



**Independent Communications Authority of South Africa**

**MINUTES OF AN ORDINARY COUNCIL MEETING**

<b>Date</b>	<b>17 July 2018</b>	
<b>Time:</b>	<b>09h30</b>	
<b>Venue:</b>	<b>Block B, Council Boardroom</b>	
<b>Present</b>		
	[REDACTED]	Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
<b>By Invitation</b>		
	[REDACTED]	CEO
	[REDACTED]	CAE
	[REDACTED]	Corporate Secretary
	[REDACTED]	CFO
	[REDACTED]	Secretariat Officer
<b>Partial Attendees</b>		
	[REDACTED]	GM: CCA
	[REDACTED]	Manager: Facilities
	[REDACTED]	Senior Manager: CS:IT
	[REDACTED]	Manager: Service Broadcasting: Licensing
	[REDACTED]	Executive: Legal, Risk and CCC
	[REDACTED]	Executive: HR
	[REDACTED]	Monitoring and Evaluation Specialist
	[REDACTED]	CCC: Coordinator
<b>Apologies</b>		
	[REDACTED]	Member
	[REDACTED]	Member



	<b>Action Item</b>	<b>Person Responsible</b>
<b>1.</b>	<p><b>Opening and apologies</b></p> <p>The Chairperson, Cllr [REDACTED], opened the meeting at 09h40 and welcomed all present.</p> <p><b>The following apologies were noted:</b></p> <ul style="list-style-type: none"> <li>• Cllr [REDACTED] was attending the CRASA meeting in Malawi.</li> <li>• Cllr [REDACTED] was attending the GSMA Mobile 360 Series – Africa 2018 in Rwanda.</li> </ul> <p><i>The Chairperson left the meeting at 14h30, Cllr [REDACTED] took over as Acting Chairperson</i></p>	<b>Chairperson</b>
<b>2.</b>	<p><b>Ratification of agenda</b></p> <p>It was resolved that the agenda be approved as presented.</p>	<b>Council</b>
<b>3.</b>	<p><b>Declaration of interest</b></p> <p>No conflict of interest was noted at the meeting.</p>	<b>All</b>
<b>4.</b>	<p><b>Adoption of previous minutes</b></p>	<b>Council</b>
<b>4.1</b>	<p><b>Minutes of a meeting held on 26 June 2018</b></p> <p>The following amendments were made:</p> <ul style="list-style-type: none"> <li>• Page 3 point 5.2 – corrected to sent.</li> <li>• Page 4 point 5.3 – was changed to, “the wording of Council decisions is being edited”.</li> <li>• Page 5 point 5.9 – 2.3 was changed to 2.3 GHz band and 2.6 GHz band.</li> <li>• Page 14 point 17 – Council resolved that Cllr [REDACTED] attend the event and speak on behalf of ICASA at the event.</li> </ul> <p><b>It was resolved that the minutes be approved with</b></p>	<b>Council</b>

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	<b>Action Item</b>	<b>Person Responsible</b>
	<b>amendments.</b>	
<b>4.2</b>	<b>Minutes of the meeting held on 28 June 2018</b>  The minutes were deferred to the next meeting.	
<b>4.3</b>	<b>03 July 2018</b>  The following amendments were made: <ul style="list-style-type: none"> <li>• Page 1- title corrected to Corporate Secretary.</li> <li>• Page 1, Cllr [REDACTED] left the meeting early to attend the SADC meeting.</li> <li>• Page 4 point 5.1 – indicate that the contracts of CCC members has expired.</li> <li>• Page 8 point 22 – CAE drafted all Terms of Reference for Governance Committees.</li> <li>• Page 11 point 11 – Annual Licence fees.</li> <li>• Page 13 point 16- changed to "Visit".</li> </ul> <b>It was resolved that the minutes be approved with amendments.</b>	<b>Council</b>
<b>5.</b>	<b>Matters arising from previous minutes</b>	<b>Secretariat/CEO</b>
<b>5.1</b>	<b>Imminent expiry of the terms of contract for three (3) members of the Complaints and Compliance Committee</b>  The purpose of the submission was to advise Council that the contracts of the three (3) members of Complaints and Compliance Committee (the "CCC") have expired.  The advertisement for recruitment of the CCC members has been finalised published.	<b>CEO</b>
<b>5.2</b>	<b>Council bilateral with the Minister</b>	<b>Council</b>



