



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
Date	20 March 2018	
Time:	09h30	
Venue:	Block B, Council Boardroom	
Present		
	[REDACTED]	Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
By Invitation		
	[REDACTED]	Executive: Legal, Risk and CCC o.b.o CEO
	[REDACTED]	Specialist: Finance o.b.o CFO
	[REDACTED]	CAE
	[REDACTED]	Acting SM: Office of the Chairperson
	[REDACTED]	Secretariat Officer
Partial Attendees		
	[REDACTED]	SM: Compliance
	[REDACTED]	Specialist: Postal Monitoring
	[REDACTED]	ECS/ECNS Compliance Officer
	[REDACTED]	Manager: ECS/ECNS
	[REDACTED]	SM: Spectrum Licencing
	[REDACTED]	Specialist: Radio Frequency
	[REDACTED]	Specialist: Radio Frequency
	[REDACTED]	SM: Network Systems and Research
	[REDACTED]	Specialist: Legislative and Regulatory Drafting
	[REDACTED]	Manager: Content Services
	[REDACTED]	SM: Type Approval
	[REDACTED]	Numbering Analyst
Apologies		
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	CEO
	[REDACTED]	CFO



	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>Cllr [REDACTED] will join the meeting later.</p> <p>Council nominated Cllr [REDACTED] to preside over the meeting in the meantime.</p> <p>The acting Chairperson, opened the meeting at 09h35 and welcomed all present.</p> <p>Cllr [REDACTED] requested to be excused at 10:00 to briefly attend a workshop on subscription television and will re-join the meeting later at 10h30.</p> <p>The following apologies were noted: -</p> <ul style="list-style-type: none"> • Cllr [REDACTED] was on maternity leave. • Cllr [REDACTED] was attending a PPCC meeting in Cape Town. • CEO was attending a PPCC meeting in Cape Town. • CFO was attending a PPCC meeting in Cape Town. <p>Council resolved to have an additional meeting to consider the APP's prior to the end of the financial year.</p>	Chairperson
2.	<p>Ratification of agenda</p> <p>Council resolved that items on the Annual Performance Plan (APP) will be given priority.</p> <p>The following items will be added to the Agenda</p> <ul style="list-style-type: none"> • Item 18.4 Submission of Findings Document and Draft Regulations on Community Broadcasting Regulatory Framework for Approval and Provincial Consultations. • Item 18.5 Number Portability Regulations for approval <p>The following items were deferred.</p>	Council

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	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Item 6.1: Report on Inter Operator Disputes • Item 12: South African Police Services: Application for a Radio Frequency Spectrum in the 700/800 MHz Band • Item 17: International relations Strategy and International Meetings schedule • Item 18.3: International Regulators Forum <p>It was resolved that the agenda be approved with additions.</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
4.2	<p>Meeting held on 20 February 2018</p> <ul style="list-style-type: none"> • correct the numbering on the minutes • 4.1-correct Cllr [REDACTED] name is [REDACTED] not [REDACTED] • Item 6.1 –correct Disputes from licensees not licence • Page 8- 'ICASA never had terms and conditions is factually incorrect' • Item 7- Council requested a legal opinion on the employment status of Councillors, reporting lines, and administrative responsibilities, including employment benefits. • Under Item 21-correct the resolution to "It was resolved" not "I was resolved" <p>It was resolved that the minutes of Council for the 20th February 2018 be approved with corrections.</p>	Council
4.3	<p>Meeting held on the 13th March 2017</p> <p>page 19-Item 14- resolution should state, "it was resolved that the legal opinion was noted, and as a way forward the legal division was requested to update the National Radio Frequency Plan as recommended by the Minister and resubmit to Council for approval for</p>	Council

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	Action Item	Person Responsible
	<p><i>submission to the Minister”.</i></p> <p>page21-should read stations not station</p> <p>page6 item 51.2 Cell C vs not v</p> <p>It was resolved that the minutes of the 13th March 2018 be approved with corrections.</p>	
5.	Matters arising from previous minutes	Secretariat/CEO
5.1	<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>The CEO and CFO were requested to quantify the current CCC expenditure/spend on remuneration on annual basis and ascertain whether two members can be employed on a full time basis.</p> <p>Outstanding supplementary legal opinion on decisions made by members who are disqualified to be CCC members.</p>	CEO
5.2	<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.</p> <p>A letter should be written to the Minister indicating that Councillors can't sign retrospective contracts without a proper framework in place.</p> <ul style="list-style-type: none"> • The Acting SM: Office of the Chairperson will circulate a letter/response of Council to Councillors on 13 March 2018. • A letter was set to the Minister on the 15th March 2018 • Acting SM: Office of the Chairperson flagged that grounds for removal of a Councillor includes failure to sign the performance contracts by ICASA Act for noting. 	Council



