



**Independent Communications Authority of South Africa**

<b>MINUTES OF AN ORDINARY COUNCIL MEETING</b>		
<b>Date</b>	03 October 2017	
<b>Time:</b>	09h30	
<b>Venue:</b>	Block B, Council Boardroom	
<b>Present</b>		
	[REDACTED]	Acting Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
<b>By Invitation</b>		
	[REDACTED]	ACEO
	[REDACTED]	CFO
	[REDACTED]	CAE
	[REDACTED]	Acting SM: Office of Chairperson
	[REDACTED]	Secretariat Officer
<b>Partial Attendees</b>		
	[REDACTED]	Manager: Wholesale Services: PRA
	[REDACTED]	SM: Legal (Regulatory Support & Legislative Drafting)
	[REDACTED]	Specialist: Legislative and Regulatory Drafting
	[REDACTED]	Executive: Legal, Risk and CCC
	[REDACTED]	GM: PRA
	[REDACTED]	SM: Social Policy for ICT Service: PRA
	[REDACTED]	ACACIA Economics
	[REDACTED]	ACACIA Economics
	[REDACTED]	ACACIA Economics
	[REDACTED]	ACACIA Economics
<b>Apologies</b>	None	



	<b>Action Item</b>	<b>Person Responsible</b>
1.	<p><b>Opening and apologies</b></p> <p>The Acting Chairperson, Cllr [REDACTED] opened the meeting at 09h30 and welcomed all present.</p> <p>There were no apologies noted.</p>	<b>Chairperson</b>
2.	<p><b>Ratification of the Agenda</b></p> <p><b>The following amendments were made to the agenda:</b></p> <p>Items added to the agenda:</p> <ul style="list-style-type: none"> <li>• Letter from the Opinion -NTUC.</li> <li>• Contracts of Executives</li> </ul> <p><b>It was resolved the agenda be ratified with the above additions and amendments.</b></p> <p><b>Submissions for Council meetings:</b></p> <ul style="list-style-type: none"> <li>• Council resolved that documents for Council's consideration should be submitted 7 days before the meeting.</li> <li>• Submissions will be loaded on the Z Drive on Wednesdays and only urgent submissions will be approved by the Acting Chairperson.</li> </ul>	<b>Council</b>
3.	<p><b>Declaration of interest</b></p> <p>No conflict of interest was noted at the meeting.</p>	<b>All</b>
4.	<p><b>Adoption of previous minutes</b></p> <p>Secretariat had a challenge with the laptop, minutes of the previous meetings are delayed.</p>	<b>Council</b>



	<b>Action Item</b>	<b>Person Responsible</b>
	It was resolved that the minutes be deferred to the next meeting.	
<b>5.</b>	<b>Matters arising from previous minutes</b>  It was resolved that the matters arising be deferred to the next meeting.	<b>Secretariat/CEO</b>
<b>6.</b>	<b>Standing items</b>	
<b>6.1</b>	<b>Inter Operator Disputes</b>  The Acting CEO presented the item. <ol style="list-style-type: none"> <li><b>1. Matter between Cell C and Cellsaf, complaint lodged by Cellsaf.</b> <ul style="list-style-type: none"> <li>• A meeting took place between Cell C and the Authority on Wednesday 27 September 2017. A presentation was made by Cell C and they requested confidentiality.</li> <li>• Cell C was requested to submit a formal request for confidentiality.</li> <li>• The presentation by Cell C will be submitted to Council.</li> </ul> </li> <li><b>2. Matter between Telkom and Vodacom</b> <ul style="list-style-type: none"> <li>• There has not been any development.</li> </ul> </li> <li><b>3. WBS and Vodacom</b> <ul style="list-style-type: none"> <li>• Revised report will be submitted to Council.</li> </ul> </li> </ol>	<b>ACEO</b>
<b>6.2</b>	<b>6<sup>th</sup> CRASA update ("Standing item")</b>  The CRASA EXCO took place from the 21-22 September 2017. Cllr	<b>Cllr</b> <span style="background-color: black; color: black;">████████</span>



