



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
<b>Date</b>	21 November 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
<b>By Invitation</b>		
	[REDACTED]	CEO
	[REDACTED]	CFO
	[REDACTED]	CAE
	[REDACTED]	Acting SM: Office of Chairperson
	[REDACTED]	Secretariat Officer
<b>Partial Attendees</b>		
	[REDACTED]	Senior Manager: Litigation, Contracts & General Legal Support
	[REDACTED]	Senior Manager: Compliance: CCA
	[REDACTED]	Senior Manager: Legal (Regulatory Support & Legislative Drafting)
	[REDACTED]	Snr Manager: Communications & IR
	[REDACTED]	General Manager: CCA
	[REDACTED]	Executive:HR
<b>Apologies</b>		
	[REDACTED]	Member

	Action Item	Person Responsible
1.	<p><b>Opening and apologies</b></p> <p>The Acting Chairperson, Cllr [REDACTED] opened the meeting at 9h35 and welcomed all present.</p> <p><b>The following apologies were noted: -</b></p> <ul style="list-style-type: none"> <li>• Cllr [REDACTED]s attending the Commonwealth Digital Broadcasting Caribbean Forum 2017 from 21-22 November 2017 in Jamaica.</li> </ul> <p><i>Cllr [REDACTED] requested to be excused from the meeting at 13h00 as he is travelling to 'HACA of the Kingdom of Morocco to attend the African Conference on Childhood Protection and Media Literacy.</i></p>	Chairperson
2.	<p><b>Declaration of interest</b></p> <p>No conflict of interest was noted at the meeting.</p>	All
3.	<p><b>Adoption of previous minutes</b></p>	Council
3.1	<p><b>Meeting held on 14 November 2017</b></p> <p>The following corrections were noted:</p> <ul style="list-style-type: none"> <li>• Page 1 – [REDACTED].</li> <li>• Page 1 – Add [REDACTED] the partial attendees.</li> <li>• Page 2 – [REDACTED]</li> <li>• Page 6 – Sentech's was corrected to Sentech.</li> <li>• Page 11, point 12 – public was corrected to operators.</li> <li>• Page 17, point 17.9 – commencement date for the shutdown period should be indicated.</li> </ul> <p><b>It was resolved that the minutes of 14 November 2017 be approved subject to the above changes.</b></p>	Council

	<b>Action Item</b>	<b>Person Responsible</b>
4.	<b>Matters arising from previous minutes</b>	<b>Secretariat/CEO</b>
4.1	<p><b>Imminent expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee</b></p> <p>A tentative Interview date has been set for 20 January 2018.</p> <p>Cllr [REDACTED] has tendered her apology as a panellist as she will be on maternity leave from 1 December 2017. Cllr [REDACTED] will sit-in for the interviews.</p> <p>It was indicated that CCC members can only serve two terms and those in the employ of government cannot serve a second term.</p>	<b>CEO</b>
4.2	<p><b>Council performance agreements and bilateral meeting with Minister</b></p> <p>A letter on Council remuneration was sent to the Minister on 16 November 2017.</p>	<b>Council</b>
4.3	<p><b>Council Decisions for publication on the website</b></p> <p>Item is on the agenda.</p>	<b>Council</b>
4.4	<p><b>Industrial Relations</b></p> <p>The offer to the Union lapsed on 15 November 2017. The Union is yet to respond to the offer.</p> <p>The CEO will continue to engage with the Union on labour matters, including the outstanding recognition agreement, organisational structure and the review of policies.</p>	<b>Council</b>
4.5	<p><b>CRASA</b></p> <p>"Standing Item on the agenda"</p>	<b>Cllr [REDACTED]</b>