	Action Item	Person Responsible
	<ul style="list-style-type: none"> • A follow up letter should be send on the 22nd March 2018. • A draft letter to be sent to the Office of the Speaker to seek clarity on Council reporting lines. The request to include who is supposito provide the foreword on the Annual Report should be prepared and circulated. <p>Another letter on the remuneration of Councillors should be resent to the Department of Communication on the 20th March 2019.</p>	
5.3	<p>Council Decisions for Website publication</p> <p>Secretariat will implement publication.</p> <p>The decision register has been sent to Corporate Services for publication.</p> <p>The process is ongoing</p> <p>A link will be sent to Councillors.</p>	Council
5.4	<p>Industrial Relations (“Standing Item”)</p> <p>New Councillors should be briefed on the previous and current status of Industrial Relations on the first week of April 2018.</p> <p>A report from the CEO on Industrial Relations will be submitted to Councillors.</p> <p>Councillors should be inducted on labour relations when joining the organisation.</p>	Council
5.5	<p>CRASA (“Standing Item”)</p> <p>“Standing Item”</p> <p>The minutes of the last CRASA meeting will be submitted to Council.</p> <p>Next CRASA AGM is scheduled for April in Swaziland.</p> <p>The Executive: Corporate Service should make a presentation at the next meeting of Council scheduled for the 27 March 2018</p>	Cllr [REDACTED]



	Action Item	Person Responsible
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>A report was tabled at Council.</p> <p>A submission on activities and programmes should be regularly submitted to Council.</p> <p>The Executive: Corporate Service should make a presentation on logistics at the next meeting of Council scheduled for the 27 March 2018</p> <p>The 5G Project Report for 2017/18 Financial Year was noted by Council.</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	<p>Competition Commission Market Inquiry</p> <p>Status has not changed. Teams effecting updates on the MOU</p> <p>The Competition Commission declined the request to provide the Committee with an extra resource.</p>	Cllr [REDACTED]
5.9	<p>Inquiry into subscription TV</p> <p>18 submissions were received. Four additional members have been added to the project, and a new round robin has been prepared for approval of additional members.</p> <p>Committee identified a skills Gap. -Legal has engaged external law firm to assist by availing additional external skills will be acquired.</p>	Cllr [REDACTED]



	Action Item	Person Responsible
	Mkhabela and Huntley Inc has been appointed to advice on competition and procedural law.	
5.10	<p>Draft Code for Persons with Disabilities Regulations</p> <p>Remove from Matters Arising</p>	Cllr [REDACTED]
5.11	<p>SADC Roaming Cost Model Funding</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 to seek advice.</p> <p>A letter has been sent to CRASA to indicate ICASA 's commitment to pay its equal and proportionate share.</p> <p>This item should be removed from matters arising.</p>	Cllr [REDACTED]
5.12	<p>Cell C vs ICASA –Universal Service Obligations (USO)</p> <p>Heads of argument have been filed by both Cell C and the Authority.</p> <p>Hearing on the 19th March 2018</p> <p>Cell C rejected the counter offer and the review application went ahead as scheduled.</p> <p>Judgement was reserved.</p>	CEO
5.13	<p>Cell C recapitalisation transaction (and associated CellSaf compliant)</p> <p>Reasons document gazetted in the Government Gazette.</p> <p>Remove from Matters Arising</p>	CEO



