



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
Date	17 April 2018	
Time:	09h30	
Venue:	Block B, Council Boardroom	
Present	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member (Acting Chairperson for the day)
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
By Invitation	[REDACTED]	CEO
	[REDACTED]	Specialist: Finance o.b.o CFO
	[REDACTED]	CAE
	[REDACTED]	Acting SM: Office of the Chairperson
	[REDACTED]	Secretariat Officer
Partial Attendees	[REDACTED]	GM: Licencing
	[REDACTED]	Specialist: Radio Frequency
	[REDACTED]	Manager: Wholesale Services
	[REDACTED]	SM: Social Policy for ICT Service
	[REDACTED]	Manager: Content Services
	[REDACTED]	Researcher: PRA
	[REDACTED]	GM Policy Research & Analysis
	[REDACTED]	Executive: Legal, Risk & CCC
	[REDACTED]	Specialist: Radio Frequency
	[REDACTED]	SM: Type approval and numbering
	[REDACTED]	HRD & Talent Management Specialist
	[REDACTED]	SM: Talent and Performance Management
Apologies	[REDACTED]	CFO
	[REDACTED]	Chairperson



	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>Cllr [REDACTED] and 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 earlier to attend classes/course.</p> <p>The following apologies were noted: -</p> <ul style="list-style-type: none"> • CFO was attending the Institute of Director's training 	Chairperson
2.	<p>Ratification of agenda</p> <p>Council resolved that items on Regulatory matters be given priority.</p> <p>The following items were added to the Agenda</p> <ul style="list-style-type: none"> • The use of PA's in Council Committees • Request for a meeting by Multichoice <p>The following items were deferred.</p> <ul style="list-style-type: none"> • Report on 39th Wireless World Radio Forum Meeting • International Relations Strategy and the International Meetings Schedule 2018/2019 • Appointment of CCC members on a Full time basis • International Report for Quarter 3 • International regulators Forum <p>It was resolved that the agenda be approved with additions.</p>	Council

h



	Action Item	Person Responsible
3.	Declaration of interest No conflict of interest was noted at the meeting.	All
4.	Adoption of previous minutes	Council
4.1	Meeting held on 20 March 2018 The following corrections were made on the minutes of the meeting held on the 20 March 2018: <ul style="list-style-type: none"> • Item 1 should read as: Cllr [REDACTED] requested to be excused at 10:00 to briefly address a workshop as a speaker and will re-join the meeting later at 10h30 • Item 4.3 Cell c amended to Cell C • Item 5.2 – Send to be amended to Sent <ul style="list-style-type: none"> - Bullet point 5 should read as: A draft letter to be sent to the Office of the Speaker to seek clarity on Council reporting lines. The request should include who is supposed to provide the foreword on the Annual Report should be prepared and circulated. • Item 5.6 – paragraph 3 should read as: A submission on activities and programmes should be regularly submitted to Council • Item 5.9 Committee identified a skills gap. Legal has engaged on external law firm to assist by availing additional external skills. • Item 5.11 – Paragraph 3 should read as: A letter has been sent to CRASA to indicate ICASA's commitment to pay its equal and proportionate share. • Item 5.16 – paragraph 1 should read as: Legal, Risk and CCC failed to secure a meeting with the HAWKS. <ul style="list-style-type: none"> - Paragraph 2 should read as: A letter escalating the matter has been sent to Complaints Judge of IPID • Item 6.1 - Paragraph 2 should read as: A report to be tabled at the next meeting of Council. • Item 8 - Paragraph 4 should read as: It is recommended that Council consider and approve the ten (10) 	Council