	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>Council performance agreements.</b></p> <ul style="list-style-type: none"> <li>• Secretariat to follow up with the Department of Communications on the proposed workshop and revised Terms of Reference.</li> </ul> <p><b>Council remuneration and bilateral meeting with Minister</b></p> <ul style="list-style-type: none"> <li>• A letter on Council remuneration was sent to the Minister (DoC) on the 16th November 2017.</li> </ul> <p>Secretariat to draft a letter to follow up with the DoC on performance agreements.</p>	
5.3	<p><b>Council decisions for website publication</b></p> <p>The 2017/18 Council decisions have been circulated to Council, inputs and comments to be sent to the Corporate Secretary.</p> <p>The wording on the Council decisions is being edited for purposes of publication, and same will be published in a staggered manner.</p>	<b>Council</b>
5.4	<p><b>CRASA/SADC</b></p> <p>"Standing Item"</p>	Cllr [REDACTED]
5.5	<p><b>Status report on the 5G Forum Project</b></p> <p>Council noted the report and reaffirmed that the matter is now referred to the Council Committee chaired by Cllr [REDACTED]</p> <p>The report was tabled during the last meeting that took place on 26 June 2018.</p>	Cllr [REDACTED]
5.6	<p><b>Competition Commission Market Inquiry</b></p> <p>The MoU is being developed and will be tabled at Council before September 2018.</p>	Cllr [REDACTED]

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	<b>Action Item</b>	<b>Person Responsible</b>
	The Competition Commission and ICASA team will meet on the 18 July 2018.	
5.7	<p><b>Inquiry into subscription tv</b></p> <p>Public hearings were held; the committee is currently busy with post hearings analysis which will result in a findings document for public comments.</p>	Cllr [REDACTED]
5.8	<p><b>Cell C vs ICASA –Universal Service Obligations (USO)</b></p> <p>ICASA's legal representative are preparing a letter to Cell C to discuss the process of transferring the USO and the timelines forecasted.</p> <ul style="list-style-type: none"> <li>• The matter was heard on 19 March 2018.</li> <li>• Judgement is reserved</li> </ul> <p>The Judge who presided on the matter is a person with disability, ICASA was advised that it will take slightly longer for the judgement to be processed.</p>	CEO
5.9	<p><b>Release of existing bandwidth</b></p> <p>Licensing (in consultation with Engineering &amp; Technology) to prepare a presentation on available spectrum (i.e. 2.3 GHz band) which may be released to the market while awaiting a resolution on the 2.6 GHz band.</p> <p>The status has not changed.</p>	CEO
5.10	<p><b>Update on the settlement discussions with the DTSP on litigation pertaining to the 2016 ITA for IMT Spectrum</b></p> <ul style="list-style-type: none"> <li>• The latest correspondence exchanged between ICASA and DTSP regarding possible settlement of the litigation was in February 2018.</li> </ul>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
	<ul style="list-style-type: none"> <li>ICASA awaits a final response from the DTPS on the matter.</li> </ul>	
5.11	<p><b>Letter from the Democratic Alliance concerning MultiChoice, ANN7 and SABC Contracts</b></p> <ul style="list-style-type: none"> <li>The purpose of the submission was to advise Council on the status of the investigation regarding the DA's complaint against MultiChoice, ANN7 and the SABC, and request Council to consider and approve the draft letter to MultiChoice.</li> <li>Council approved the draft letter to MultiChoice indicating that MultiChoice must submit the contracts entered between MultiChoice &amp; ANN7.</li> </ul>	CEO
5.12	<p><b>Public awareness campaign on the Short Code Harmonization</b></p> <p>The purpose of the memorandum was to request Council to take note and approve the submission pertaining to the launch of a public awareness campaign on the short code harmonization.</p> <p>The numbering team has developed a plan on Consumer Activation Campaign that will be tabled at Council.</p>	CEO
5.13	<p><b>Consumer Education Campaign National Roll-Out Plan 2018/19</b></p> <p>A report on the 3 (three) previous events held will be tabled at Council. Activations have been put on hold.</p>	CEO
5.14	<p><b>Investigation into possible fraudulent activities conducted by [REDACTED]</b></p> <p>The purpose of the submission was to:</p> <ul style="list-style-type: none"> <li>[REDACTED]</li> </ul>	CEO



