

MINUTES OF AN ORDINARY COUNCIL MEETING

Date	06 November 2018	
Time:	09h30	
Venue:	Block C, Council Boardroom	
Present	████████████████████	Chairperson
	████████████████████	Member
	████████████████████	Member
	████████████████████	Member
	██████████	Member
	██████████	Member
By Invitation	████████████████████	CEO
	████████████████████	CFO
	████████████████████	CAE
	██████████	Corporate Secretary
	██████████	Secretariat officer
Partial Attendees	████████████████████	Executive Corporate Services
	████████████████████	GM: Policy Research & Analysis
	████████████████████	RF Specialist: Broadcasting
	██████████	SM: Social Policy ICT
	██████████	Executive: Legal, Risk and CCC
	██████████	Senior Manager Talent Sourcing
Apologies	████████████████████	Member
	██████████	Member
	████████████████████	Member
	██████████	

Independent Communications Authority of South Africa

Ordinary Council Minutes 06 November 2018



	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Chairperson opened the meeting at 09h40 and welcomed all present.</p> <p>Apologies</p> <ul style="list-style-type: none"> • Cllr [REDACTED] was attending the Business Modelling and Regulatory course in Florence. • Cllr [REDACTED] was at the ITUPP 18. • Cllr [REDACTED] was attending a short course on regulation in London. 	Chairperson
2.	<p>Ratification of agenda</p> <p>The following items were deferred to the next meeting:</p> <ul style="list-style-type: none"> • Minutes of the previous meeting. • Matters arising from the previous minutes <p>The following items were added to the agenda:</p> <ul style="list-style-type: none"> • Comments on the High Demand Spectrum • End-User Subscriber Charter Settlement • Notice to conduct a data inquiry • Office shut down preparation <p>It was resolved that the agenda be approved with amendments.</p>	Council
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted in the meeting.</p>	All
4.	Inter/ Intra Operator Disputes (“Standing Item”)	CEO




	Action Item	Person Responsible
	<p>The investigation by the Democratic Alliance (DA) against MultiChoice is finalised, in the sense that we have collated all the necessary information required, including legal opinions to make a proper assessment of the complaint.</p> <p>The CCA division will prepare a submission to Council to advise on how to take the matter forward or on how to resolve the matter.</p> <p>The update on Inter-operator disputes was noted.</p>	
5.	<p>International Engagements</p> <p>The CEO presented the item:</p> <ul style="list-style-type: none"> • The ITU Telecom world report is still to be tabled at Council. Councillor [REDACTED] and [REDACTED] will attend the upcoming ITU 2018 Plenipotentiary Conference in Dubai. • The announcement on the appointment of Mr. [REDACTED] at the ITU (RRB). There is currently a draft Media Release that has been prepared and to be shared with Council for comments, with the intention to make the announcement today. • The question raised was whether the Media Release should also contain the appointment of South Africa at the ITU Council. <p>Council resolved that there should be a simultaneous announcement on the appointments by both the DTSPS and ICASA.</p>	Executive: CS
6.	<p>CRASA/SADC</p> <p>The CEO presented the item:</p>	Cllr [REDACTED]



	Action Item	Person Responsible
	<ul style="list-style-type: none"> • There is a Postal Committee meeting taking place in Lesotho. The GM Regions and some of the Compliance Officers will be attending the CRASA meeting. • There is also a CRASA special Finance and Audit Committee meeting taking place in Namibia, the CAE and the CFO will be attending. <p>Council resolved to note the report.</p>	
7.	<p>Update on the Office Relocation</p> <p>The Executive Corporate Services presented the item:</p> <ul style="list-style-type: none"> • The hand-over of the buildings at Pinmill Farm was supposed to take place yesterday however, due to the massive workload the deadline could not be reached. • The bulk files are still to be installed in the new building and most of the files will be stored off-site due to space constrains. • Vox Telecoms decommissioned all electronic equipment from Pinmill Farm and will begin with the installations at the new premises starting from tomorrow. • Each boardroom will have a digital screen which will be delivered in December 2018, with speakers to be installed at the same time. Regions and HR will have their own teleconference rooms. • Furniture for the open-plan has been delivered in total, the furniture for managers and senior managers is currently being installed, Council furniture will be delivered starting from Monday, and the installation should be completed by the week of the 27th November 2018. • The Request for Information (RFI) for the restaurant facilities and the gym has been prepared for finance for processing. 	Relocation Committee