W



	Action Item	Person Responsible
	<p>Broadcasting Annual Compliance Reports</p> <ul style="list-style-type: none"> • Item 15 – last paragraph should read as: It was resolved that the 5G Report for 2017/2018 Financial Year be noted. <p>It was resolved that the minutes of a meeting held on 20 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 an annual basis and ascertain whether two members can be employed on a full time basis.</p> <p>A shortlist was sent to Cllr [REDACTED]. Cllr [REDACTED] advised HR to place the positions on hold as there is an investigation going on to determine whether it will be possible to appointment some of the existing CCC Members on a full-time basis.</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. • Performance Contracts <p>Secretariat to follow up with the department on the proposed workshop and revised terms of reference.</p> <ul style="list-style-type: none"> • Council remuneration <p>A letter on Council remuneration was send to the Minister on the 16th November 2017.</p>	Council



	Action Item	Person Responsible
	<p>Follow up with the Doc on a letter sent on performance Agreement.</p> <p>Follow up letter was sent on 22 March 2018.</p>	
5.3	<p>Council Decisions for Website publication</p> <p>Council has previously resolved that upon approval and sign-off of the Council meeting minutes by chairperson, secretariat should produce a decision register (for regulatory matters) for publication <u>on the</u> website.</p> <p>All the backlog relating to previous decisions must be cleared by end of current financial year.</p> <p>Acting SM: Secretariat to update CEO on a weekly basis on progress for compiling decision register for all outstanding Council meeting decisions.</p> <p>A link was sent to Councillors.</p>	Council
5.4	<p>Industrial Relations (“Standing Item”)</p> <p>Councillors were 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 was submitted to Councillors.</p> <p>A proposal for a 9% once-off settlement will be tabled for Council's approval.</p> <p>Staff meeting was held on 16 April 2018 and the matter has been settled.</p> <p>It was resolved that the item be removed from the Matters Arising document.</p>	Council

W



	Action Item	Person Responsible
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>	Cllr [REDACTED]
5.6	<p>Status report on the 5G Forum Project</p> <p>5G forum meeting took place on 01 to 02 November 2017. A report on the meeting and its outcomes was tabled for the Council meeting of 21 November 2017.</p> <p>As regards to co-hosting of the 2018 WWRF 5G Huddle, Council has approved the proposal for the WWRF Huddle to be hosted in RSA during May 2018.</p> <p>Corporate Services is attending to logistical and related requirements. Council will be briefed by end of March 2018 on progress in this regard.</p> <p>Executive Corporate Affairs presented the logistics at Council meeting on 27 March 2018.</p>	Cllr [REDACTED]
5.7	<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]
5.8	<p>Inquiry into subscription TV</p> <p>18 submissions were received. Four (4) additional members have been added to the project, and a new round robin has been prepared for approval of additional members.</p> <p>Public hearings to be held on 7 – 11 May 2018</p>	Cllr [REDACTED]

W



	Action Item	Person Responsible
5.9	<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 of the matter was on the 19th March 2018.</p> <p>Cell C rejected the counter offer for settlement and the review application went ahead as scheduled.</p> <p>Judgement was reserved.</p>	CEO
5.10	<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
5.11	<p>Update on the settlement discussions with Ministry of DTSP</p> <p>Re: Litigation pertaining to the 2016 ITA for IMT Spectrum</p> <p>Letter was sent to DTSP on the counter offer. Response was received on 19 January 2017, however DTSP 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 remains the same.</p>	CEO
5.12	<p>Investigation into possible fraudulent activities conducted by [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	CEO



	Action Item	Person Responsible
	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
5.13	<p>Relocation committee update</p> <p>Procurement process is ongoing.</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
5.14	<p>Inter Operator Disputes ("Standing item")</p> <p>A detailed report will be submitted end of May 2018</p>	CEO
5.15	<p>Phase 1 of Standard Operating Procedures Optimisation Project</p> <p>The matter is resolved and should be removed from the matters arising document.</p>	CEO
5.16	<p>Governance Framework</p> <p>Secretariat to propose three possible dates for the Governance Framework workshop with the DoC.</p>	CEO
5.17	<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 on how to deal with</p>	CEO

A handwritten signature in black ink, appearing to be a stylized 'W' or similar character.