	Action Item	Person Responsible
	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
5.15	<p><b>Office relocation update</b></p> <ul style="list-style-type: none"> <li>• Going forward the Relocation Committee will provide Council with an update.</li> <li>• The proposed move was communicated to staff during a staff meeting held on 02 July 2018.</li> <li>• A meeting with the prospective landlord was held for 05 July 2018.</li> </ul>	CEO
5.16	<p><b>Inter Operator Disputes</b></p> <p>Standing item.</p>	CEO
5.17.	<p><b>SANDF outstanding licensing fees</b></p> <p>The SANDF has indicated its willingness to pay its outstanding licence fees.</p> <p>A letter on the amount owed has been sent to SANDF and the DTSPS was copied. The Authority is awaiting a response on the matter.</p>	CEO
5.18.	<p><b>Proposed amendments to the organisational structure</b></p> <p>Item will be re-tabled at Council.</p>	CEO
5.19	<p><b>International Engagement Strategy</b></p> <ul style="list-style-type: none"> <li>• The item was tabled during a Special Council meeting held on 28 July 2018.</li> <li>• Corporate Services to incorporate comments made by Council and re-submit to Council for approval.</li> </ul>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
5.20	<p><b>Legal Opinion: Employment Status of Councillors</b></p> <p>Council requested a comprehensive opinion on the employment status of councillors:</p> <ul style="list-style-type: none"> <li>The opinion was circulated to Council. A brief submission will be prepared for the tabling of the opinion at Council.</li> </ul>	CEO
5.21	<p><b>Council Performance Agreements</b></p> <p>Secretariat and HR to prepare a motivation for Council gratuity to be tabled by 31 July 2018.</p>	Corporate Secretary
5.22	<p><b>Review of Governance Committees</b></p> <p>The purpose of the submission was to appraise Council of the results of the research on Governance committees and request any further inputs regarding the proposed principles for Governance Committees for ICASA.</p> <p>CAE drafted all the Terms of Reference of which were tabled at EXCO and will be tabled at Council in the next meeting.</p>	CEO
5.23	<p><b>Draft AG Interim Management Report for 2017-18</b></p> <p>Report from AREDC will tabled at Council.</p>	CEO/CFO
5.24	<p><b>Progress report on the suspension of Manager: Supply Chain Management</b></p> <p>Disciplinary Hearings are still in progress. A report to Council will be provided at the end of July 2018.</p>	CEO
5.25	<p><b>ICASA Strategic Planning Monitoring and Evaluation Framework</b></p> <p>The purpose of the submission was to submit the ICASA</p>	CEO