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>██████████ will share the minutes of the CRASA EXCO with Council.</p> <p><b>It was resolved that the invitation be noted.</b></p>	
6.3	<p><b>Update on the relocation process</b></p> <ul style="list-style-type: none"> <li>• The tender advert was reviewed by Finance on the 2nd September 2017, the reason for cancellation of the previous advert is non-compliance.</li> <li>• Legal, Risk and CCC Division is reviewing the ToR for the tender advert.</li> </ul> <p><b>Update on the relocation process was noted.</b></p>	Cllr ██████████
7.	<p><b>Recommendation by CCC to Council in the matter between the Compliance Division of ICASA and Altonet (Pty)Ltd</b></p> <p>Cllr ██████████ presented the item.</p> <p>The purpose of this submission is to table the recommendation of the CCC in the matter between Compliance Division of ICASA and Altonet (Pty) Ltd.</p> <p><b>It was resolved that the recommendation by CCC to Council in the matter between the Compliance Division of ICASA and Altonet (Pty) Ltd be approved.</b></p> <p><b>Reason:</b> In line with section 17D of the ICASA Act No.13 of 2000(As amended)</p>	Cllr ██████████
8.	<p><b>Technical and Economic Analysis on the National Integrated Policy white paper.</b></p> <p><b>Executive: Legal, Risk and CCC presented the item.</b></p> <p>The purpose of this submission is for Council to note the final technical and economic analysis reports on the National Integrated ICT Policy White Paper.</p>	ACEO



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>ACACIA Economics presented the National Integrated ICT policy White Paper: Economic regulation framework and competition issues.</p> <p>Presentation by ACACIA Economics was noted.</p> <p><b>The following was noted:</b></p> <ul style="list-style-type: none"> <li>• A feedback meeting on Technical reports will be scheduled with Council and a letter will be drafted to the Minister with recommendations.</li> </ul> <p><b>It was resolved that the Technical and Economic Analysis on the National Integrated Policy white paper be noted.</b></p> <p>SM: Social Policy for ICT : PRA, GM: PRA, Executive: Legal, Risk and CCC, Manager: Wholesale Services: PRA, Specialist: Legislative and Regulatory Drafting, Senior Manager: Legal (Regulatory Support &amp; Legislative Drafting) joined the meeting at 11h45 – 14h00.</p> <p>ACACIA Economics joined the meeting at 11h45-13h30.</p>	
9.	<p><b>Electronic Media Network Limited and Others vs E.TV (Pty) Ltd Limited and Others (2017) ZACC 17</b></p> <p>Specialist: Legislative and Regulatory Drafting presented the item.</p> <p>The purpose of this memo is to furnish Council with legal analysis on the Constitutional Court Case Electronic Media Network Limited vs e.tv (Pty) Ltd, in as far as it holds significance for Authority.</p> <p>The item was under discussion.</p> <p><b>The following was noted:</b></p> <ul style="list-style-type: none"> <li>• The report will be submitted to secretariat for Council consideration.</li> </ul> <p><b>It was resolved that the Electronic Media Network Limited and</b></p>	ACEO



	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>Others vs E.TV (Pty) Ltd Limited and Others (2017) ZACC 17 be noted.</b></p> <p><i>Executive Legal, Risk and CCC, Senior Manager: Legal (Regulatory Support &amp; Legislative Drafting) and Specialist: Legislative and Regulatory Drafting joined the meeting at 14h30.</i></p>	
<p>10.</p>	<p><b>Code of Ethics and Disclosure of Interest awareness strategy 2017/18</b></p> <p><b>The CAE presented the item.</b></p> <p>The purpose of this memo is to obtain approval from Council regarding the code of Ethics and Disclosure of Interest Awareness Strategy 2017/18.</p> <p><b>The following was noted:</b></p> <ul style="list-style-type: none"> <li>• Council will go through the document and make comments.</li> </ul> <p><b>It was resolved that the Code of Ethics and Disclosure of Interest awareness strategy 2017/18 be approved subject to inputs and comments that will be made by Council.</b></p>	<p>CAE</p>
<p>11.</p>	<p><b>Report for Universal Postal Study Tour in Malaysia</b></p> <p>The purpose of this memo is to request Council approval of the report of the Unreserved Postal Services Committee Study visit to the Malaysian Communications and Multimedia Commission, the revised internal research report on Unreserved Postal Services and the questionnaire on Unreserved Postal Services that will be published for public inquiry</p> <p><b>Item was deferred to the next Council meeting</b></p>	<p>Cllr Z [REDACTED]</p>
<p>12.</p>	<p><b>Recommendation by CCC matter between ICASA and Soft Touch Computing cc t/a Softnet Internet Services</b></p> <p>Cllr [REDACTED] presented the item.</p>	<p>Cllr [REDACTED]</p>



