



## MINUTES OF AN ORDINARY COUNCIL MEETING

<b>Date</b>	06 March 2018	
<b>Time:</b>	09h30	
<b>Venue:</b>	Block B, Council Boardroom	
<b>Present</b>	[REDACTED]	Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	
	[REDACTED]	
<b>By Invitation</b>	[REDACTED]	CEO
	[REDACTED]	CFO
	[REDACTED]	Acting SM: Office of the Chairperson
	[REDACTED]	Secretariat Officer
	[REDACTED]	
	[REDACTED]	
<b>Partial Attendees</b>	[REDACTED]	Executive:HR
	[REDACTED]	GM: PRA
	[REDACTED]	GM: Regions
	[REDACTED]	GM: Consumer and Compliance Affairs
	[REDACTED]	Senior Manager: Spectrum: Licensing
	[REDACTED]	Senior Manager: Project Office
	[REDACTED]	SM: Communications and International Relations
	[REDACTED]	Broadcasting Compliance Officer
	[REDACTED]	Specialist: Employee Relations
	[REDACTED]	
	[REDACTED]	
<b>Apologies</b>	[REDACTED]	Member
	[REDACTED]	CAE
	[REDACTED]	




**Independent Communications Authority of South Africa**

	<b>Action Item</b>	<b>Person Responsible</b>
<p><b>1.</b></p>	<p><b>Opening and apologies</b></p> <p>The Chairperson, opened the meeting at 09h35 and welcomed all present.</p> <p>Cllr ██████ requested to be excused at 14:00 as he was travelling to Gaborone for a CRASA EXCO later on.</p> <p>Cllr ██████ requested to be excused at 13:00</p> <p>Cllr ██████ also requested to be excused a 14:00</p> <p><b>The following apologies were noted: -</b></p> <ul style="list-style-type: none"> <li>• Cllr ██████ was on maternity leave.</li> <li>• The CAE was in Gaborone, Botswana for CRASA EXCO meeting.</li> <li>• CFO is attending a SAIPA workshop and will join Council later.</li> <li>• CEO will leave at 13:00 to accept a memorandum of grievances from a certain group of employees</li> </ul> <p><b>Appointment of Corporate Secretary</b></p> <p>The Chairperson informed Council that Human Resources division has completed the shortlisting of candidates and required a panel of three to conduct the interviews of shortlisted candidates.</p> <p><b>It was resolved that the panel will consist of the Chairperson, Cllr ██████ and the CEO will form the panel that will conduct interviews.</b></p> <p>The CEO will handle all related communication on the matter to HR.</p>	<p><b>Chairperson</b></p>



	<b>Action Item</b>	<b>Person Responsible</b>
2.	<p><b>Ratification of agenda</b></p> <p>The following items were added:</p> <ul style="list-style-type: none"> <li>• Media Interventions on Data Prices and Cost to Communicate.</li> </ul> <p>The following items were deferred.</p> <ul style="list-style-type: none"> <li>• Minutes of the meeting held on 13 February 2018.</li> <li>• Minutes of the Meeting held on 20 February 2018.</li> </ul> <p><b>It was resolved that the Agenda be approved with additions.</b></p>	Council
3.	<p><b>Declaration of interest</b></p> <p>No conflict of interest was noted at the meeting.</p>	All
4.	<p><b>Adoption of previous minutes</b></p>	Council
4.1	<p><b>Meeting held on 09 February 2018</b></p> <p><b>Ratify- Pg1-Correct the letter "G" on Cllr [REDACTED] surname.</b></p> <p>It was resolved that the minutes of Council for the 09<sup>th</sup> February 2018 be approved with corrections.</p>	Council
5.	<p><b>Matters arising from previous minutes</b></p>	Secretariat/CEO
5.1	<p><b>Imminent expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee</b></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 is preparing a report to Council on the matter.</p>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
<b>5.2</b>	<p><b>Council bilateral with the Minister</b></p> <ul style="list-style-type: none"> <li>• Council performance agreements.</li> <li>• Council remuneration and Bilateral meeting with Minister.</li> </ul> <p>A letter on Council remuneration was sent to the Minister on the 16 November 2017.</p> <p>A letter should be written to the Minister indicating that Councillors cannot sign retrospective contracts.</p>	<b>Council</b>
<b>5.3</b>	<p><b>Council Decisions for Website publication</b></p> <p>Secretariat will implement publication.</p> <p>The decision register has been sent to Corporate Services for publication.</p>	<b>Council</b>
<b>5.4</b>	<p><b>Industrial Relations (“Standing Item”)</b></p> <p>Recognition Agreement between ICASA and NTUC has been signed.</p>	<b>Council</b>
<b>5.5</b>	<p><b>CRASA (“Standing Item”)</b></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>“Standing Item”</p>	<b>Cllr</b> [REDACTED]
<b>5.6</b>	<p><b>Status report on the 5G Forum Project</b></p> <p>The Authority has requested WWRF to send requirements for the 2018 WWRF 5G Huddle.</p> <p>Report was tabled at Council.</p>	<b>Cllr</b> [REDACTED]
<b>5.7</b>	<p><b>Developments around participation and contributions made within the ITU-R Study Group 5</b></p> <p>On-going.</p>	<b>CEO</b>