	Action Item	Person Responsible
5.14	<p>Release of existing bandwidth</p> <p>Report has been submitted to secretariat.</p> <p>The process is held in abeyance while awaiting guidance from the new minister.</p>	CEO
5.15	<p>Update on the settlement discussions with Ministry of DTPS</p> <p>Re: Litigation pertaining to the 2016 ITA for IMT Spectrum</p> <p>Letter was sent to DTPS on the counter offer. Response was 19 January 2017, however DTPS has requested an extension.</p> <p>A letter from the department has been received. It will be submitted to Council for records.</p> <p>The status is the same.</p>	CEO
5.16	<p>Investigation into possible fraudulent activities conducted by [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	CEO
5.17	<p>Relocation committee update</p> <p>Procurement process on going</p> <p>The Bid Evaluation Committee (BEC) will submit a report to the Bid Adjudication Committee (BAC) on the 22nd March 2018.</p> <p>Recommendations will be submitted for Council in April 2018.</p>	CEO

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	Action Item	Person Responsible
5.18	<p>Inter Operator Disputes ('Standing item")</p> <p>A detailed report will be submitted next week.</p>	Cllr [REDACTED]
5.19	<p>Phase 1 of Standard Operating Procedures Optimisation Project</p> <p>Item will be tabled at a special Council meeting on 15 March 2018 and was approved by Council.</p> <p>Phase 2 of Standard Operating Procedures Optimisation Project still to be submitted to Council.</p>	CEO
5.20	<p>Governance Framework</p> <p>The Governance Framework workshop with DoC still needs to be scheduled.</p>	CEO
5.21	<p>SANDF and SAPS outstanding licensing fees</p> <p>Secretariat will confirm if the letter to both Ministers was sent.</p> <p>The SAPS have settled its outstanding fees.</p> <p>The CEO will engage the Director General.</p>	CEO
5.22	<p>Proposed amendments to the organisational structure of ICASA</p> <p>On-going.</p> <p>The Final Review was submitted to EXCO.</p> <p>Council requested a report on the Senior Managers Executive Programme.</p>	ACEO
5.23	<p>International Engagement Strategy</p>	CEO

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	Action Item	Person Responsible
	<p>The strategy will be tabled in January 2018.</p> <p>CEO has reviewed the draft Report</p> <p>A submission will be made at the next meeting.</p>	
5.24	<p>Draft PMO Operating Model Report</p> <p>The purpose of the memorandum was to request Council to note and approve the recommended Project Management Operating Model. The Operating Model was recommended by both OPCO and EXCO.</p> <p>This item was approved at a Special meeting of Council on the 15th March 2018 subject to a formation of a Steering Committee.</p> <p>This item should be removed from Matters Arising.</p>	CEO
5.25	<p>Request to Condone Unauthorised, Irregular, Fruitless and Wasteful Expenditure identified during the 2016-2017 Financial Year</p> <p>It was resolved that the Internal Audit division should undertake an investigation on items flagged by the AGSA and report to Council.</p> <ul style="list-style-type: none"> • The report on the outcome of the investigation should be submitted to Council before the end of the 31st March 2018. • The CAE should expedite this report to Council. • A report will be tabled at the next meeting of Council on the 27th March 2018. 	
6.1	<p>Inter/ Intra Operator Disputes (“Standing Item”)</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>	CEO



	Action Item	Person Responsible
	A report will be tabled at the next meeting of Council	
6.2	<p>CRASA 2017/18 Programme (“Standing Item”)</p> <p>Councillor ██████ presented this item:</p> <ul style="list-style-type: none"> • Invitation to the Open Sessions of the 7th April 2018 CRASA AGM and Pre AGM Events: Masterclass on Network Interconnection; and Postal regulation in the Digital Economy Workshops -09—13 April 2018- Royal Villas, Ezulwini, Swaziland. • CRASA AGM 12-13 April 2018- Only for CRASA Members- ICASA is chairing and support staff will be required. • CRASA EXCO-07 Meeting-Councillors, CEO and Human Resources should attend. • 09-10 April 2018- Masterclass on Network Interconnection Workshop. • Postal regulation in the Digital Economy -10-11 April 2018. • The Acting SM: Office of the Chairperson should co-ordinate the Councillors itinerary taken into account the issue of quorum. <p>The Acting CEO informed Council that the Auditor General of South Africa has taken issue with the travelling of ICASA.</p> <p>Management and Cllr Semane and the Chairperson will engage AGSA.</p>	Cllr ██████
6.3	<p>Update on the Relocation Progress</p> <p>On –Going</p> <p>Still at procurement stage.</p> <p>The Bid Evaluation Committee (BEC) will submit a report to the Bid Adjudication Committee (BAC) on the 22th March 2018.</p> <p><i>The SM: Compliance, the Broadcasting Compliance Officer, Specialist:</i></p>	CFO



