



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING

<b>Date</b>	31 July 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
<b>By Invitation</b>		
	[REDACTED]	CEO
	[REDACTED]	CAE
	[REDACTED]	Corporate Secretary
	[REDACTED]	CFO
	[REDACTED]	Secretariat Officer
<b>Partial Attendees</b>		
	[REDACTED]	Manager: Facilities
	[REDACTED]	Regulation & Legislative Drafting Specialist
	[REDACTED]	Executive: Corporate Services
	[REDACTED]	Executive: Legal, Risk and CCC
	[REDACTED]	Executive: HR
	[REDACTED]	GM: Regions
	[REDACTED]	Regional Manager: Gauteng: GP Region
<b>Apologies</b>		
	[REDACTED]	Member
	[REDACTED]	Member

W



	Action Item	Person Responsible
1.	<p><b>Opening and apologies</b></p> <p>The Chairperson, Cllr [REDACTED] opened the meeting at 09h50 and welcomed all present.</p> <p><b>The following apologies were noted:</b></p> <ul style="list-style-type: none"> <li>• Cllr [REDACTED] was on sick leave.</li> <li>• Cllr [REDACTED] was on sick leave.</li> </ul> <p><i>Cllr [REDACTED] was delayed and will join the meeting later.</i></p> <p><i>Cllr [REDACTED] joined the meeting at 11h45.</i></p>	Chairperson
2.	<p><b>Ratification of agenda</b></p> <p>It was resolved that the agenda be approved as presented.</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>Minutes of a meeting held on 10 July 2018</b></p> <p>The following amendments were made:</p> <ul style="list-style-type: none"> <li>• Page 2 point 4 - It was indicated that the COO's position be retained and not filled immediately due to budget constraints.</li> <li>• Page 3, under Regions - Seventeen.</li> <li>• Page 5, under Legal, Risk and CCC - two additional positions were proposed by council.</li> <li>• Page 6, Secretariat - It was resolved that council PA's should report to the Corporate Secretary for administrative purposes.</li> </ul>	Council



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>It was resolved that the minutes be approved with amendments.</p>	
4.2	<p><b>Minutes of the meeting held on 17 July 2018</b></p> <p>The minutes were deferred to the next meeting.</p>	
4.3	<p><b>Minutes of the meeting held on 24 July 2018</b></p> <p>The following amendments were made:</p> <ul style="list-style-type: none"> <li>• Page 8 point 6 - Council agreed to partner with GSMA on training programmes.</li> <li>• Page 1 – [REDACTED]</li> </ul> <p>It was resolved that the minutes be approved with amendments.</p>	<b>Council</b>
5.	<b>Matters arising from previous minutes</b>	<b>Secretariat/CEO</b>
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 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.</p> <p>Interviews will be scheduled for the following week.</p>	<b>CEO</b>
5.2	<p><b>Council bilateral with the Minister</b></p> <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</li> </ul>	<b>Council</b>



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Terms of Reference.</p> <p><b>Council remuneration and bilateral meeting with the 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 and HR are performing a benchmark exercise with the Public Protector South Africa on the matter.</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> <p>Another set of minutes will be circulated.</p>	Council
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> <p>The MoU is getting closer to being finalised.</p>	Cllr [REDACTED]



	<b>Action Item</b>	<b>Person Responsible</b>
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> <p>Status has not changed.</p>	<p>CIIR [REDACTED]</p>
5.8	<p><b>Cell C vs ICASA –Universal Service Obligations (USO)</b></p> <p>ICASA's legal representatives 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> <p>Still awaiting judgement.</p>	<p>CEO</p>
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>	<p>CEO</p>
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 DG has sent the proposed settlement which is currently with Legal, Risk &amp; CCC division. A report will be tabled at Council.</li> </ul>	<p>CEO</p>



	Action Item	Person Responsible
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.</li> <li>A letter to the Former Minister Carrim was sent. Legal, Risk and CCC is reviewing the agreements that MultiChoice has provided and will provide advice to Council on how to respond to DA.</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 a public awareness campaign on the short code harmonization.</p> <p>Numbering team has developed a plan on Consumer Activation Campaign that will be tabled at the next Council meeting.</p>	CEO
5.13	<p><b>Consumer Education Campaign National Roll-Out Plan 2018/19</b></p> <p>The CEO will schedule a meeting with the Council Committee on Communications. A report on the 3 (three) previous events will be tabled at Council.</p> <p>CAP members will be invited to the activations.</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

A handwritten signature in black ink, appearing to be 'M2' or similar, is located in the bottom right corner of the page.