	<b>Action Item</b>	<b>Person Responsible</b>
<b>5.8</b>	<p><b>Competition Commission Market Inquiry</b></p> <p>Status has not changed. Teams effecting updates on the MOU.</p>	Cllr [REDACTED]
<b>5.9</b>	<p><b>Inquiry into subscription TV</b></p> <ul style="list-style-type: none"> <li>• 18 submissions were received. Four additional members have been added to the project, and a new round robin resolution has been prepared for approval of additional members.</li> <li>• Committee identified skills gap, legal has engaged external law firm to assist and two additional external skills will be acquired.</li> </ul>	Cllr [REDACTED]
<b>5.10</b>	<p><b>Draft Code for Persons with Disabilities Regulations</b></p> <p>Remove from matters Arising</p>	Cllr [REDACTED]
<b>5.11</b>	<p><b>SADC Roaming Cost Model Funding</b></p> <p>A report was considered by Council.</p> <p>Council resolved that the Authority pay its equitable share after consultation with the National Treasury.</p> <p>A round robin resolution will be circulated to Councillors for signature.</p> <p>A letter will be sent to CRASA to indicate ICASA's commitment to pay its equitable share.</p>	Cllr [REDACTED]
<b>5.12</b>	<p><b>Cell C v ICASA –Universal Service Obligations (USO)</b></p> <p>Heads of argument have been filed by both Cell C and the Authority.</p>	CEO
<b>5.13</b>	<p><b>Cell C recapitalisation transaction (and associated CellSaf compliant)</b></p>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Remove from Matters Arising</p> <p>Reasons document has been gazetted.</p>	
5.14	<p><b>Release of existing bandwidth</b></p> <p>Report has been submitted to secretariat.</p> <p>The process is awaiting guidance from the new minister.</p>	CEO
5.15	<p><b>Update on the settlement discussions with Ministry of DTPS re the litigation pertaining to the 2016 ITA for IMT Spectrum</b></p> <p>Letter was sent to DTPS on the counter offer. A response was expected on 19 January 2017, however DTPS has requested an extension.</p>	CEO
5.16	<p><b>Appeal against decision non-renewal of a Class Community Sound Broadcasting Service License – Lephalale Community Ra</b></p> <p>Remove the Item from Matters Arising</p>	CEO
5.17	<p><b>Investigation into possible fraudulent activities conducted by</b>            [REDACTED]            [REDACTED]            [REDACTED]            [REDACTED]</p>	CEO
5.18	<p><b>Relocation committee update</b></p> <p>Procurement process on going</p> <p>Recommendations will be submitted to Council in March 2018.</p>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
5.19	<p><b>Inter Operator Disputes</b></p> <p>Standing agenda item.</p> <p><b>A detailed report will be submitted next week.</b></p>	Cllr [REDACTED]
5.20	<p><b>Phase 1 of Standard Operating Procedures Optimisation Project</b></p> <p>Item will be tabled at a special Council meeting in March 2018.</p>	CEO
5.21	<p><b>Governance Framework</b></p> <p>The Governance Framework workshop with DoC still needs to be scheduled.</p>	CEO
5.22	<p><b>SANDF and SAPS outstanding licensing fees</b></p> <p>Secretariat will confirm if the letter to both Ministers was sent.</p> <p>The SAPS has settled its outstanding fees.</p> <p>SANDF fees are still outstanding.</p>	CEO
5.23	<p><b>Proposed amendments to the organisational structure of ICASA</b></p> <p>On-going.</p>	ACEO
5.24	<p><b>International Engagement Strategy</b></p> <p>CEO has reviewed the draft Report.</p>	CEO
5.25	<p><b>Remuneration of members of ICASA Committees (Audit, Risk and Ethics Disclosure Committee (AREDC, Information Technology Review Committee(ITRC) Remuneration Committee(Remco) and</b></p>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>Consumer Advisory Panel(CAP)</b></p> <p>It was resolved that a back payment to members be approved. A round robin resolution will be circulated.</p> <p><b>Remove this item from matters arising.</b></p>	
5.26	<p><b>Request to Condone Unauthorised, Irregular, Fruitless and Wasteful Expenditure identified during the 2016-2017 Financial Year</b></p> <p>It was resolved that the Internal Audit division should undertake an investigation on items flagged by the AGSA and that were requested by the finance division to be condoned by Council.</p> <ul style="list-style-type: none"> <li>➤ The report on the outcome of the investigation should be submitted to Council before 31<sup>st</sup> March 2018.</li> <li>➤ The CAE should expedite the report to Council.</li> </ul>	
61.	<p><b>Inter/ Intra Operator Disputes (“Standing Item”)</b></p> <p>The purpose of this submission was to advise Council of the current Inter-Operator disputes and status thereof to date and for Council to note the status report.</p> <ul style="list-style-type: none"> <li>• The Authority has received various disputes in terms of the ICASA Act, the ECA, the Postal Service Act and the various regulations since 2016.</li> <li>• Currently all disputes must go through the CCA division. The disputes range from (a) Facilities Leasing, (b) Frequency Interference/sharing/overlap, (c) Interconnection, (d) Numbering, (e) Number Portability, (f) Shareholding and (g) Breach of the Postal Service Act, 1998.</li> </ul> <p>The SM: Compliance will therefore, keep record of disputes and compile status report on Inter-Operator Disputes, to submit to OPCO and Council for noting.</p> <p><b>It was resolved that the Status Report on Inter-Operator Disputes</b></p>	CEO