	Action Item	Person Responsible
	the SANDF outstanding fees.	
5.18	<p>Proposed amendments to the organisational structure of ICASA</p> <p>All divisions have been consulted, except for the office of the CEO & COO. However, a meeting is set for the 6th of April 2018, to review the entire structure, at that scheduled OPCO/EXCO meeting.</p>	ACEO
5.19	<p>International Engagement Strategy</p> <p>The strategy was tabled in January 2018.</p> <p>A draft has been developed and submitted for CEO consideration prior tabling to Council.</p> <p>The matter was on the Agenda on 27 March 2018.</p> <p><i>Cllr [REDACTED] joined the meeting at 10h46</i></p>	CEO
5.20	<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 was to be submitted to Council before the end of the 31st March 2018. <p>It was resolved to approve the request for a condonation by Council on 28 April 2018.</p>	CEO
5.21	<p>Proposed 2018/19 ICASA Pay Scales and Salary Increase (Cost of Living Adjustments)</p> <p>[REDACTED]</p>	CEO

W



	Action Item	Person Responsible
	[REDACTED]	
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> <p>A report will be tabled at the end of May 2018 with all matters included.</p>	CEO
6.2	<p>CRASA 2017/18 Programme (“Standing Item”)</p> <p>Councillor [REDACTED] presented this item:</p> <ul style="list-style-type: none"> • He thanked Council for allowing him to take the responsibility of the programme • The Open Sessions of the 7th CRASA AGM and Pre AGM Events: Masterclass on Network Interconnection; and Postal regulation in the Digital Economy Workshops took place on 09 - 13 April 2018- Royal Villas, Ezulwini, Swaziland. The event was a success. • The next host will be Tanzania, Mauritius also offered to host the event. • Performance management of CRASA successfully achieved/ approved. 	Cllr [REDACTED]
6.3	<p>Update on the Relocation Progress</p> <p>On –Going</p> <p>Still at procurement stage. Council to visit the sites (2 in Centurion, 1 in Pretoria and 1 in Woodmead). The BAC is to inform Council which of the four should be visited.</p>	CFO

	Action Item	Person Responsible
	<p align="center"><i>GM: Licencing, Specialist: Radio Frequency and Manager: Wholesale Services joined the meeting at 11h23</i></p>	
7.	<p>South African Police Services: Application for a Radio Frequency Spectrum Trial Licence in the 700/800 MHz Band</p> <p>The GM: Licencing presented the item.</p> <p>The purpose of the submission was to request Council to approve the application submitted by South African Police Services for a trial Radio Frequency Spectrum Licence in the 700 MHz band in Port Elizabeth and reject the application in relation to the Midrand trial.</p> <p>It was resolved that the application be approved as presented.</p> <p>Reason for approval: to allow South African Police Services to conduct a trial service on broad band trunking system thereby fulfilling an object of the Electronic Communications Act NO.36 of 2005 that encourages research and development within the ICT sector.</p> <p align="center"><i>GM: Licencing and Specialist: Radio Frequency left the meeting at 11h39</i></p>	CEO
8.	<p>Proposed final End-User and Subscriber Service Charter Regulations and the Reasons Document</p> <p>Manager: Wholesale Services presented the item.</p> <p>The purpose of the submission was to request Council to note the proposed Final End-User and Subscriber Service Charter Regulations and the Reasons Document pending a supplementary external opinion to be received on 19 April 2018</p> <p align="center"><i>Manager: Wholesale Services left the meeting at 12h39 SM: Social Policy for ICT Service, Manager: Content Services, Researcher: PRA and GM Policy Research & Analysis joined the meeting at 12h39 Executive: Legal, Risk & CCC joined the meeting at 12h58</i></p>	Cllr [REDACTED]
9.	<p>ICASA comments on the Draft White Paper on Audio-visual and digital content for South Africa</p>	CEO