	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Strategic Planning Monitoring and Evaluation Framework to Council for approval.</p> <p><b>Item is on the agenda.</b></p>	
<p><b>5.26</b></p>	<p><b>ITRC</b></p> <p>The committee met for the first time on 16 July 2018. Several high-risk areas were identified by the Committee.</p> <p>The ITRC Chairperson has requested to meet with Council to give an observation of the committee's view.</p>	
<p><b>6.1</b></p>	<p><b>Inter/ Intra Operator Disputes ("Standing Item")</b></p> <p>Democratic Alliance, MultiChoice, ANN7, and SABC Contracts</p> <p>The CEO presented the item</p> <p>The purpose of the submission was to advise Council of the letter received from former minister Yunus Carrim and the Authority's response thereto.</p> <p>The following inputs were noted:</p> <ul style="list-style-type: none"> <li>• The response letter should also indicate that the draft findings on the complaint will be published on the Authority's website and that former minister Yunus Carrim is welcome to make comments on the outcome.</li> </ul> <p><b>It was resolved that the Authority's response be approved with the above inputs.</b></p> <p><b>Status report on interoperator disputes as at 30 June 2018</b></p> <p>GM: CCA presented the item:</p> <p><b>The following inputs were noted:</b></p>	<p><b>CEO</b></p>

	Action Item	Person Responsible
	<ul style="list-style-type: none"> <li>The update on Cell C, MTN &amp; Telkom vs Vodacom &amp; WBS should include the Commission's decision.</li> <li>Council requested the next report to include litigation costs for each dispute.</li> </ul> <p><b>It was resolved that the status report on interoperator disputes as at 30 June 2018 be noted.</b></p>	
<b>6.2</b>	<b>International Engagements</b>	<b>Council</b>
<b>I</b>	<p><b>SADC /CRASA</b></p> <p><b>Cllr [REDACTED] presented the item</b></p> <p>During the last meeting, the SADC requested that the Authority provide the necessary support on the 5G forum. Smart Africa Roaming agreement was received and should be addressed to the DG (DTPS)</p>	<b>Cllr [REDACTED]</b>
<b>II</b>	<p><b>ITU</b></p> <p><b>Cllr Gongxeka- Seopa presented the item</b></p> <p>The next ITU meeting will be held in Nairobi.</p>	<b>Corporate Services</b>
<b>6.3</b>	<p><b>Update on office relocation</b></p> <p><b>Cllr [REDACTED] presented the item</b></p> <p><b>The project plan was presented to Council</b></p> <p><b>The following inputs were noted:</b></p> <ul style="list-style-type: none"> <li>The final lease agreement was signed off by the CEO on 16 July 2018 and sent to the landlord.</li> <li>The prospective landlord will share a draft floor layout with</li> </ul>	<b>Cllr [REDACTED]</b>



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>the Authority by end of business on 17 July 2018.</p> <ul style="list-style-type: none"> <li>• Divisions will be make inputs on the floor layout.</li> <li>• Divisions will also make inputs on the office design and decor.</li> <li>• The prospective landlord has estimated (3) three months to complete the partitioning, painting, electrical cabling, plumbing and air-conditioning.</li> <li>• Handover of the building is anticipated to be effected on 22 October 2018.</li> <li>• Corporate Services, Engineering, PRA and Regions will relocate on 24 &amp; 25 October 2018.</li> <li>• CCA, Licensing, Legal, HR, Secretariat and Internal Audit will relocate on 26 &amp; 29 October 2018.</li> <li>• Finance, SCM, CEO and Council will relocate on the 30&amp; 31 October 2018.</li> </ul> <p><b>It was resolved that the update on the relocation was noted.</b></p>	
7.1	<p><b>Quality of the Service (QoS) Orientation and Benchmark visit in Europe (14-26 April 2018)</b></p> <p>Item was deferred to the next meeting.</p>	CEO
7.2	<p><b>ICASA Strategic Planning Monitoring and Evaluation</b></p> <p>Monitoring and Evaluation Specialist presented the item:</p> <p>The purpose of the memorandum was to submit ICASA's Strategic Planning Monitoring and Evaluation Framework to Council for approval.</p> <p>The following inputs were noted:</p> <ul style="list-style-type: none"> <li>• Terms of Reference for the proposed Strategic Committee should be drafted and submitted to Council.</li> <li>• Council will appoint Council members to form part of the Committee.</li> </ul> <p><b>It was resolved that the Strategic Planning Monitoring and Evaluation be approved.</b></p>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
	<i>Monitoring and Evaluation Specialist joined the meeting 14h00 - 14h20.</i>	
7.3	<p><b>Approval of the amended MoU between ICASA and the Council for Scientific and Industrial Research (CSIR)</b></p> <p>Snr Manager: Network Systems &amp; Research: E&amp;T presented the item</p> <ul style="list-style-type: none"> <li>The purpose of the submission was to request Council to approve the amended MoU between ICASA and CSIR.</li> </ul> <p><b>It was resolved that the amended MoU between ICASA and CSIR be approved.</b></p> <p><i>Snr Manager: Network Systems &amp; Research: E&amp;T joined the meeting at 14h20-14h45.</i></p>	CEO
7.4	<p><b>Re-publication of the Invitation to Apply for Radio Frequency Spectrum Licence for 45% of multiplex 3 capacity for commercial subscription broadcasting services</b></p> <p>Cllr [REDACTED] presented the item</p> <p>The purpose of the submission was to:</p> <ol style="list-style-type: none"> <li>Advise Council of the outcome of the Invitation to Apply ("ITA") for forty-five percent (45) of Multiplex 3 (Mux3) Radio Frequency Spectrum Licence to provide commercial subscription television broadcasting services that was published on 22 December 2017, in the Government Gazette number 41357; and</li> <li>Request Council to re-issue the ITA for 45% of (Mux3) Radio Frequency Spectrum Licence to provide commercial subscription television broadcasting services.</li> </ol>	Cllr [REDACTED]