	Action Item	Person Responsible
	<i>Postal Monitoring, ECS, ECNS Compliance Officer and Manager: ECS/ECNS joined the meeting at 11:54</i>	
7.	<p>Submission of Five (5) Broadcasting Annual Compliance Reports for Sound and Television Service licensees</p> <p>The Broadcasting Compliance Officer presented this item:</p> <p>The purpose of this submission was to request Council to consider and approve the five (5) Annual Compliance reports (ACRs) as part of the fifty (50) ACRs to be compiled for the 2017/2018 Financial Year Annual Performance Plan.</p> <p>The following was noted:</p> <ul style="list-style-type: none"> • The reports are submitted pursuant to Section 192 of the Constitution of the Republic of South Africa which enjoins the Authority to regulate broadcasting services in the public interest. • Section 17(5) (a) and (b) read with section 4(3)(d) of the ICASA Act, no 13 of 2000("the Act") which provides for monitoring of compliance with licence terms and conditions. <p>It is recommended that Council considers and approves the five (5) Broadcasting Annual Compliance Reports as follows:</p> <p>(a) SA FM (b) Vuma FM (c) Zebediela Community Radio (d) Whale Coast FM and; (e) Radio Tygerberg</p> <p>It was resolved that the submission be approved.</p> <p>The reports should be provided to the licensees</p>	Acting CEO
8.	<p>Submission of Ten (10) Broadcasting Annual Compliance Reports for Sound and Television Service licensees</p> <p>The Broadcasting Compliance Officer presented this item:</p> <p>The purpose of this submission was to request Council to consider and approve the Ten (10) Annual Compliance reports (ACRs) as part of the</p>	CEO



	Action Item	Person Responsible
	<p>fifty (50) ACRs to be compiled for the 2017/2018 Financial Year Annual Performance Plan.</p> <p>The following was noted:</p> <ul style="list-style-type: none"> Section 17(5) (a) and (b) read with section 4(3)(d) of the ICASA Act, no 13 of 2000 ("the Act") which provides for monitoring of compliance with licence terms and conditions <p>It is recommended that Council considers and approves the five (5) Broadcasting Annual Compliance Reports as follows:</p> <ol style="list-style-type: none"> (1) OFM (2) Jozi FM (3) Impact Radio (4) Radio Atlantis (5) Radio Hindvani (6) Giyani Community Radio (7) UJ FM (8) Witbank FM (9) East Coast Radio (10) Mashishing Community Radio <p>It was resolved that the submission be approved. The Report should be provided to the licensees.</p>	
9.	<p>ECS/ECNS Compliance Annual Report for 2017/2018</p> <p>The purpose of this submission was to request Council to note and approve the ECS/ECNS Telecoms Compliance Annual Report for the 2016/2017</p> <p>The ECS/ECNS Compliance Officer presented this item:</p> <p>The following was noted:</p> <ul style="list-style-type: none"> In accordance with section 4(3) of the ICASA Act, 13 of 2000, <i>"the Authority must monitor the broadcasting, postal and electronic communications sectors to ensure compliance within this Act and the underlying statutes"</i>. Therefore, this section of the ICASA Act herein requires of the Complaints and Compliance Analysis (CCA) to prepare and submit the 	CEO