	Action Item	Person Responsible
4.6	<p><b>Status report on the 5G Forum Project</b></p> <p>A report will be tabled at Council in December 2017.</p> <p>A Steering Committee will be meeting by the end of November 2017. Council resolved that that decision on the WWRF matter be put on hold until the steering committees take place.</p>	Cllr [REDACTED]
4.7	<p><b>Developments around participation and contributions made within the ITU-R Study Group 5</b></p> <p>Work in progress.</p>	Cllr [REDACTED]
4.8	<p><b>Competition Commission Market Enquiry</b></p> <p>Meeting with the Competition Commission took place on 14 November 2017. Periodic meetings will be scheduled going forward.</p> <p>A working group will be formed to deal with matters of common interest.</p>	Council
4.9	<p><b>Inquiry into subscription TV</b></p> <p>Status has not changed; the inquiry is still underway.</p>	Cllr [REDACTED]
4.10	<p><b>SADC Roaming Cost Model Funding</b></p> <p>Report will be submitted to Council.</p> <p>There is ongoing consultation on the funding model. Deadline for request for Quotation is end November 2017. Quotations will assist with the costs estimates and how the funding can be shared equally.</p>	Cllr [REDACTED]
4.11	<b>Cell C v ICASA –Universal Service Obligations (USO)</b>	CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	Confirmation of Court date will be communicated before the office shut down period.	
4.12	<p><b>Release of existing bandwidth</b></p> <p>An updated report will be submitted at the meeting of 28 November 2017.</p> <p>This was a request from the former Minister, submission will be considered by Council for information purposes.</p>	CEO
4.13	<p><b>Update on the settlement agreement with Ministry of DTPS</b></p> <p>A follow up letter on the settlement discussions with the Ministry of DTPS has been drafted and will be shared with Council.</p> <p>A follow-up letter has been drafted to remind the DTPS on the National Frequency Band plan that needs to be finalised and published. The Minister of Communications will be copied in the correspondence to the DTPS.</p> <p>It was indicated that the delay in reaching a settlement with the Minister does have an impact on the APP.</p>	CEO
4.14	<p><b>Appeal to renew a Class Community Sound Broadcasting Service License – Lephale Community Radio</b></p> <p>A submission will be tabled in the next Council meeting.</p> <p>Reports will be vetted by Legal, Risk and CCC Division before submission to Council.</p> <p>A letter will be sent to Sentech to propose a meeting with Council during December 2017.</p> <p>Council should be provided with maps and spectrum for noting in the next Council meeting.</p>	CEO

	Action Item	Person Responsible
4.15	<b>Investigation into possible fraudulent activities conducted by</b> [REDACTED] [REDACTED] [REDACTED]	CEO
4.16	<b>Inter Operator Disputes</b> Item is on the agenda.	CEO
4.17	<b>Phase 1 of Standard Operating Procedures Optimisation Project</b> Item is on the agenda.	CEO
4.18	<b>Governance Framework</b> Secretariat will confirm date of the workshop between the DoC entity oversight team and ICASA for Council Contracting.	Secretariat
4.19	<b>SANDF and SAPS outstanding licensing fees</b> Item is on the agenda	CEO
4.20	<b>Proposed amendments to the organisational structure (ICASA)</b> Item is on the agenda.	CEO
4.21	<b>International Engagement Strategy</b> The strategy will be tabled in January 2018.	CEO
4.22	<b>Office Shut-down</b>	CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Council noted that a communique as already been issued to staff members regarding the December office shut down. It was further agreed that stakeholders should also be informed of the shutdown period which commences on 22 December 2017.</p> <p>HR Division should consolidate a list for Council to note how many employees will be working during the shutdown period.</p>	
<p><b>5.</b></p>	<p><b>Standing items</b></p>	
<p><b>5.1</b></p>	<p><b>Inter Operator Disputes</b></p> <p>The CEO presented the item.</p> <p><b>Cell C Recapitalization</b></p> <p>The purpose of this submission is to: -</p> <p>Update Council on the representations received from CellSaf on 27 November 2017 in relation to the above subject matter; and</p> <p>Recommend to Council to accept the notification filed by Cell C in terms of regulation 2 of the Standard Terms &amp; Conditions for Electronic Communications Services, 2010.</p> <p><b>The following was noted:</b></p> <ul style="list-style-type: none"> <li>• Council suggested that the 2003 Regulations need to be repealed as they are out-dated and do not relate to the ECA.</li> <li>• It was clarified that if ICASA updates Cell C's the license it means the notification is approved.</li> <li>• Mkhabela Huntley Attorneys Inc. suggested a public process on the matter.</li> <li>• The submissions by CellSaf will be taken to external Attorneys for comment. This will provide Council with sufficient time to go through the documents on the matter.</li> </ul>	<p><b>ACEO</b></p>