	Action Item	Person Responsible
	<p><b>It was resolved that the re-publication of Invitation to Apply for the Radio Frequency Spectrum Licence for 45% of multiplex 3 capacity for commercial subscription broadcasting services be approved.</b></p> <p><i>Senior Manager: Spectrum Licence: Licensing and Manager: Service Broadcasting: Licensing joined the meeting at 14h20</i></p> <p><b>Reason:</b> To align the licensing process of the 45% for Mux 3 spectrum capacity with that of 55% of Mux 3 spectrum capacity to provide the individual commercial free to air television broadcasting service.</p>	
7.5	<p><b>A memorandum received from Powerline Communications (Pty) ("Powerline") requesting the Authority to review its decision to cancel its licences.</b></p> <p><i>Executive: Legal, Risk and CCC presented the item</i></p> <p>The purpose of the memorandum was to advise Council on a memorandum received by the Authority, from Powerline on 28 May 2018, requesting that the Authority review its decision to cancel its licences.</p> <p><b>It was resolved that the request to reconsider the Authority's decision to cancel the licences of Powerline be rejected.</b></p> <p><i>Executive: Legal, Risk and CCC and CCC: Coordinator joined the meeting at 15h20 -15h30.</i></p>	CEO
8.	<p><b>Huawei Technologies SA (Pty)Ltd – Application for a trial Radio Frequency Spectrum Licence in the 28 GHz Band</b></p> <p><i>Senior Manager: Spectrum Licence: Licensing presented the item</i></p> <p>The purpose of the memorandum was to request Council to approve the application submitted by Huawei Spectrum SA (Pty) Ltd for a Radio Frequency Spectrum Trial Licence in the 28 GHz band</p>	CEO