	Action Item	Person Responsible
	<ul style="list-style-type: none"> • The confiscated equipment has been moved to the Gauteng Regions storeroom. • There is meeting with the landlord to discuss the issue of spare keys. • The cleaning service provider was appointed only on 01 November 2018, and is busy with the installation of all hygiene equipment. • The security installation was delayed by cabling, the cabling service provider prioritised the installation of the server, WI-FI and the IT equipment. Currently the security cameras are not working, the service provider has indicated that the cabling will be completed today. There are 95 cameras that will be installed in and outside of the building, the bio-matric system is also not working. • There are currently 1800 items on the snag-list which the landlord is attending to including blinds, and keys. <p>Council raised a concern on the utilisation of paper and encouraged a migration to a digital environment. Council further proposed a Knowledge Management Policy for digitalisation.</p> <p>Council also inquired about the naming of offices and boardrooms and if the two minsters (DoC) AND (DTPS) were formally informed of the move form Sandton to Centurion.</p> <p>Council raised a concern on the disposal of the confiscated equipment and resolved that the appointment of a service provider to attend to the disposal should be prioritised.</p> <p>The update on Office relocation was noted.</p>	



	Action Item	Person Responsible
8.	<p>Request from the Minister of Department of Science and Technology for concurrence on the Exempt Radio Frequency Spectrum</p> <p>The Radio Frequency Specialist presented the item:</p> <p>The purpose of the memo was to request Council to approve and sign- off a letter of concurrence requested by the Department of Science and Technology (DST), on the Radio Frequency Spectrum to be exempted within the Karoo Central Astronomy Advantage Areas (KCAAA).</p> <ul style="list-style-type: none"> • On 17 November 2009, Council approved the composition of a Special Committee on Astronomy Geographic Advantage (AGA). The committee has been the governing committee within ICASA on matters relating to the Astronomy Geographic Area Act, 2007 (Act No. 21 of 2007) (the AGA Act). • The primary aim of the AGA Act is to establish a radio telescope in South Africa, called the Square Kilometre Array (SKA). The SKA is an international project funded by many countries, including South Africa. • The purpose of the concurrence is to prevent any harmful interferences in the area, and transmission can take place after looking into the geo-location database, to establish if it is free from usage with regard to the time, location and the particular frequency. • Any other matters in the KCAAA that relates to the Civil Aviation Authority (CAA) will be dealt with by the CAA and the DST. <p>Council resolved to approve the letter of concurrence with the DST on the exemption of the Radio Frequency Spectrum within the Karoo Central Astronomy Advantage Areas.</p>	Cllr 
9.	<p>The CAP 2nd Quarter 2018/2019 Report</p> <p>The CAP Chairperson presented the CAP Q2 report:</p>	CAP



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	<ul style="list-style-type: none"> • Members of the Consumer Advisory Panel were appointed on 1st April 2018, in terms of the CAP Regulations of 2017 (CAP Regulations). As per the CAP Regulations, the Chairperson of CAP must appraise Council of the CAP activities quarterly and annually. • The report seeks to outline the activities undertaken and considered by the CAP over a period of three months (July -September 2018). • The committee highlighted limited resources including secretarial support, and equipment as an impediment to function optimally. • The committee also requested that it be advised on the finances/budget of the committee, as the committee wants to manage its own finances. <p>Council noted the challenges faced by the committee as specialised equipment is required to enable the committee function optimally. Council proposed that the committee piggy-back on ICASA's activities that take place in the regions.</p> <p>Council also indicated that due to budget cuts, it also experiences resource constraints including out-dated equipment such as laptops.</p> <p>Council resolved to note the CAP Q2 report.</p>	
10.	<p>Proposed Key Performance Areas (KPA's) for the 2018/19 Financial Year</p> <p>The Senior Manager Talent presented the item:</p> <p>The purpose of the submission was to request Council to approve the proposed Key Performance Areas (KPA's) for the 2018/19 financial year.</p> <ul style="list-style-type: none"> • The proposed KPA's were amended and developed with the 	CEO