	Action Item	Person Responsible
	be noted.	
6.2	CRASA 2017/18 Programme ("Standing Item")	Cllr [REDACTED]
6.3	<p><b>Update on the Relocation Progress</b></p> <p>On –Going</p> <p>Still at a procurement stage.</p>	CFO
7.1	<p><b>Increase of Administrative Fees relating to Type Approval and Service Licence Applications and Annual Spectrum Licence Fees relating to Radio Frequency Spectrum Licences.</b></p> <p>The SM: Spectrum Licensing presented this item:</p> <p>The purpose of this submission was to request Council to approve the publication of the increase of administrative fees relating to Type Approval and Service Licence applications as well as the Annual Spectrum licence fees.</p> <p>The following was noted:</p> <ul style="list-style-type: none"> <li>• Regulation 10 (3) of the Type Approval Regulations provides that the Type Approval fees stated on schedule 1 of the Regulations will be adjusted by a maximum of the Consumer Price Index (CPI) as published by Statistics SA.</li> <li>• Regulation 3 (2) of the General Licence Fees Regulations provide that the administrative fees stipulated in schedule 1 of the licence fees regulations may be adjusted by maximum of CPI as published by Statistics SA.</li> </ul> <p><b>It was resolved that the request to publish an increase in Administrative Fees relating to Type Approval and Service Licence applications and Annual Spectrum licence fees relating to Radio Frequency Spectrum licences be approved.</b></p> <p><i>The GM: PRA joined the meeting at 12:11</i></p>	CEO