	Action Item	Person Responsible
	[REDACTED]	
5.15	<b>Office relocation update</b> <ul style="list-style-type: none"> <li>On the agenda.</li> </ul>	Relocation Committee
5.16	<b>Inter Operator Disputes</b> Standing item.	CEO
5.17.	<b>SANDF outstanding licensing fees</b> SANDF has not responded to the Authority on the outstanding fees. Council should consider writing-off the debt.	CEO
5.18.	<b>Proposed amendments to the organisational structure</b> Item will be re-tabled at REMCO meeting scheduled for 17 August 2018 and subsequently at Council.	CEO
5.19	<b>International Engagement Strategy</b> <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 a meeting scheduled for 14 August 2018 for approval.</li> </ul>	CEO
5.20	<b>Legal Opinion: Employment Status of Councillors</b> Council requested a comprehensive opinion on the employment status of councillors: <ul style="list-style-type: none"> <li>The opinion was circulated to Council. A brief</li> </ul>	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
	submission will be prepared for tabling of the opinion at Council meeting scheduled for 14 August 2018.	
5.21	<p><b>Council Performance Agreements</b></p> <p>Secretariat and HR are running behind with the benchmark exercise.</p>	<b>Corporate Secretary</b>
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 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, scheduled for 14 August 2017.</p>	<b>CEO</b>
5.23	<p><b>Draft AG Interim Management Report for 2017-18</b></p> <p>Report from AREDC was dealt with on the 30 July 2018.</p>	<b>CEO/CFO</b>
5.24	<p><b>Progress report on the suspension of Manager: Supply Chain Management</b></p> <p>Disciplinary process is still in progress. A report to Council will be provided at the end of August 2018.</p>	<b>CEO</b>
5.25	<p><b>Study visits and attendance of Cybersecurity in Israel</b></p> <p>Council deliberated on the matter but deferred the decision subject to:</p> <ul style="list-style-type: none"> <li>• Israel being taken out of the list of countries for benchmark visit due to the current diplomatic situation (Israel can be replaced with Russia)</li> <li>• Budget availability / allocation being confirmed.</li> </ul>	<b>CEO</b>





	<b>Action Item</b>	<b>Person Responsible</b>
	Funds are available, study visits can be scheduled accordingly.	
<b>5.26</b>	<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 will be meeting with the CFO and the Executive: Corporate Services on the 31<sup>st</sup> August 2018. A report will be prepared for Council.</p>	
<b>6.1</b>	<p><b>Inter/ Intra Operator Disputes (“Standing Item”)</b></p> <p>There were no updates under this item.</p>	<b>CEO</b>
<b>6.2</b>	<b>International Engagements</b>	<b>Council</b>
<b>I</b>	<p><b>SADC /CRASA</b></p> <p>There were no updates under this item.</p>	<b>Clir</b> [REDACTED]
<b>II</b>	<p><b>ITU</b></p> <p>There were no updates under this item.</p>	
<b>6.3</b>	<p><b>Update on the relocation progress</b></p> <p>Executive: Corporate Service presented the item.</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>• Terms of Reference for tenant installations have been submitted to BAC.</li> <li>• SAPO and ACSA benchmark on relocation allowance was presented to Council.</li> </ul>	<b>Relocation Committee</b>



	<b>Action Item</b>	<b>Person Responsible</b>
	<ul style="list-style-type: none"> <li>The Relocation Committee will draft a report on relocation allowance for Council approval.</li> </ul> <p><b>It was resolved that the update on the relocation be noted.</b></p> <p><i>Executive: Corporate Service and Manager: Facilities joined the meeting at 11h00- 11h20.</i></p>	
7.	<p><b>Request for approval of a notice to be published regarding confiscated equipment and request for establishment of a Council Committee to review regulations concerning certain procedures for ICASA Inspectors No, R574, 25 June 2010</b></p> <p>GM: Regions presented the item</p> <p>The purpose of the memorandum was to request Council approval for: -</p> <p>The vetted Notice to be Gazetted, inviting interested parties to make representations to claim confiscated equipment in the custody of ICASA.</p> <p>The establishment of the Council Committee to review the Regulations concerning certain procedure for ICASA Inspectors of 25 June 2010.</p> <p><b>The following inputs were noted:</b></p> <ul style="list-style-type: none"> <li>The committee should come up with a regulatory framework.</li> <li>Council indicated that the 14 day's Notice period is insufficient, the Notice period should be longer than 14 working days.</li> <li>Council proposed a period of 21 days in line with the notices published by the CCC.</li> </ul> <p><b>It was resolved that the notice to be published regarding confiscated equipment and request for establishment of a Council Committee to review regulations concerning certain procedures for ICASA Inspectors No, R574, 25 June 2010 be approved subject to the above inputs.</b></p>	CEO