	Action Item	Person Responsible
	<p>guidance and information received from the Legal, Risk and CCC, Corporate Services and Finance Divisions. These KPAs were tabled at EXCO/OPCO on three separate occasions, the feedback received was incorporated. Below are the proposed Risk and Financial KPAs to be introduced during the 2018/19 financial year.</p> <ul style="list-style-type: none"> • The first KPA was developed for the Risks Champions which slightly revised the description of the KPA and the measurements and to ensure effective controls and the reduction of residual risk. • The second KPA is a risk KPA for D1 to D3 employees including managers, senior managers and general managers to include the risk registers and the reduction on the residual risks. • The finance KPA was designed for non-financial employees to assist with project management including divisional assistants and the processing of invoices on JDE. • Finance KPA for non-financial managers and executives to also assist in project management. • Finance employees have a KPA for processes and financial compliance, to prevent irregular and fruitless expenditure. This applies to everyone within the organisation. <p>The proposed Key Performance Areas for the 2018/19 Financial period were approved.</p>	
11.	<p>Presentation to the Portfolio Committee on Telecommunications and Postal Services on the Cost to Communicate -27 November 2018</p> <p>The General Manager PRA presented the item:</p>	CEO

	Action Item	Person Responsible
	<p>The purpose of the presentation was to outline the steps undertaken by the Authority to the Portfolio Committee in an effort to address the issues around data pricing, data expiry, in and out of bundle rates but not limited to, the general work done by the Authority in the public interest.</p> <p>The content of the presentation indicated, amongst others the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Cost to Communicate Programme <ul style="list-style-type: none"> • The review of the End-User and Subscriber Service Charter Regulations in order to curb the increasing data prices. • Bi-annual Tariff Analysis Report, this is a report analyzing tariffs which is aligned to object 2(n) of the ECA (since it seeks to ensure price transparency. Analysis of standard and promotional tariffs, such as prepaid voice and data, Fibre-to-the-home (FTTH) and Fibre-to-the-Business (FTTB) packages. The report enables customers to make an informed choice in terms of the different tariff plans; and select their preferred service provider based on the different offerings and affordability. Price transparency gives customers choice, which stimulates competition and eventually the reduction of the price for communication services. <input type="checkbox"/> Call Termination Market Review <ul style="list-style-type: none"> • The Authority undertook a review of the 2014 Call Termination Regulations in terms of Chapter 10 of the ECA (and section 8 of the 2014 Regulations). A cost modelling process was initiated on 1 October 2017, and comprised inter alia an industry workshop, one-on-one meetings with operators, submissions of cost models for commentary, etc. The outcome of the review process resulted in the Draft Amendment to the Call Termination Regulations (published August 2018). The final 	