	Action Item	Person Responsible
7.2.	<p><b>Submission of Draft Research Report on National Elections Broadcasting for approval and the request to constitute a Council Committee on National Elections Broadcasting.</b></p> <p>The GM: Policy Research and Analysis presented this item:</p> <p>The purpose of this memorandum was to request Council to approve:</p> <ul style="list-style-type: none"> <li>• The Draft Research Report on National Elections Broadcasting that will form the base document for the committee; and</li> <li>• The constitution of Council Committee on National Elections broadcasting</li> </ul> <p>The following was noted:</p> <ul style="list-style-type: none"> <li>• The Policy Research and Analysis division has initiated a process to review the regulations on Party Elections Broadcasts (PEBs), Political Advertisements (PA) and the equitable treatment of political parties by broadcasting licensees and related matters.</li> <li>• The Authority is empowered in terms of section 56,57,58 and 59 of the Electronic Communications Act of 2005 (ECA) to monitor PEB, PA's and equitable treatment of political parties by broadcasting licensees during election period.</li> <li>• The primary aim of the review is to provide a framework and guidelines under which PEBs and PA's will be conducted and carried out during the National and Provincial elections.</li> </ul> <p>The PRA has developed a draft Research Report and would like to move to the next stage of constituting a council committee.</p> <p><b>It was resolved that the Draft Research Report on National Elections Broadcasting be noted.</b></p> <p><b>It was also resolved that a constitution of a Council Committee be approved. Cllr Seopa volunteered to form part of the committee.</b></p>	CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	<i>SM: Project Office joined at 13:15</i>	
7.3.	<p><b>Draft PMO Operating Model Report</b></p> <p>The SM: Project Office presented this item:</p> <p>The purpose of this memorandum was to request Council to note and approve the recommended Project Management Operating Model.</p> <p>It was resolved that the Draft PMO Operating Model report also be submitted as part of the Draft Audit Findings –Strategic Projects.</p> <p>-A meeting on allocation of Council Committees be expedited.</p> <p><b>It was resolved that the Draft PMO Operating Model Report be deferred to a special meeting.</b></p>	CEO
7.4	<p><b>Notes prepared for the DTSPS in preparation for the presentation to the Parliamentary Portfolio Committee on Telecommunications and Postal Services on Cost to Communicate.</b></p> <p><b>This item was considered and approved by Council at the previous meeting of the 27<sup>th</sup> February 2018.</b></p>	CEO
8.	<p><b>An Analysis of Tariff Notifications submitted to ICASA for the period of 1 July 2017 to 31 December 2017</b></p> <p>The GM: PRA presented this item:</p> <p>The purpose of this memorandum was to request Council to approve the report on the analysis of Tariff Notifications submitted to ICASA for the period of 01 July 2017 to 31 December 2017 for publishing on the Authority's website.</p> <p>The following was noted:</p> <ul style="list-style-type: none"> <li>In terms of the Standard Terms and Conditions of 2010 and the End-User Subscriber Regulations of 2016, Individual licensees are required to file notifications of tariffs and promotions with the</li> </ul>	CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Authority, seven days prior to launching in the market. The analysis in this report is based on tariffs that were filled during the period of 01 July to 31 December 2017 and those which continued to exist in the market as at the end of December 2017.</p> <ul style="list-style-type: none"> <li>• It was resolved that the Executive summary should be simplified</li> <li>• It should also include comparative pricing.</li> <li>• Remove the column variance.</li> </ul> <p><b>It was resolved that the analysis of Tariff Notifications submitted to ICASA for the period of 1 July 2017 to 31 December 2017 be approved</b></p> <p><i>The GM Regions joined the meeting at 14:31</i></p>	
<p><b>9.</b></p>	<p><b>Compliance Report on Conducted Inspections</b></p> <p>The GM: Regions presented this item:</p> <p>The purpose of this submission was to present the findings of the Inspections conducted by the Regions division at the major ECS/ECNS licensees and other retail outlets to assess their compliance with the Regulations of Code of Conduct for licensees of 2007("the Regulations")</p> <p>Council is further requested to consider the recommendations emanating from the findings of the Inspections.</p> <p>The following was noted:</p> <ul style="list-style-type: none"> <li>• Since 2015/2016 Financial Year, the Regions division has been conducting annual inspections to ascertain ECS/ECNS licensees' compliance with regulations within retail outlets.</li> </ul> <p><b>It was resolved that the Compliance Report on Conducted Inspections be noted.</b></p> <p><i>The GM: Consumer and Compliance Affairs joined the meeting at 14:20</i></p>	<p><b>CEO</b></p>
<p><b>10.</b></p>	<p><b>Submissions of Eleven (11) Broadcasting Annual Compliance Reports and Television Services Licences.</b></p>	<p><b>CEO</b></p>

