



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING

Date	06 February 2018	
Time:	09h30	
Venue:	Block B, Council Boardroom	
Present	██████████	Acting Chairperson
	████████████████████	Member
	██████████	Member
	██████████	Member
	████████████████████	Member
	██████████	
By Invitation	████████████████████	CEO
	████████████████████	CFO
	████████████████████	CAE
	██████████	Acting SM: Office of Chairperson
	██████████	Secretariat Officer
Partial Attendees	████████████████████	Manager: Content Services
	██████████	GM: PRA
	████████████████████	Travel with Flair
	██████████	Travel with Flair
Apologies	████████████████████	Chairperson
	██████████	Member
	████████████████████	Member

	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Acting Chairperson, Cllr [REDACTED] opened the meeting at 09:45 and welcomed all present.</p> <ul style="list-style-type: none"> • Briefing to the Portfolio Committee on Communications (PPC) on the Separation agreement between Council and the former CEO. <p>Cllrs [REDACTED] and [REDACTED] accompanied by the Acting SM: Office of the Chairperson went to Parliament to brief the Committee on the circumstances of the mutual separation of the Authority with the former CEO.</p> <p>PPC wanted to know why the disciplinary process was not carried out to its logical conclusion.</p> <p>Councillors informed the committee on the processes followed, proposals and counter proposals made and the eventual mutual separation agreement entered into.</p> <p>Councillors informed the PPC that Council was obliged to follow both procedural and substantive processes to reach the eventual agreement to save cost and prolonged litigation.</p> <p>Acting Chairperson informed Council that the PPC was not happy with the processes that were undertaken for separation with the former CEO and undertook further processes.</p> <p>Council will await feedback from the PPC.</p> <p>Council will provide a report on the chronology of events on this matter to the new councillors for information purposes.</p>	Chairperson

	Action Item	Person Responsible
	<p>Human Resource should issue message of support to the alleged victim.</p> <ul style="list-style-type: none"> • Legal Status of decisions taken jointly by Council and the Chairperson <p>Council requested legal opinion on the status of decisions taken jointly with the Chairperson.</p> <p>The following apologies were noted: -</p> <ul style="list-style-type: none"> • Cllr [REDACTED] was on maternity leave • Cllr [REDACTED] as on leave • Cllr [REDACTED] attended an external meeting • Councillor [REDACTED] as on • Councillor [REDACTED] requested to be excused at 12:30 to attend a prior appointment. • Legal to advise on constitution of Quorum and the use of names of Councillors who have been appointed but have not resume duties on official letterhead 	
2.	<p>Ratification of agenda</p> <p>The following items were differed:</p> <ul style="list-style-type: none"> • Item:4.4-Draft Minutes of Meeting of 26th January 2018 • Item:4.5- Draft Minutes of a meeting held 29th January 2018 • Item:4.6- Draft Minutes of a meeting held on the 30th January 2018 • Item 6.1 was not on the pack because it was submitted late, it will be submitted to the next meeting of Council • Items 7,8 was differed because Cllr [REDACTED] was on leave 	Council

	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Items 10,11,12,14,15,16,17,19,20,21 were deferred • Item 13 is a Round Robin Resolution • Item 19 can be resolved by Round Robin • Travel with Flair (the new travel agency) will make a presentation to Council. • Council to a letter congratulate the SABC for appointment of the COO and Multichoice for appointment of CEO <p>It was resolved that the Agenda be approved with the above additions and amendments.</p>	
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted at the meeting.</p>	All
4.	<p>Adoption of previous minutes</p>	Council
4.1	<p>Draft Minutes of a Meeting held on 12 December 2017 were approved with the following changes</p> <p>The following corrections were noted:</p> <ul style="list-style-type: none"> • Page 6-Correct the word Presentation by SABC • Page 4-Correct the word Presentation by MTN <p>It was resolved that minutes for 12 December 2017 be approved with the above changes.</p>	Council
4.2	<p>Meeting held on 13 December 2017</p> <p>It was resolved that the minutes of the meeting of 13 December be approved.</p>	Council
4.3	<p>Draft minutes of a Meeting held on 19 December</p>	Council

	Action Item	Person Responsible
	<p>2017 remove additional (“n) on 5.16 Item 5.8: Reword the resolution pg. 8; Item 21- Cllr [REDACTED] would like to confirm the reference on his objection</p> <p>It was resolved that the minutes a meeting held on 19 December 2017 be approved.</p>	
<p>5.</p>	<p>Matters arising from previous minutes</p> <p>Item was deferred to the next meeting.</p>	<p>Secretariat/CEO</p>
<p>5.1</p>	<p>Imminent expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee</p> <p>The advertisement has closed. Council requested that in future the advertisement should have a disclaimer indicating that employees within the public sector will not be remunerated.</p> <p>Legal to advise whether employees from universities are considered public servants.</p>	<p>CEO</p>
<p>5.2</p>	<p>Council bilateral with the Minister</p> <ul style="list-style-type: none"> • Council performance agreements. • Council remuneration and Bilateral meeting with Minister <p>A letter on Council remuneration was sent to the Minister on the 16 November 2017. The Acting SM: Office of the Chairperson is editing the letters and will circulate to Councillors. An extension on the date will be requested as the delaine of the 08th will not be met.</p>	<p>Council</p>
<p>5.3</p>	<p>Council Decisions for Website publication Secretariat will implement publication. Secretariat was in discussion with Corporate Services</p>	<p>Council</p>