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	<p>Regulations were published on 28 September 2018 and are effective from 1 October 2018.</p> <p><input type="checkbox"/> Findings Document on Priority Markets</p> <ul style="list-style-type: none"> • The purpose for prioritising is to identify markets prone to <i>ex ante</i> regulation and conduct a market review (and possible regulatory intervention), provide regulatory predictability and certainty for the market, and to allocate resources efficiently and effectively. <p><input type="checkbox"/> Mobile Services Market Review</p> <ul style="list-style-type: none"> ✓ Mobile services <ul style="list-style-type: none"> • High priority (material impact on consumers and in line with government policy directives i.e. Policy Directive on Competition in Broadband Markets and Reduction of Data Costs, 2016). • Includes the retail market for mobile services and the wholesale supply of mobile network services (including relevant facilities). ✓ Wholesale fixed access <ul style="list-style-type: none"> • Medium to Low priority (low appetite for Telkom's access network except access to Telkom's ducts and poles). • Includes wholesale supply of asymmetric broadband origination, fixed access services and relevant facilities. ✓ Upstream infrastructure markets <ul style="list-style-type: none"> • Low priority (competition effective due to alternatives to Telkom and large operators are self-providing). 	




	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Incorporate national transmission services and metropolitan connectivity and relevant facilities. <p><input type="checkbox"/> Other Policy/Regulatory Measures</p> <p>✓ High Demand Spectrum</p> <ul style="list-style-type: none"> • The Invitation to Apply (ITA) for the High Demand Spectrum (i.e. 700 MHz, 800 MHz and 2.6 GHz) published by ICASA on 15 July 2016 has been withdrawn. The ITA was the subject of litigation between ICASA and the Minister of Telecommunications and Postal Services ("the Minister") which has since been settled. • The settlement of the litigation enables both the Minister and ICASA to make headway in the licensing of IMT spectrum for the purpose of promoting competition, incentivizing investment, facilitating transformation of the sector and ultimately ensuring universal provision of high quality broadband services to consumers at affordable prices. • The Minister has since published a Draft Policy Direction on the Licensing of Unassigned High Demand Spectrum for public consultation. <p><input type="checkbox"/> Rapid Deployment</p> <ul style="list-style-type: none"> • The Minister of Telecommunications and Postal Services has initiated a consultative process – in terms of section 21(1) of the ECA read with Chapter 9 of the National Integrated ICT White Paper, 2016 – for promulgation of policy and policy directions to enable and facilitate the rapid deployment of electronic communications infrastructure. 	



	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Network infrastructure deployment requires inter-governmental collaboration between national, provincial and local government (and various public entities). It is anticipated that the policy and policy direction and the consultative process currently underway is critical to ensure a coordinated approach across government. <p>Council resolved to approve the presentation to the Portfolio Committee on Telecommunications and Postal Services.</p>	
12.	<p>Recommendation by CCC in the matter between the Broadcasting Compliance and Consumer Affairs Division of ICASA and Karabo FM</p> <p>Councillor ██████████ presented the item:</p> <p>The purpose of the submission was to table the recommendation of the Complaints and Compliance Committee (CCC) in the matter between the Compliance and Consumer Affairs Division of ICASA and Karabo FM.</p> <ul style="list-style-type: none"> • Karabo FM has appeared before the CCC as a respondent at three hearings, within a period of 18 months. The hearings were held on 17 March 2017, 24 January 2018 and 21 September 2018. During the hearings held on 17 March 2017 and 24 January 2018, respectively, orders of the CCC were approved by the Council where Karabo FM was directed to take specific remedial actions. • On 10 September 2018, the CCC received a complaint from the Broadcasting Compliance and Consumer Affairs Division of ICASA stating that Karabo FM has repeatedly failed to comply with the Authority's orders handed down in terms of Section 17E of the Independent Communications Act of South Africa ICASA Act No.13 of 2000 and sought relief to have Karabo FM's Licence revoked in terms of Section 17 of the ICASA Act. • Karabo FM holds a Class Broadcasting Service licence issued 	CEO