	Action Item	Person Responsible
	<p>ECS/ECNS Compliance Annual Report for each financial year.</p> <ul style="list-style-type: none"> Section 4(3) (d) of the ICASA Act, on the other hand provides that the Authority "must develop, monitor and enforce compliance with license conditions and regulations consistent with the object of this Act and the underlying statutes for different categories of licensees" It is on that premise that the ECS/ECNS compliance monitoring is undertaken <p>It was resolved that the ECS/ECNS Compliance Annual Report for 2017/018 be approved.</p> <p><i>The Specialist Postal Services joined the meeting 12:34</i></p>	
10.	<p>2017/2018 Postal Compliance Annual Report</p> <p>The Specialist: Postal Monitoring presented this item:</p> <p>The purpose of this memorandum was to request Council to note and approve the attached Postal Compliance Annual Report for the Reserved and Unreserved Postal Services for the 2016/2017 financial year.</p> <ul style="list-style-type: none"> Section 4 (3) (b) and (d) of the ICASA Act, makes it a specific obligation for the Authority to monitor and enforce compliance by the Postal Services. In terms of the Authority 2017/2018 Annual Performance Plan (APP) the Complaints, Compliance Analysis division and its compliance department must compile a Postal Compliance Annual Report for reserved and unreserved postal services. <p>It was resolved that 2017/2018 Postal Compliance Annual Report be approved.</p>	CEO
11.	<p>SAPS: Applications for Radio Frequency Spectrum Trial Licence in the 700/800 MHz Band</p> <p>It was resolved that this item be deferred to the next meeting of Council.</p>	CEO



	Action Item	Person Responsible
	<i>The Specialist: Legislative and Regulatory Drafting and SN: Networks System and Research joined the meeting at 13:05</i>	
12.	<p>Memorandum of Agreement between the Department of Science and Technology (DST), National Research Foundation (NRF) and the Independent Communication Authority of South Africa (ICASA)</p> <p>The Specialist: Legislative and Regulatory Drafting presented this item:</p> <p>The purpose of this submission was to request Council to approve the establishment of a Memorandum of Agreement (MoA) between the Department of Science and Technology (DST), National Research Foundation (NRF) and the Independent Communications Authority of South Africa (ICASA).</p> <p>The following was noted:</p> <ul style="list-style-type: none"> • On 17 November 2009, Council approved the composition of the Special Committee on Astronomy, and Geographic Advantage (AGA). • The NRF aims to build a radio telescope in the Northern Cape Province of South Africa called the Square Kilometre Array (SKA). The SKA is an International project funded by many countries including South Africa. The AGA Act is a legislation that gives the Minister of DST the power to protect the area through regulations that are scientific and of national importance for astronomy and related scientific endeavours. • The resolution for the establishment of the Special Committee on AGA was amended by Council on the 29th November 2017 and the Committee was renamed to the Astronomy Geographic Area Council Committee. • The functions of the Committee were not revised as such. The committee 's main focus remains with addressing matters relating to the protection of the SKA telescopes and the AGA. <p>It was resolved that the request for the establishment of a Memorandum of Agreement (MoA) between the Department of</p>	Cllr [REDACTED]

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	Action Item	Person Responsible
	<p>Science and Technology, the National Research Foundation and the Independent Communications Authority of South Africa be approved.</p>	
<p>13.</p>	<p>Report: Preliminary Report on IMT Identification</p> <p>The Specialist: Radio Frequency presented this item:</p> <p>The purpose of this submission was to brief Council on preliminary Identification of the Frequency Bands for International Mobile Telecommunications(IMT) and for Council to note "</p> <ul style="list-style-type: none"> • The process undertaken to date on the preliminary identification for International Mobile Telecommunications(IMT), of the frequency bands allocated to the Mobile Radiocommunication Services by the World Radio Communication Conference of 2015(WRC-15) through developments up to and including the Thirtieth (30) meeting of Working Party 5 D on IMT systems(WP5D) <p>It was resolved that the Preliminary Report on IMT Identification be noted.</p>	<p>Clir [REDACTED]</p>
<p>14.</p>	<p>Research Report aimed at Enabling Dynamic Spectrum Access in South Africa</p> <p>The Specialist: Radio Frequency presented this item:</p> <p>The purpose of this submission was to request Council to note the:</p> <ul style="list-style-type: none"> • Research Report "towards enablement of Dynamic Spectrum Access" • Research Report tutorial on "Dynamic Spectrum sharing (DSS) in future wireless network". <p>The following was noted:</p> <ul style="list-style-type: none"> • The report present spectrum sharing models and respective spectrum tools which are aimed at enabling the implementation for the dynamic spectrum access. 	<p>Clir [REDACTED]</p>