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	<b>Action Item</b>	<b>Person Responsible</b>
	<p><b>It was resolved that the application be approved.</b></p> <p>Reason: To allow the applicant to perform the trial thereby fulfilling the objects of the Electronic Communications Act No. 36 of 2005 by encouraging research and development within the ICT sector, (section 2(i)).</p>	
<p>9.</p>	<p><b>Reasons Document for the decision on the applications for transfer of IECNS and I-ECS licence from Comit Technologies CC (“the transferor”) to GNIC (Pty) Ltd (“the transferee”)</b></p> <p>Manager: Service Broadcasting: Licensing presented the item:</p> <p>The purpose of the submission was to request Council to approve the Reasons Document.</p> <p><b>It was resolved that the Reasons Document be approved.</b></p> <p><i>Senior Manager: Spectrum Licence: Licensing and Manager: Service Broadcasting: Licensing left the meeting at 15h20.</i></p> <p><b>Reason:</b> To provide clarity on the administrative process and procedures followed by ICASA in arriving in its decision, as well as to provide reasons for IC’SA’s decisions on this matter as required in terms of section 9(5) of the ECA.</p>	<p>CEO</p>
<p>10.</p>	<p><b>Legislation Request to amend the e-Rate and Universal Service and Access Obligations</b></p> <p>GM: CCA presented the item</p> <p>The purpose of the submission was to advise Council of a letter received from the Department of Basic Education (DBE) on 11 May 2018, requesting amendments to the e-Rate and Universal Service and Access Obligations (USAO) and to advise Council of the proposed response to the DBE.</p> <p>The following inputs were noted:</p>	<p>CEO</p>

	Action Item	Person Responsible
	<ul style="list-style-type: none"> <li>The letter should indicate under 4.2 that the Authority will engage with industry to explore several possibilities.</li> <li>Remove the contents of paragraph 5 from the letter.</li> </ul> <p><b>It was resolved that the request to amend the e-Rate and Universal Service and Access Obligations be approved subject to the above inputs.</b></p> <p><i>GM: CCA presented joined the meeting at 15h25-15h45.</i></p>	
11.	<p><b>Feedback on 2016/17 Performance Review grievances for executives</b></p> <p>[REDACTED]</p> <p>The following inputs were noted:</p> <ul style="list-style-type: none"> <li>[REDACTED]</li> <li>[REDACTED]</li> <li>[REDACTED]</li> </ul> <p><b>It was resolved that the Feedback on 2016/17 Performance Review be deferred.</b></p> <p><i>Executive joined the meeting at 13h30 – 14h00.</i></p>	CEO
12.	<p><b>Unauthorised, Irregular and Fruitless and Wasteful expenditure</b></p> <p>The CAE presented the item</p> <p>The purpose of the submission was to request Council to consider the results of the review of the unauthorised irregular and fruitless and wasteful (UIFW) expenditure and to condone the expenditure for 2015/16 financial year.</p> <p>The following input was noted:</p>	CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	<ul style="list-style-type: none"> <li>• Provide Council with reasons for condoning unauthorised irregular and fruitless and wasteful expenditure.</li> </ul> <p><b>It was resolved that the Unauthorised, Irregular and Fruitless and Wasteful expenditure be approved subject to the above.</b></p>	
13.1	<p><b>Neotelis – Telecom Regulation for Today, adapting to change</b></p> <p>Neotelis has invited Cllr [REDACTED] to attend the “<i>Telecom Regulation for today, adapting to change training course</i>” that will take place from the 3rd -7th September 2018 in Amsterdam, Netherlands.</p> <p>Council resolved that Cllr Mashile attend the training.</p>	Cllr [REDACTED]
13.2	<p><b>Invitation by Voice of the Community FM (VOC FM)</b></p> <p>VOC FM has invited the CEO to attend the Exclusive School Awards Gala dinner taking place on the 6<sup>th</sup> September 2018 at Gert Sibande District Municipality.</p> <p>The following Council members will attend:</p> <ul style="list-style-type: none"> <li>• Cllr Gongxeka- Seopa</li> <li>• Other Council members will indicate their interest to attend the event.</li> </ul> <p><b>Invitation by VOC FM was noted.</b></p>	CEO
14.	<p><b>Closure</b></p> <p>The Acting Chairperson thanked all present and adjourned the meeting at 16h00.</p>	Chairperson
15.	<p><b>Date of next meeting: 24 July 2018</b></p>	





Signed: \_\_\_\_\_  
(Chairperson)

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Date: \_\_\_\_\_

08 / 14 / 2018