	Action Item	Person Responsible
	<p>by ICASA on 27 June 2014 for the provision of Community Sound Broadcasting Services. This licence has an effective date from 8 December 2013 and expires on 7 December 2018.</p> <ul style="list-style-type: none"> • Karabo FM has a history of repeated non-compliance with the orders of the CCC as approved by the Council of ICASA. <p>Council resolved to revoke the licence of Karabo FM for repeated non-compliance with ICASA legislation.</p>	
13.	<p>De-Coupling 45% of MUX 3 process from that of 55% MUX 3 Free to Air licences processes with respect to the appointment of the signal distribution.</p> <p>Specialist RF Broadcasting presented the item:</p> <ul style="list-style-type: none"> • The purpose of the submission was to assess the impact of non-finalisation of the licensing process forty-five percent (45%) of Multiplexer 3's (Mux 3) Radio Frequency Spectrum for provision of Individual Commercial Subscription Television Broadcasting Services (Subscription) to the licensing process of fifty-five percent (55%) of Mux 3 Free to Air (FTA) licensing process; and • to advise Council on how the dependency of the FTA can be decoupled from the licensing process of Subscription. <p>On 28 February 2017, the Authority published a composite Invitation to apply (ITA) for FTA.</p> <p>Section 7.3 under radio coverage roll-out obligations of the ITA for the FTA states that: <i>"The successful applicant will be required to enter into a commercial agreement with the signal distributor appointed to distribute 45% of Mux 3 capacity assigned by the Authority pursuant to the finalisation of the process to licence the MUX 3 spectrum to a commercial subscription broadcasting service licensee"</i>.</p> <p>Council took a decision to re-issue the ITA for the Radio Frequency Spectrum licence for the purposes of providing commercial subscription television broadcasting services.</p>	Cllr 



	Action Item	Person Responsible
	<p>As part of the Council decision to re-issue the ITA, Council requested advice from the Mux 3 Committee as to how the dependency of the signal distribution can be removed.</p> <p>Section 7.3 of the ITA for FTA state that: " <i>The successful applicant will be required to enter into a commercial agreement with the signal distributor appointed to distribute 45% of MIJX 3 capacity assigned by the Authority pursuant to the finalisation of the process to licence the MIJX 3 spectrum to a commercial subscription broadcasting service licensee.</i>"</p> <p>Upon receipt of several legal opinions, Council was advised that the licensee for FTA can appoint a signal distributor on a temporary basis until such time the outcome is reached of the licensing process. Subscription.</p> <p>Ultimately the licensee for Subscription should appoint the signal distributor on permanent basis to carry 55% and 45% of Mux 3 as prescribed on Section 7.3 of both the ITAs.</p> <p>Council noted that the appointment of the signal distributor on a temporary basis creates a practical challenge.</p> <p>Council resolved that the two committees (Subscription and FTA) should provide a joint submission to be considered by Council.</p>	
14.	<p>2018-2019 FY Mid-Year Budget Review</p> <p>The CFO presented the item:</p> <p>The purpose of the submission was to update Council on the Mid-Year Budget Review on normal projects:</p> <p>The General Managers were requested to review their divisional budgets in order to identify areas which requires additional funding, to</p>	CEO



	Action Item	Person Responsible
	<p>ensure that projects will be achieved at the end of the financial period. Most of the divisions came back with additional budget requests.</p> <p><u>Compliance and Consumer Affairs</u></p> <ul style="list-style-type: none"> • A balance of [REDACTED] for effective and efficient resolution of consumer disputes/complaints will be re-allocated to Awareness Content training budget. Additional amount of [REDACTED] to cover the shortfall. • Additional [REDACTED] is required for software licensing fees, maintenance and support for the Postal Monitoring Equipment. This amount is as per the contract signed in October 2014. • Additional [REDACTED] is required for the Code for Persons with Disabilities workshop. • Further additional funds in the amount of [REDACTED] will be required to install the broadcast monitoring system at the ECO Park office and pay for the software licensing of the TV monitoring system. <p>CCA will thus require about [REDACTED] in additional funds for the remainder of the financial period.</p> <p><u>Engineering & Technology</u></p> <ul style="list-style-type: none"> • TV White Space Bid is still at BEC stage, the total amount of [REDACTED] will be required to implement the project. • Virement of [REDACTED] was done moving fund into the TV whitespace project. • A total amount of [REDACTED] was committed to date for establishment of SA Chapter of 5G Forum, a total amount of R500,000 will be required for the remainder of the financial year. 	