	Action Item	Person Responsible
	<p><b>It was resolved that a decision on the matter will be made at the next meeting.</b></p> <p><i>Senior Manager: Litigation, Contracts &amp; Legal Services, Senior Manager: Legal (Regulatory Support &amp; Legislative Drafting), Senior Manager: Compliance: CCA and GM: CCA joined the meeting at 11h00 -13h00.</i></p>	
5.2	<p><b>CRASA update ('Standing item")</b></p> <p>Awaiting the CRASA minutes and final report. Submission will be tabled at Council.</p>	Cllr [REDACTED]
5.3	<p><b>Update on the relocation process</b></p> <p>Newspaper quote has been confirmed, an advert will be advertised in the next weekend.</p>	Cllr [REDACTED]
5.4	<p><b>51 Excess employees</b></p> <p>Executive: HR presented the item</p> <p>The item should form part of the proposed organisational structure consulting process.</p> <p>Communication should be send to the 51 excess employees individually to inform that Council is aware of their position and that they will be considered in proposed organisational structure consulting process.</p>	CEO
6.	<p><b>Smile Communications (Pty) Ltd: Application for radio frequency spectrum licence in the 450-470 MHz</b></p> <p>Item was withdrawn from the agenda</p>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>ITU Telecom Regulation and Partnership in Africa Forum (FTRA)</b></p> <p>The CEO presented the item</p> <p>The purpose of this submission was to request Council to approve a new date for hosting the ITU-FTRA forum for the 11-15 December 2017.</p> <p><b>It was resolved that the new dates for hosting the ITU Telecom Regulation and Partnership in Africa Forum (FTRA) be noted.</b></p>	CEO
7.	<p><b>Re-submission of the recommendation of the Complaints and Compliance Committee("CCC") in the matter between Mobile Telephone Networks (Pty)Ltd ("MTN") and Cell C (Pty)</b></p> <p>Item was deferred to the next meeting.</p>	Cllr [REDACTED]
8.	<p><b>SANDF and SAPS previous financial periods and 2017/18 outstanding licensing fees</b></p> <p>The CEO presented the item</p> <p>The purpose of this submission was to request approval of the letter to the Minister of Communications, requesting her intervention on the South African National Defence Forces (SANDF) and South African Police Services (SAPS) outstanding licensing fees.</p> <p><b>The following input was noted:</b></p> <ul style="list-style-type: none"> <li>• The item will be referred to the relevant Ministers.</li> <li>• Council will make a decision (whether or not to write off the debt, taking issues such as prescription into account) based on the feedback from the Ministers.</li> </ul> <p><b>It was resolved that the matter be referred to the relevant ministers.</b></p>	CEO
9.	<b>Request by Africa Online (Pty) Ltd for extension of</b>	CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>commencement of operations for the I-ECS/ I-ECNS licenses</b></p> <p><b>The CEO presented the item</b></p> <p>The purpose of the submission was to request Council to approve a request by Africa Online (Pty) Ltd, to extent its commencement of operations period by twelve (12) months for its I-ECS licence.</p> <p>To request Council to consider approving an addition to Delegation of Authority to the effect that future requests for extension of operations with respect to Class licences be approved by the General Manager: CCA</p> <p><b>It was resolved that the request is granted.</b></p>	
10.	<p><b>International study visits to benchmark regulatory framework on the unreserved postal services Council Committee to Brazil and Denmark</b></p> <p>Cllr [REDACTED] presented the item</p> <p>The purpose of the submission was to request Council approval to conduct study visits to Brazil and Denmark to benchmark on the unreserved postal services regulatory framework.</p> <p><b>It was resolved that the International study visit to benchmark regulatory framework on the unreserved postal services Council Committee to Brazil and Denmark be approved.</b></p>	Cllr [REDACTED]
11.	<p><b>Progress on the Automated Spectrum Management System (ASMS) Project</b></p> <p>Manager: National Spectrum Monitoring presented the item.</p> <p>The purpose of the submission was for Council to note the progress of the Automated Spectrum Management System (ASMS) project.</p> <p><b>The following was noted: -</b></p> <p>The following functionality will be available when the system goes live in March 2018: -</p>	CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	<ul style="list-style-type: none"> <li>• Spectrum planning</li> <li>• Spectrum licensing</li> <li>• Type Approval</li> <li>• Spectrum Monitoring</li> </ul> <p><b>It was resolved that the progress on the Automated Spectrum Management System (ASMS) Project be noted.</b></p> <p><i>Manager: National Spectrum Monitoring and GM: Engineering &amp; Technology: E&amp;T joined the meeting at 14h00-14h20.</i></p>	
12.	<p><b>Phase 1 of the standard Operating Procedures Optimisation Project</b></p> <p>Item has been deferred to the next Council meeting.</p>	CEO
13.	<p><b>International Relations meetings</b></p> <p>Item has been deferred to the next Council meeting.</p>	CEO
14.	<p><b>Finance Policies – Supply Chain Management Policy 2017 and Subsistence &amp; Travel Policy</b></p> <p>Item was deferred to the next meeting due to outstanding input from the Union. Council members were invited to submit their inputs where necessary.</p>	CEO
15.	<p><b>Launch for the new ICASA website</b></p> <p>Snr Manager: Communications &amp; International Relations presented the item:</p> <p>The purpose of this submission was to request Council to approve the launch of the new ICASA website.</p> <p>The following inputs were noted: -</p> <ul style="list-style-type: none"> <li>• The new website should include an organogram per Division.</li> </ul>	CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	<ul style="list-style-type: none"> <li>• Secretariat will share the URL and a variety of pictures so that Council members can make inputs and comments by Friday 24 November 2017.</li> <li>• The old domain will be active for a month after the new website is live.</li> <li>• Standardised templates will be used to load documents.</li> </ul> <p><b>It was resolved that the launch for the new ICASA website be approved subject to the additional inputs Council will provide.</b></p> <p><i>Snr Manager: Com&amp;IR joined the meeting at 14h30 -14h50.</i></p>	
<p><b>16.</b></p>	<p><b>The proposed organisational structures consulting process</b></p> <p>The Executive: HR presented the item.</p> <p>The purpose of this submission is to obtain Councils approval for the Human Resources Division to conduct the organisational structure consultation process in a two phase approach, whereby the initial consultation process will be conducted by the Human Resources Division and the second part of the organisational structure consultation process to be done by an external service provider.</p> <p><b>The following inputs were noted: -</b></p> <ul style="list-style-type: none"> <li>• The Council structure will be included in the proposed organisational structures consulting process.</li> <li>• The 51 excess employees will form part of the proposed organisational structure.</li> <li>• Though Council was of the view that an external service provider guides the processes in phase one, the prohibitive costs associated to this were considered .</li> </ul> <p><b>It was resolved that the proposed organisational structures consulting process be approved with the above inputs.</b></p> <p><i>Executive: HR joined the meeting at 2h50 -16h00.</i></p>	<p><b>CEO</b></p>
<p><b>17.</b></p>	<p><b>Council decisions</b></p>	<p><b>Secretariat</b></p>