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	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Spectrum sharing approaches such as White Space Communications technologies are expected to transform the implementation of the future Fifth Generation(5G) systems and Standard to achieve its promise of gigabit wireless connectivity services. • The Report highlight the importance of research leading towards promoting the unlicensed sharing of spectrum as a new use case in the future 5G networks. <p>It was resolved that the Research Report aimed at enabling Dynamic Spectrum Access in South Africa be noted.</p>	
15.	<p>5G Project Report for 2017/18 Financial Year</p> <p>The SM: Type Approval presented this item:</p> <p>The purpose of this memorandum was to request Council to note the Fifth Generation (5G) Project Report for 2017/2018 Financial Year.</p> <p>The following was noted:</p> <ul style="list-style-type: none"> • In September 2016, Council resolved to establish a South African Fifth Generation Forum ("the 5G Forum"). The main objective of the 5G Forum was to support ICASA in making meaningful contributions to the International Telecommunications Union (ITU). • This was to be done by participating in the process for the development of spectrum regulations and standards for International Mobile Telecommunications (IMT). <p>It was resolved that the 5G Report for 2017/2018 Financial Year be noted.</p>	Cllr [REDACTED]
16.	<p>International Relations Strategy and the International Meetings Schedule 2018/2019.</p> <p>It was resolved that this item be deferred to the next meeting of Council</p>	Acting CEO



	Action Item	Person Responsible
17.1	<p>Decision on the Process for Licensing Available International Mobile Telecommunications (IMT) Spectrum</p> <p>The Specialist: Radio Frequency</p> <p>The purpose of this submission was to request Council to:</p> <ul style="list-style-type: none"> ▪ Recall that the Authority 's Strategic Plan 2016/2017-2021, that one of the Strategic Objective is to increase access to broadband spectrum from 566 MHz to 958MHz by 2020. ▪ Recognise that the Radio Frequency Spectrum Assignment Plan (RFSAP) for International Mobile Telecommunication (IMT) for the frequency band 825 to 830 MHz to 875 MHz, (IMT850), is to be finalised during the first quarter (Q1) of 218-19 financial year. ▪ Recognise that the finalisation of the IMT850 forms a baseline document for the assignment process that is taking place through an Invitation to Apply (ITA) which includes all the IMT700 and IMT800, in terms of regulation 7 Of the Radio Frequency Spectrum Regulations "Procedure in respect of section 31(3) of the ECA". ▪ Recognise that the Authority the RFSAP for the IMT850 is geared towards an orderly spectrum management, with rules for services operating in the frequency band from 825 to 830 MHz and 870 to 875 MHz with the resultant additional spectrum available of 2x30 Frequency Division Duplex(FDD) in the IMT800 for licensing envisaged to achieve the desired strategic goal of 958 MHz by 2020 ▪ Note that the Authority planned to review the spectrum requirements in the IMT700, IMT800 and IMT2600 for WOAN during Q1 of 2018-19 financial year, which require the revision of the pre-packaged amount of spectrum available for award (LOTS) in order to re-configure and revise the published ITA at an appropriate time. ▪ Note that the finalisation during Q1 OF2018/2019 financial year, of the IMT 850 will enable the Authority to address the perceived unequal and value of Lot B in the Invitation to Apply 	Cllr [REDACTED]



	Action Item	Person Responsible
	<p>(ITA), when the time arise in time for the licencing process given the channel arrangement for the IMT700, IMT750, IMT800 and IMT850.</p> <ul style="list-style-type: none"> ▪ Approve that the re-issue, at an appropriate time, a notice for an Invitation to Apply (ITA), Who's "Time Frame" has been deferred until further notice, in order achieve the Authority 's Strategic Plan 2016/17-2021 objective. <p>It was resolved that the decision on the Process for licencing available International Mobile Telecommunications (IMT) Spectrum be approved subject to be workshopped.</p>	
17.2	<p>Regulations Drafting Review</p> <p>The purpose of this memorandum was to obtain Council comments on the draft findings and in respect of the Regulations Drafting Review.</p> <p>The CAE presented this item:</p> <p>As part of the Internal Audit plan for 2017/18, an audit of Regulations Drafting Review was conducted. The scope and objective was to provide assurance on the process of regulation drafting and review processes within ICASA and to evaluate the risks, controls and governance processes with regards to regulation drafting. The draft findings are presented in the attached as Annexure A for comments in the form of actions where applicable since Councillors chair the project meetings and are sponsors of the projects.</p> <p>It was resolved that the Draft Audit Findings-Regulations Drafting Review be noted</p>	CAE
17.3	<p>International Regulators Forum</p> <p>It was resolved that this item be deferred to the next meeting.</p>	Cllr [REDACTED]
17.4	<p>Submission of Findings Document and draft Regulations on Community Broadcasting Regulatory Framework for Approval and Provincial Consultations</p> <p>The Broadcasting Compliance Officer presented this item:</p>	Cllr [REDACTED]