	Action Item	Person Responsible
	<p>The Acting SM: Office of the Chairperson presented the item.</p> <p>The purpose of the submission was to request Council to approve the Comments to the Department of Communication on the draft White Paper on the Audio-Visual and Digital content of South Africa.</p> <p>It was resolved that further additions be made on the document and re-tabled at Council.</p> <p><i>Manager: Content Services and Researcher: PRA left the meeting at 13h42 SM: Social Policy for ICT Service, GM Policy Research & Analysis and Executive: Legal, Risk & CCC left the meeting at 14h18</i></p>	
10.	<p>Allocation of Council Committees</p> <p>Allocation was revised, except the Free To Air committee which still needs finalisation.</p> <p><i>The CEO and Cllr ██████████ left the meeting at 15h00 Specialist: Radio Frequency joined the meeting at 15h16</i></p>	
11.	<p>Re-submission of the National Radio Frequency Plan</p> <p>Specialist: Radio Frequency presented the item.</p> <p>The purpose of the submission was to request Council to approve the Re-submission of the National Radio Frequency Plan to the Minister of Telecommunications and Postal Services, for approval.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • Council note the letter from the Minister of Communications, ██████████ dated 24 June 2013 in approving the National Radio Frequency Plan 2013, which included National Foot Note 9. 	CEO

	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Council note the letter from Minister of Telecommunications and Postal Services dated 16 May 2017 • Council approves the re-submission of the National Radio Frequency Plan 2017 to the Minister of Telecommunications and Postal Services, • Council approves the letter to the Minister of Telecommunications and Postal Services <p>Reason for approval: to give effect to the achievement of the Strategic Plan and Annual Performance Plan in the Business Plan, as approved by the Minister.</p>	
12.	<p>Cell C Request for an Extension to Comply with the Regulations on the Code of Conduct for Premium Rated Services</p> <p>The GM: Licensing presented the item.</p> <p>The purpose of the submission was to request Council to take note of the request from Cell C Pty Ltd and approve the recommended response to Cell C.</p> <p>It was resolved that Cell C's request for an Extension towards Compliance with the Regulations on the Code of Conduct for Premium Rated Services be approved.</p> <p>Reason for approval: it is in line with the sought Legal opinion.</p>	CEO
13.	<p>Notices requesting reports on the progress of the Machine Related Service Migration</p> <p>The GM: Licensing presented the item.</p>	CEO



	Action Item	Person Responsible
	<p>The purpose of the submission was to request Council to take note of the Notice and approve the publication of the Notice requesting progress reports from licensees on the status of the migration of Machine Related Services.</p> <p>It was resolved that Council approve the publication of the Notice to ensure compliance with the Migration deadline.</p> <p>Reason for approval: in line with regulation 26 of the Numbering Plan Regulations, to ensure timeous completion of the Machine Related Services migration and compliance with the set deadline.</p>	
14.	<p>ICASA Submission on FPB Discussion Document on the Review of the Classification Guidelines</p> <p>GM Policy Research & Analysis presented the item.</p> <p>The purpose of the submission was to request Council to approve ICASA's submission to the Film and Publication Board on its Discussion Paper on Classification Guidelines.</p> <p>It was resolved that Council approve the submission on the FPB on its Discussion Paper on Classification Guidelines.</p> <p>Reason for approval: in line with the ICASA Act, ECA and related legislation.</p>	CEO
15.	General	
15.1	<p>PA's functions in the Council Committees should be explained.</p> <p><i>HRD & Talent Management Specialist and SM: Talent and Performance Management joined the meeting at 16h43</i></p>	
15.2	Stellenbosch Graduation Ceremony to take place on 20 April 2018.	



	Action Item	Person Responsible
16.	Closure It was noted that Cllr [REDACTED] couldn't make it to the meeting as initially apologised. The Chairperson thanked all present at the meeting and adjourned the meeting at 16h59.	Secretariat
17.	Date of next meeting: 24 April 2018	

Signed: [REDACTED]
(Chairperson)

Date: 26/04/2018