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>The purpose of this submission is to table the recommendation of the CCC in the matter between Compliance Division of ICASA and Soft Touch Computing cc t/a Softnet Internet Services.</p> <p><b>It was resolved that the recommendation by CCC matter between ICASA and Soft Touch Computing cc t/a Softnet Internet Services be approved.</b></p> <p><b>Reason:</b> In line with section 17D of the ICASA Act No.13 OF 2000(As amended)</p>	
<p><b>13.</b></p>	<p><b>Recommendation by CCC matter between ICASA and Baumie Technologies cc t/a BT Bits</b></p> <p>Cllr ██████████ presented the item.</p> <p>The purpose of this submission is to table the recommendation of the CCC in the matter between Compliance Division of ICASA and Baumie Technologies cc t/a BT Bits</p> <p><b>It was resolved that the Recommendation by CCC matter between ICASA and Baumie Technologies cc t/a BT Bits be approved.</b></p> <p><b>Reason:</b> In line with section 17D of the ICASA Act No. 13 of 2000 (As amended)</p>	<p>Cllr ██████████</p>
<p><b>14.</b></p>	<p><b>Imminent expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee</b></p> <p>Cllr ██████████ presented the item.</p> <p>The purpose of this memorandum is to advise Council that, of the six members of the Complaints and Compliance Committee, the Chairperson and 2 members contracts are about to expire. The CCC Chairpersons contract is ending on 17 December 2017 and 2 other members on 30 November 2017.</p>	<p>Cllr ██████████</p>



	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>It was resolved that the Imminent expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee be noted.</b></p> <p><b>Reason:</b> In terms of section 17A (1) of the ICASA Act, the Authority must establish a Complaints and Compliance Committee which must consist of not more than (7) members. The three vacancies must be filled to ensure that the Authority follows the obligations of the Act.</p>	
<p><b>15.</b></p>	<p><b>Lephalale FM</b></p> <p>Senior Manager: Legal (Regulatory Support &amp; Legislative Drafting) presented the item.</p> <p>Supplementary opinion on the moratorium on community Sound Broadcasting Licences was presented.</p> <p>The item was under discussion.</p> <p><b>The following inputs were noted:</b></p> <ul style="list-style-type: none"> <li>• The Authority should look at uplifting the moratorium.</li> <li>• Licensing Division should review initial report and make recommendations to Council.</li> <li>• The database of the Community Radio stations with their prospective spectrums should be included in the submission to Council.</li> </ul> <p><b>It was resolved that Licensing Division review the matter and make a recommendation to Council.</b></p>	<p><b>ACEO</b></p>
<p><b>16.</b></p>	<p><b>Update on Active Litigation Matters</b></p> <p>The Executive, Risk and CCC presented the item.</p> <p>The purpose of this memorandum is to request Council to note the active litigation matters.</p> <p><b>The following inputs were noted:</b></p>	<p><b>ACEO</b></p>





	<b>Action Item</b>	<b>Person Responsible</b>
	<ul style="list-style-type: none"> <li>• A detailed report on active litigation matters will be submitted for the next Council meeting.</li> <li>• The report should include costs.</li> </ul> <p><b>It was resolved that the Update on Active Litigation Matters be noted.</b></p> <p><i>Executive Legal, Risk and CCC, Senior Manager: Legal (Regulatory Support &amp; Legislative Drafting) and Specialist: Legislative and Regulatory Drafting left the meeting at 18h 45.</i></p>	
17.	<b>General</b>	
17.1	<p><b>Briefing Note on the Cost Modelling of New Mobile and Fixed Call Termination</b></p> <p>Manager: Wholesale Services: PRA presented the item.</p> <p>The purpose of this memo is to request Council to approve the Briefing Note on the Cost Modelling of new Mobile and Fixed Call Termination rates for publication on the Authority's website.</p> <p><b>It was resolved that briefing Note on the Cost Modelling of New Mobile and Fixed Call Termination be approved.</b></p>	Cllr [REDACTED]
17.2	<p><b>Letter from the Union-NTUC</b></p> <p>The Union have written a letter to Council to request a settlement of 18 months instead of the 12 months offered by Council.</p> <p>The Authority has offered a settlement of 7% of the 2016/17 pay scales.</p> <p><b>Council resolved that the item be deferred to Friday 6 October 2017.</b></p>	<b>Council</b>
17.3	<b>Contracts of Executives</b>	<b>ACEO</b>



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>During the re-alignment in 2014, General Managers and Executive positions were appointed on 5 year contracts.</p> <p>There was an oversight on the CAE position as it is the only Executive position on permanent contract.</p> <p><b>The following was noted:</b></p> <ul style="list-style-type: none"> <li>• Council suggested there should be consistency on the matter with other Executive positions.</li> <li>• A submission with detailed dates of conversion will be submitted to Council.</li> <li>• The ACEO will discuss the matter with the CAE.</li> </ul> <p><b>It was resolved that a detailed submission be submitted for Council consideration.</b></p>	
18.	<p><b>Closure</b></p> <p><b>The Chairperson thanked all who attended the meeting and adjourned the meeting at 20h10.</b></p>	
19.	<b>Date of next meeting: 10 October 2017</b>	<b>Secretariat</b>

Signed:   
 (Chairperson)

Date: 17 Oct 2017