	Action Item	Person Responsible
	<ul style="list-style-type: none"> The OSS tender will not be awarded in the current financial year, the amount allocated will not be spent at year end. <p>There is a possible saving of an amount of [REDACTED] if the OSS project for QoS is scraped.</p> <p><u>Licensing</u></p> <ul style="list-style-type: none"> The licensing of Available IMT Spectrum tender will not be awarded in the current financial year, the amount allocated will not be spent at year end. There is a saving of [REDACTED] which can be directed to the office relocation project. <p><u>Policy Research and Analysis</u></p> <ul style="list-style-type: none"> The amount allocated for analysis of SAPO's Regulatory Financial Reports (RFR) has not yet been spent as the project is still underway. The amount allocated is for gazetting the SAPO Annual Tariff Application increase. Actual expenditure for definition of Priority Markets is linked to a prior year project. The total budget was R [REDACTED] Balance for Call Termination project will be used to pay the outstanding consultants' invoices and gazette the Reasons document. The funds committed for National Sporting Events will be used for study tours to Spain and United Kingdom and also for the publication of the draft regulations. The funds committed for Review of Unreserved Postal Services Regulations will be used for Public hearings/deliberations on final position paper and publication of 	

	Action Item	Person Responsible
	<p>final position paper.</p> <ul style="list-style-type: none"> Contract for market review in terms of section 67(4) of the ECA will be finalised soon. This is a multi-year project and the total amount of R [REDACTED] will be committed by year end. The Community Broadcasting project has overspent by R [REDACTED] to date. A further [REDACTED] is required for publication of the Final Regulations. This shortfall may be covered by the funds under the Cybersecurity project. <p><u>Regions</u></p> <ul style="list-style-type: none"> An amount of [REDACTED] was committed to date and an additional amount of [REDACTED] will be required for the remainder of the financial year. <p>Council noted that some projects within divisions have budget overspends, particularly within the same division, for instance, Community Broadcasting has exceeded its budget. The proposal was that those committees that have planned to undertake study tours for international benchmarking, should consider not to undertake such visits if the project can be achieved without having to go on a study visit.</p> <p>The Authority has experienced serious budget cuts and need more funding for the projects as this will affect most of the APP targets, what makes the situation worse is that the Authority is also unable to retain funds as the National Treasury keeps on taking more funds back.</p> <p>Council indicated that the Authority should not rely on international benchmarking as a strength to regulate, as this might give a false impression that the organisation cannot function. International travel for benchmarking purposes must come with results that will benefit the public interest, and under the current fiscal constraints such travel should be justified.</p>	



	Action Item	Person Responsible
	<p>Council highlighted the importance that budgeting should be clear and sought clarity on international travel as to where does the budget comes from, and further when budgeting is done Council should be kept in the loop. Council indicated that if the issue of travel is not properly addressed, this will eventually put Council into disrepute.</p> <p>Council resolved that the Cybersecurity study tour be deferred and the funds be directed to projects that exceeded their budgets within the same division.</p>	
15.	<p>SAPO Payment of Reserved Postal Service Licence Fees for the 2017/2018 Financial Year</p> <p>The CFO presented the item:</p> <p>The purpose of the memo was to request Council to approve the request by South African Post Office SOC Limited (SAPO) for a payment plan for Reserved Postal Service Licence Fees for the 2017/18 financial year and request the Chairperson to sign the attached letter to SAPO.</p> <ul style="list-style-type: none"> • SAPO has submitted a letter dated 03 October 2018 to the Authority requesting to make payment arrangements for the 2017/18 financial year. The reasons advanced by SAPO for its request are that: <ul style="list-style-type: none"> ✓ It is still in the midst of implementing a 2016-2019 multi-year turnaround plan of its business by restructuring its operations, stabilizing its finances and growing revenues from additional sources. The process is still ongoing and incomplete. ✓ Consequently, it continues to experience revenue constraints, cost pressure and financial stress. • Upon consideration, of both the General Licence Fee Regulations and the Administered Revenue Management policy, provided interest is paid, ICASA would be within its 	CEO



