The Acting Chairperson will attend the introductory part on Thursday 26 October 2017.	
	Other EXCO members might be excused for the Q2 PIR meeting.	
17.9	ACM Conference	Clir
	The Association for Christian Media has requested Cllr to facilitate the workshop in 2018.	
	Clir will facilitated the workshop.	
17.10	ICT Sector BBBEE -Request for participation	Cllr
	Cllr will participate in the BBBEE committee.	
17.11	ccc	Clir
	Cllr was briefed for on CCC processes.	



	Action Item	Person Responsible
17.12	Acting SM: Office of the Chairperson	Secretariat
	The Term for Acting SM: Office of the Chairperson is coming to an end of October.	
	Council will extend the term until the appointment of the Corporate Secretary position is made.	
18.	Closure	
	The Chairperson thanked all who attended the meeting and adjourned the meeting at 18h10.	
19.	Date of next meeting: 31 October 2017	Secretariat

Signed: _____(Chairperson)

Ordinary Council Minutes 24 October 2017