	<b>Action Item</b>	<b>Person Responsible</b>
	Council will make inputs and comments by Friday 24 November 2017.	
18.	<p><b>Letter from INCM</b></p> <p>Letter from INCM to thank ICASA for the warm reception and gracious hospitality during their benchmarking visit at ICASA.</p>	<b>Council</b>
19.	<p><b>Legal Opinion - Council International Trips National Treasury Instruction Note 2</b></p> <p>Senior Manager: Litigation, Contracts &amp; General Legal Support presented the item.</p> <p>The Legal, Risk and CCC Division has been requested to provide a legal opinion on whether the National Treasury Supply Chain Instruction No 2 of 2017/18 National Treasury Travel Policy Framework (Instruction Note) which came into effect on 1 October 2017 is applicable to ICASA.</p> <p><b>The following was noted: -</b></p> <ul style="list-style-type: none"> <li>• The Legal, Risk and CCC is of the view that there is no need for Council to obtain approval for international travel from the Minister.</li> <li>• The view is that the 2<sup>nd</sup> Instruction note effective from 1 October 2017, does not indicate a blanket approach.</li> <li>• The current Delegation of Authority will be updated to set out the process of all Council international trips.</li> </ul> <p><b>It was resolved that: -</b></p> <ul style="list-style-type: none"> <li>• The Authority will carry on with its current practice on international travel.</li> <li>• The Authority will engage with the National Treasury to explain ICASA's understanding on the 1st and 2nd Instruction note.</li> <li>• The Authority will confirm if the Auditor General has a similar</li> </ul>	<b>CEO</b>

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>understanding.</p> <p><i>Senior Manager: Litigation, Contracts &amp; Legal Services left the meeting at 13h30.</i></p>	
20.	<p><b>Request by MTN to meet with Council</b></p> <p>A letter requesting a meeting with Council was tabled.</p> <p><b>Council proposed that MTN be given a slot during Council meeting scheduled for 12 December 2017.</b></p>	<b>Council</b>
21.	<p><b>SABC letter</b></p> <p>The SABC has requested the Authority to amend its Must Carry Regulations as they are not favourable to the SABC's business model.</p> <p>SABC is also requesting a meet and greet with the Authority.</p> <p>Council indicated that the request by SABC is procedural. The request can only be dealt with by a section 4 enquiry.</p> <p><b>An acknowledgement letter and proposed meeting dates will be send to the SABC. As part of the response the SABC should be made aware that ICASA has its own procedure on reviewing regulations.</b></p> <p><b>The letter will send before Friday 24 November 2017.</b></p>	<b>Council</b>
22.	<p><b>Public Relations Institute of Southern Africa- 30 November 2017</b></p> <p>The Public Relations Institute of Southern Africa is hosting a session on the 30<sup>th</sup> November 2017, to which the Acting Chairperson has been invited to speak on leadership .</p> <p>It was resolved that Executive: HR be nominated to speak at the Leadership session.</p>	<b>Secretariat</b>

	Action Item	Person Responsible
23.	<p><b>Closure</b></p> <p>The Acting Chairperson, Cllr Mashile thanked all present at the meeting and adjourned the meeting at 19h45.</p>	
	<p><b>Date of next meeting: 28 November 2017</b></p>	<p><b>Secretariat</b></p>

Signed:   
(Chairperson)

Date: 9/12/2017