	Action Item	Person Responsible
	<i>GM: Regions and Regional Manager: Gauteng: GP Region joined the meeting at 11h35 – 11h55.</i>	
8.	<p><b>Report on the 3<sup>rd</sup> African Preparatory meeting for ITU PP-18 Algiers, Algeria – June 18-21, 2018</b></p> <p>Executive: Legal, Risk and CCC presented the item.</p> <p>The purpose of the memorandum was for Council to note and approve the report of the third African Preparatory Meeting (APM-3) for International Telecommunications Union Plenipotentiary, 2018 (ITU PP-18) which took place in Algiers, Algeria from 18-21 June 2018.</p> <p><b>It was resolved that the report on the 3<sup>rd</sup> African Preparatory meeting for ITU PP-18 Algiers, Algeria – June 18-21, 2018 be approved.</b></p> <p><i>Executive: Legal, Risk and CCC and Regulation &amp; Legislative Drafting Specialist joined the meeting at 14h00.</i></p>	CEO
9.	<p><b>ICASA comments on the proposed policy direction to the Authority on Dispute Resolution for Rapid Deployment of Electronic Communications Network and Facilities (“the proposed policy”).</b></p> <p>Executive: Legal, Risk and CCC presented the item.</p> <p>The purpose of the memorandum was to advise Council of the proposed Policy proposed by the Department of Telecommunications and Postal Services (“DTPS”).</p> <p><b>It was resolved that the ICASA comments on the proposed policy direction to the Authority on Dispute Resolution for Rapid Deployment of Electronic Communications Network and Facilities (“the proposed policy”) be noted.</b></p> <p><i>Executive: Legal, Risk and CCC and Regulation &amp; Legislative Drafting Specialist left the meeting at 14h30.</i></p>	CEO

A handwritten signature in black ink, appearing to be 'M', is located in the bottom right corner of the page.



	Action Item	Person Responsible
10.	<p><b>ITU Telecom World 2018</b></p> <p>Executive: Corporate Services presented the item</p> <p>The purpose of the memorandum was to give Council an update on the first ITU World Telecoms preparations 2018.</p> <p><b>The following input was noted:</b></p> <ul style="list-style-type: none"> <li>• Corporate Services will schedule a Council workshop once the program is finalised.</li> </ul> <p><b>It was resolved that the update on ITU Telecom World 2018 be noted;</b></p> <p><b>It was further resolved that all Council members will attend the ITU Telecom World 2018 taking place in Durban from 10 – 13 September 2018.</b></p> <p><i>Executive: Corporate Services joined the meeting at 15h15-15h35.</i></p>	CEO
11.1	<p><b>Internal Audit Annual Progress Report 2017/2018</b></p> <p>The CAE presented the item.</p> <p>The purpose of the memorandum was to share with Council the Annual Internal Audit report for 2017/18.</p> <p><b>It was resolved the Internal Audit Annual Progress Report 2017/2018 be noted.</b></p>	CAE
11.2	<p><b>Repositioning Strategy Combined Assurance</b></p> <p>The CAE presented the item.</p> <p>The purpose of the memo was to obtain approval of the repositioning strategy from Council.</p>	CAE



	<b>Action Item</b>	<b>Person Responsible</b>
	<b>It was resolved that the Repositioning Strategy on Combined Assurance be approved.</b>	
<b>11.3</b>	<p><b>Changes to Internal Audit Plan 2018/2019</b></p> <p>The CAE presented the item.</p> <p>The purpose of the memorandum was to inform Council of the changes to the Internal Audit Annual plan 2018/19.</p> <p><b>It was resolved that the Changes to Internal Audit Plan 2018/2019 be noted.</b></p>	<b>CAE</b>
<b>11.4</b>	<p><b>Internal Audit Independence</b></p> <p>The CAE presented the item.</p> <p>The purpose of the memorandum was to provide Council with the confirmation of Internal Audit's independence as required in terms of the paragraph 7 of the Internal Audit Charter.</p> <p><b>It was resolved that the Internal Audit's Independence be noted.</b></p>	<b>CAE</b>
<b>11.5</b>	<p><b>Internal Audit Q1 Progress Report 2018/2019</b></p> <p>The CAE presented the item.</p> <p>The purpose of the memorandum was to share with Council the first Quarterly Internal Audit report for 2018/19.</p> <p><b>It was resolved that the Internal Audit Q1 Progress Report 2018/2019 be noted.</b></p>	<b>CAE</b>
<b>11.6</b>	<p><b>Internal Audit Escalation Framework</b></p> <p>The CAE presented the item.</p>	<b>CAE</b>



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>The purpose of the memorandum was to share with Council the Internal Audit Escalation framework that has been aligned to the Internal Audit process and the Service Level Agreement, between Internal Audit and ICASA Heads of Divisions.</p> <p><b>It was resolved that the Internal Audit Escalation framework be noted.</b></p>	
12.	<p><b>Closure</b></p> <p>The Acting Chairperson thanked all present and adjourned the meeting at 16h00.</p>	<b>Chairperson</b>
13.	<b>Date of next meeting: 14 August 2018</b>	

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

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

14  
08 / 2018