	Action Item	Person Responsible
	<p>rights to agree to a payment plan. A similar request was granted for the 2014/15, 2015/16 and 2016/17 financial periods.</p> <ul style="list-style-type: none"> The sections 7.1 and 7.15 of the Amended Reserved Postal Services Licence for SAPO read with section 19 (2) of the Postal Services Act, 124 of 1998 and section 80 of the Public Finance Management Act, 1 of 1999 guide the charging of interest on late payments. <p>Council resolved to approve the submission.</p>	
16.	<p>Study visit to the United Kingdom and Spain on Sports Broadcasting Services Regulation</p> <p>The SM Social Policy ICT Presented the item:</p> <p>The purpose of the memorandum was to request Council to approve the study visits to the United Kingdom and Spain.</p> <ul style="list-style-type: none"> The Authority has initiated a process to review the 2010 Sport Broadcasting Services Regulations published on 7 April 2010 in line with Sections 60 (1) and (2) of the Electronic Communications Acts (Act No.36 of 2005) (ECA). Desktop research on international benchmarking is essential in assessing the regulation of Sport Broadcasting in South African in relation to other countries. The intention is to garner the best practice in terms of strengthening the South African Sports Broadcasting Services Regulation. The Authority had conducted benchmarking on Sports Broadcasting including dispute resolution mechanisms, however, desktop research on its own is not sufficient to give a deeper understanding of respective countries. The committee has met all the stakeholders affected by the regulations, including the PSL and other federations. Spain was identified purely for its dispute resolution 	Cllr 



	Action Item	Person Responsible
	<p>mechanisms.</p> <ul style="list-style-type: none"> The current resolutions are under scrutiny and stakeholders encouraged the Authority to move with speed. <p>Council raised the issue of funding and if there was enough budget for the study visit. Further, Council indicated that the available budget was rolled-over from the previous financial period, and if this will be enough to complete the project including the public hearings and gazetting. A budget breakdown for the remainder of the work was requested.</p> <p>The final product on this project is to come out with regulations that are intact.</p> <p>Council raised a concern about the limited timelines within which the project will be achieved as the committee still has to hold public hearings, and that the submission does not indicate when will the study tour take place.</p> <p>The committee indicated that the study tour will take place in the first week of December and the public hearings will be held towards the end of February, with a view to finalise the regulations by the end of March.</p> <p>Council indicated that the timelines are tight and that there is a risk of non-achievement of the project, particularly internal processes including legal vetting.</p> <p>The committee indicated that it will achieve the target as this was the third instance where the regulations were reviewed. The committee further it will look into only three aspects of the regulations: (1) dispute resolutions, (2) Complaints, and (3) Compliance.</p> <p>The committee indicated that it had identified six countries which consume the same content and due to budget constraints the number was reduced.</p> <p>The committee was requested to prepare a project timeline and</p>	



	Action Item	Person Responsible
	<p>submit to Council.</p> <p>Council resolved to approve the study visit to the United Kingdom and one African Country.</p>	
17.	<p>Internal Audit Q2 Progress Report 2018/2019</p> <p>The CAE presented the item:</p> <p>The purpose of the submission was to share with Council the progress made by Internal Audit with regards to the Internal Audit Plan 2018/19.</p> <ul style="list-style-type: none"> • The progress report seeks to inform Council about the performance of the Internal Audit against the approved audit plan. Treasury Regulations 3.2.7 (d) states that, to allow effective monitoring, a quarterly report will be submitted to the Audit Committee detailing internal audit's performance against the annual internal audit plan. • For the quarter ended 30 Sept 2018, Internal Audit completed 6 of the 7 audits that were planned for the quarter. The Division's original target for the year is to complete 28 audits. Internal Audit issued 6 (75%) audit reports of the second quarter target. Refer to Annexure A for the detailed audit plan status dashboard. • Internal Audit was still involved in rendering consulting services with regards to the Advanced Spectrum Management System (ASMS). For the current quarter, Internal Audit attended various Implementation Project and Steering Committee meetings. • Internal Audit commenced consulting on replacement of CBARS following the request from HR on review of the data migration from CBARS to VIP. • The status regarding the Continuous Monitoring and Auditing process has not changed since the previous report provided. 	CEO