	Action Item	Person Responsible
	<p>The purpose of this memorandum was to request Council to approve the attached documents for publication in the Government Gazette:</p> <ul style="list-style-type: none"> • Community Broadcasting Findings Document; and • Draft Regulations for Community Broadcasting Services: Radio and Television. <p>Furthermore, the committee would like Council to note that it will embark on provincial consultations and Council is invited to participate in those consultations.</p> <p>The following was noted:</p> <ul style="list-style-type: none"> • The Authority has initiated the process to develop the Regulatory Framework for Community Broadcasting Services in line with sections 16-19 and 50 of the Electronic Communications Act of 2005, as amended ("the ECA"). • The Discussion Document was published in the Government Gazette no.40660 on 03 March 2017, Government Notice 170, with the due date for written comments being 10 May 2017, extended to 02 June 2017. • The authority received thirteen (13) written submissions and eight (8) made oral representations. • The Committee has developed a draft Findings Document and draft regulations regarding the Framework for Community broadcasting for public comments. <p>It was resolved that the Community Broadcasting Findings Document and draft Regulations for Community Broadcasting Services, Radio and Television be approved for publication in the Government Gazette.</p> <p>Council further resolved to note that the Committee would embark on provincial consultations and Council is invited to participate in those consultations.</p> <p><i>The Numbering Analyst joined the meeting at 17:45</i></p>	

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	Action Item	Person Responsible
17.5	<p>Number Portability Regulations</p> <p>The Numbering Analyst presented this item:</p> <p>The purpose of this memorandum was to request Council to approve the publication of the Final Number Portability Regulations here referred in as the ("Final Regulations")</p> <p>The following was noted:</p> <ul style="list-style-type: none"> • The Authority was initially required in terms of section 89(1)(b) of the Telecommunications Act to prescribe measures to ensure that number portability shall be introduced in 2005, including <ul style="list-style-type: none"> ✓ The creation of a national number portability database; and ✓ Cost allocation and cost recovery among licensees. <p>On 30 September 2005, under the Telecommunications Act the Authority published the Number Portability Regulations ("the Regulations") that are currently in force. The Telecommunications Act was repealed in 2005 and a new legislative framework, the Electronics Communications Act 36(ECA) of 2005 was established.</p> <p><i>In terms of section 68 (1)(b) of the ECA," the Authority must make regulations prescribing measure to ensure number portability is introduced, including –</i></p> <ul style="list-style-type: none"> (i) The creation of a national number portability database: and (ii) Cost allocation and cost recovery among licensees" <p>The Authority is currently in the process of reviewing the Regulations under the ECA. The Authority then appointed Africa Analis in partnership with Aetha Consulting Limited ("the Service Provider") to assist in the review and align the Regulations with the ECA.</p> <p>On 26 August 2016, the Authority published a notice of intention to conduct an inquiry into number portability for public comments in terms of section 4B (2) of the Independent Communications Authority of South Africa Act as amended.</p> <p>The deadline for written submissions was 28 October 2016 and the</p>	Cllr [REDACTED]



	Action Item	Person Responsible
	<p>public hearings were held on 17 February 2017. The Authority also published the Number Portability Findings Report on the inquiry on 30 June 2017.</p> <p>In the current financial year (2017/2018), the Authority has planned to publish the final revised or develop new portability regulations. Based on this, the Number Portability Regulations Review Committee ("the Committee") developed and published the Draft Number Portability Regulations on 24 November 2017.</p> <p>It was resolved that the document should be corrected editorially.</p> <p>It was resolved that the Number Portability Regulations will be approved by Round Robin Resolution.</p>	
18.	<p>Closure</p> <p>The Chairperson thanked all present at the meeting and adjourned the meeting at 18h46.</p>	Secretariat
19.	<p>Date of next meeting: 27 March 2018</p>	

Signed: 
(Chairperson)

Date: 16 May 2018