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>The GM: Consumer and Compliance Affairs presented this item:</p> <p>The purpose of this memorandum was to request Council to note and approve the Eleven (11) Broadcasting Annual Compliance Reports (ACRs) compiled for the period under review as part of the fifty (50) ACRs, required to be compiled in terms of 2017/2018 Financial Year(FY), Annual Performance (APP).</p> <p>The report included the following licences for various contraventions.</p> <p>Munghana Lonene FM  Radio Sonder Grense  Radio Today  Barberton Community Radio  Fine Music Radio  Motsweding FM  Bok Radio  Phalaphala FM  Deukom (Proprietary Limited  QwaQwa Radio  Takalane Community Radio</p> <p><b>It was resolved that the submission of eleven broadcasting annual compliance reports and television services licences be approved.</b></p>	
11.	<p><b>Submissions of Eleven (11) Broadcasting Annual Compliance Reports and Television Services licensees.</b></p> <p><i>Deferred from the meeting of the 27 February 2018</i></p> <p>The GM: Consumer and Compliance Affairs presented this item:</p> <p>The purpose of this memorandum was to request Council to note and approve the Eleven (11) Broadcasting Annual Compliance Reports (ACRs) compiled for the period under review as part of the fifty (50) ACRs, required to be compiled in terms of 2017/2018 Financial Year (FY), Annual Performance(APP).</p>	CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>The report included the following licences for various contraventions.</p> <p>5FM Cape Town E-to Ikwekwezi FM Lesedi FM Power FM Radio 2000 Radio Heart Thobela FM XK FM</p> <p><b>It was resolved that the submission of eleven broadcasting annual compliance reports and television services licences be approved.</b></p>	
12.	<p><b>Data Price Benchmarking Report</b></p> <p>The GM: Policy and Research Analysis presented this item:</p> <p>The purpose of this memorandum was to request Council to note the Data Price Benchmarking Report prepared by Policy Research and Analysis.</p> <p>The following was noted.</p> <ul style="list-style-type: none"> <li>• The South African market for mobile data services is currently characterised by relatively high data prices as compared to other countries, globally yet it is regarded as amongst the developing economies within the African region, in terms of world standard.</li> <li>• This view was reiterated through the recent public outcry on high mobile data prices which subsequently lead to public hearing in Parliament in 2016 wherein mobile network operators raised their comments indicating that the South African needs to allocate the radio frequency spectrum to develop new technologies, including mobile broadband services to improve efficiencies.</li> </ul>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
	It was resolved that the Data Price Benchmarking Report be noted.	
13.	<b>Draft Audit Findings-Strategic Projects</b>  It was resolved that this item be deferred to the next meeting of Council.	CAE
14.	<b>General</b>	Council
15.	<b>Media Plan on Data Interventions</b>  The SM: Communications and International Relations presented this item: <ul style="list-style-type: none"> <li>• The Authority is going to participate in the Mail and Guardian 'Critical Thinkers Forum "on the interventions undertaken by the Authority on data cost.</li> <li>• There is a proposed meeting on the 14<sup>th</sup> to brief the journalist.</li> </ul> It was resolved that views and inputs from the Priority Markets and End –User Charter committees should be solicited.	CEO
16.	<b>Closure</b>  The Chairperson thanked all present at the meeting and adjourned the meeting at 16h46.	Secretariat
17.	<b>Date of next meeting: 13 March 2018</b>	

Signed:   
(Chairperson)

Date: 19/04/2018