	Action Item	Person Responsible
	on publication	
5.4	<p>Industrial Relations</p> <p>Discussions with the Union are on-going on policies that were agreed to be review The Recognition agreement and Review application</p> <p>“Standing Item”</p>	Council
5.5	<p>CRASA</p> <p>The minutes of the last CRASA meeting will be submitted to Council. Next CRASA AGM is scheduled for April 2018 in Swaziland.</p> <p>The Corporate Services is dealing with the WWRF Huddle and will inform Council on the proposed logistics are confirmed</p> <p>“Standing Item”</p>	Cllr [REDACTED]
5.6	<p>Status report on the 5G Forum Project</p> <p>The Authority has requested WWRF to send requirements for the 2018 WWRF 5G Huddle.</p> <p>The DoC was talking to the WWRF Huddle and will advise once logistics were confirmed</p>	Cllr [REDACTED]
5.7	<p>Developments around participation and contributions made within the ITU-R Study Group 5</p> <p>On-going.</p>	CEO
5.8	Competition Commission Market Inquiry	Cllr [REDACTED]

	Action Item	Person Responsible
	The teams were reviewing the Memorandum of Understanding with the Competition Commission to aligned with the legislation	
5.9	<p>Inquiry into subscription TV</p> <p>18 submissions were received. The Authority is currently not capacitated to do justice to the inquiry. Four additional members have been added to the project, and a new round robin has been prepared for approval of additional members.</p> <p>Submissions were still being reviewed. If external assistance were to be required, it will be acquired.</p>	Cllr [REDACTED]
5.10	<p>Draft Code for Persons with Disabilities Regulations</p> <p>An extension has been granted until 17 January 2018.</p> <p>Committee will consider inputs received</p>	Cllr [REDACTED]
5.11	<p>SADC Roaming Cost Model Funding</p> <p>Awaiting a report from the Gaborone meeting.</p> <p>On the Agenda</p>	Cllr [REDACTED]
5.12	<p>Cell C v ICASA –Universal Service Obligations (USO)</p> <p>Heads of argument have been filed by both Cell C and the Authority.</p>	CEO
5.13	Cell C recapitalisation transaction (and associated CellSaf compliant)	

	Action Item	Person Responsible
	<p>Item has been resolved. Awaiting the reasons document from Legal, Risk and CCC Division.</p> <p>Reasons document has been approved by Council. Once the reasons document has been gazetted, the item may be removed from Matters Arising</p>	
5.14	<p>Release of existing bandwidth</p> <p>Report has been submitted to secretariat.</p> <p>Given the changes at the DoC the item should remain on Matters Arising</p>	CEO
5.15	<p>Update on the settlement discussions with Ministry of DTSP re the litigation pertaining to the 2016 ITA for IMT Spectrum</p> <p>Letter was sent to DTSP on the counter offer made to them. Response was 19 January 2017, however DTSP has requested an extension.</p> <p>The Department seems not to be too keen to resolve the matter amicably but to proceed with litigation</p>	CEO
5.16	<p>Appeal against decision non-renewal of a Class Community Sound Broadcasting Service License – Lephale Community Radio</p> <p>This item should be remove from Matters Arising</p>	CEO
5.17	<p>Investigation into possible fraudulent activities conducted by [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	CEO

	Action Item	Person Responsible
5.18	<p>Relocation committee update</p> <p>The advertisement for the tender has closed. BEC will sit during the month of January 2018, followed by BAC in February 2018. Recommendations will be submitted for Council in March 2018.</p> <p>The matter was still on the procurement stage</p>	CEO
5.19	<p>Inter Operator Disputes</p> <p>Standing agenda item.</p>	Cllr [REDACTED]
5.20	<p>Phase 1 of Standard Operating Procedures Optimisation Project</p> <p>Item will be tabled at a special Council meeting in March 2018.</p>	CEO
5.21	<p>Governance Framework</p> <p>The Governance Framework workshop with DoC still needs to be scheduled. Council will advise as the workshop did not happen</p>	CEO
5.22	<p>SANDF and SAPS outstanding licensing fees</p> <p>Secretariat will confirm if the letter to both Ministers was sent.</p>	CEO
5.23	<p>Proposed amendments to the organisational structure of ICASA</p> <p>On-going.</p>	ACEO