	Action Item	Person Responsible
	<p>The appointment of the data analyst has been completed and the successful incumbent joined ICASA on 1 August 2018.</p> <ul style="list-style-type: none"> • The Risk Control Self-Assessment will resume in the next quarter. • The Combined Assurance approach has been repositioned and a revised approach has been proposed. <p>Council resolved to note Internal Audit Q2 Progress Report 2018/2019.</p>	
18.	<p>ICASA's comments on the proposed policy and policy directions to the Authority on Licencing of Unassigned High Demand Spectrum published on GG41935 of 27 September 2018</p> <p>The purpose of the submission was to present to Council the Authority's comments on the Proposed Policy and Policy Directions dated 27 September 2018, (Government Gazette No. 41935), on licensing of unassigned high demand spectrum ("Policy Direction"), for approval.</p> <ul style="list-style-type: none"> • On 27 September 2018, the Department of Telecommunications and Postal Services ("DTPS") published the Policy Direction subsequent to the Authority's comments sent to the DTPS on 11 September 2018 and on 25 September 2018. • The Minister of the DTPS is enjoined in terms of section 3(5) of the Electronic Communications Act, 2005 (Act No. 36 of 2005) to publish the Policy Direction for public consultation. • Chapter 9 of the National Integrated ICT Policy White Paper, 2016 (the White Paper) sets out the open access policy, spectrum policy and a policy framework to address the assignment of high demand spectrum to a wireless open access network. The goals of the open access policy in the White Paper include – 	CEO



	Action Item	Person Responsible
	<ul style="list-style-type: none"> ✓ To allow for effective service-based competition and to ensure accessible, affordable, high quality and reliable services for consumers. ✓ To increase network coverage, and enable the rapid deployment of broadband infrastructure and services across all areas of the country. ✓ To promote shared and equal access to broadband infrastructure. ✓ To remove barriers to competition and innovation in the provision of broadband services; and ✓ To foster innovation and development of applications and services <p>The Authority has made substantive comments to be considered by the minister.</p> <p>Council resolved to approve the comments for consideration by the Minister, and a cover letter emphasising areas to be considered by the Minister as well as to indicate that the Authority is available for further consultations.</p>	
19.	<p>End-User Subscriber Charter proposed settlement agreement with MTN</p> <p>The SM: Legal, Regulatory & Legislation drafting presented the item:</p> <ul style="list-style-type: none"> • On 24 and 31 October 2018, the Authority received settlement proposals from Mobile Telephone Network Proprietary Limited ("MTN") and Cell C Limited ("Cell C") respectively. • On 06 November 2018, the Council of the Independent 	CEO



	Action Item	Person Responsible
	<p>Communications Authority of South Africa (ICASA/the Authority), resolved to make the following counter proposals to MTN and Cell C:</p> <ul style="list-style-type: none"> ✓ to amend regulation 8 of the End-User and Subscriber Service Charter Amendment Regulations 2018 (Government Notice 233 of 2018) to provide that the Amended Regulations will come into force and effect on 31 January 2019; ✓ compliance enforcement with the Amended Regulations will be from 31 January 2019; and ✓ that each party pay its own costs. 	
20.	<p>Closure</p> <p>The Chairperson thanked all present at the meeting and adjourned the meeting.</p>	Secretariat

Signed: 
 (Chairperson)

Date: 29/01/2019