	Action Item	Person Responsible
5.24	International Engagement Strategy The strategy will be tabled in January 2018.	CEO
5.25	Office Shut down External stakeholders will be communicated with on the office shut down. Remove from Matters Arising	CEO
6.	“Standing Items”	
6.1	Inter/ Intra Operator Disputes (“Standing Item”) Item was deferred to the next meeting.	CEO
6.2	CRASA 2017/18 Programme	Cllr [REDACTED]
6.3	Update on the Relocation Progress	CEO
7.	Notification of the Complaints and Compliance Committee to Council in the matter between Vodacom (Pty) Ltd and Telkom SA SOC Limited. It was resolved that this item be deferred to the next meeting of Council	Cllr [REDACTED]
8.	Notification of the Complaints and Compliance Committee to Council in the matter between Intercell Online Africa (Pty) Ltd (“IOLA) and Telkom SA SOC Limited(Telkom). It was resolved that this item be deferred to the next meeting of Council	Cllr [REDACTED]

	Action Item	Person Responsible
9.	<p>Request to approve Sport Broadcasting Service Research Documents and the Constitution of a Council Committee</p> <p>The Manager: Content Services and GM: PRA presented this item:</p> <p>The purpose of this memorandum was to request Council to approve the following reports that will form the base documents for the Committee on Sport Broadcasting Services.</p> <p>I. Draft Research Report on Regulation of Sport Broadcasting Services in South Africa and the Dispute Resolution mechanism report.</p> <p>Furthermore, it is requested that Council approve the constitution of a Council Committee on Sport Broadcasting Services</p> <p>It was resolved that Research Report on Regulation of Sport Broadcasting Services and the Dispute Resolution Mechanism Report be approved</p> <p>Council also resolved to approve the constitution of a Council Committee on Sport Broadcasting Services to be chaired by Cllr [REDACTED] and Cllr [REDACTED] is her deputy.</p>	CEO
10.	<p>Submission of Ten (10) Broadcasting Annual Compliance Reports for Sound and Television Service Licensees</p> <p>It was resolved that this item be deferred to the next meeting of Council</p>	CEO
11.	<p>2017/18 Q2: North West Province Quality of Service Report</p>	CEO

	Action Item	Person Responsible
12.	It was resolved that this item be deferred to the next meeting of Council	CEO
13.	<p>Council Resolution for Code on Code for Persons with Disabilities.</p> <p>It was resolved that this item be deferred to the next meeting of Council</p>	CEO
14.	<p>Quarter 3 (Q3) Inspection Report for the South African Maritime Safety Authority(SAMSA)</p> <p>It was resolved that this item be deferred to the next meeting of Council</p>	CEO
15.	<p>Feedback Report on Umhlabuyalingana Coverage Complaint</p> <p>It was resolved that this item be deferred to the next meeting of Council</p> <p><i>The GM: Compliance and Consumer Affairs joined the meeting 12:00</i></p>	CEO
16.	<p>The Launch of ICASA Consumer Advisory Panel</p> <p>The GM: Compliance and Consumer Affairs presented this item:</p> <p>The purpose of this submission was to request Council to approve the launching of the Consumer Advisory Panel (CAP) as well as the request to Council to participate.</p> <p>It was resolved that the request of the launch of the Consumer Advisory Panel be approved for the 09th March 2018</p>	CEO

	Action Item	Person Responsible
17.	<p>Request to Condone Unauthorised, Irregular, Fruitless and Wasteful Expenditure identified during the 2016-2017 Financial Year.</p> <p>It was resolved that this item be deferred to the next meeting of Council</p>	CFO
18.	<p>Proposed Terms and Conditions of Employment, Contract of Employment and Letter of Appointment</p> <p>It was resolved that this item be deferred to the next meeting of Council</p>	CEO
19.	<p>Request to attend the 23rd Africa Corporate Governance Conference</p> <p>It was resolved that this item be approved by Round Robin</p>	Cllr [REDACTED]
20.	<p>Discussion Document on Priority Markets in the Electronic Communication Sector</p> <p>It was resolved that this item be deferred to the next meeting of Council</p>	Cllr [REDACTED]
21.	<p>Wecodec Technical Report.</p> <p>It was resolved that this item be deferred to the next meeting of Council</p>	CEO
	<p>General</p> <p>(i) Presentation by Travel Flair</p>	Council



	Action Item	Person Responsible
	<p>The CEO of the newly appointed travel agency made a presentation to Council on its services.</p> <p>It was resolved that the presentation by Travel with Flair be noted</p>	
22.	<p>Closure</p> <p>The meeting adjourned at 14:00pm as there was no quorum. The meeting will continue on the 09th February 2018 after the induction of new Councillors.</p>	Secretariat
23.	<p>Date of next meeting: 13 February 2018</p>	

Signed: _____
(Chairperson)

Date: _____

22/09/18