

MINUTES OF AN ORDINARY COUNCIL MEETING

Date	20 November 2018	
Time:	09h30	
Venue:	Block B, Council Boardroom	
Present	████████████████████	Chairperson
	██████████████	Member
	██████████████████	Member
	██████████████████	Member
	██████████████████████████████████████	Member
	██████████████████	Member
	██████████	Member
	██████████████	Member
	██████████████████████████████████████	Member
	██████████	
By Invitation	██████████████████	CEO
	████████████████████	CFO
	██████████████████	CAE
	██████████████	Corporate Secretary
	██████████████	Secretariat officer
Partial Attendees	██████████████	SM:CS:IT (o.b.o Executive; Corporate Services)
	██████████████	Executive: Legal, Risk and CCC
	██████████████	GM: Licensing
	████████████████████	GM: Compliance and Consumer Affairs
	██████████████	Manager: Security
	██████████████	Manager: National Spectrum Monitoring
	████████████████████	Manager: Wholesale Services
	██████████████████	Executive: HR
	██████████████	Principal Business Analyst: Licensing
	████████████████████	Regulation & Legislative Drafting Specialist
	██████████████	SM: Spectrum Licensing
	████████████████████	GM: Regions

W

	[REDACTED]	SM: ICT Licensing Services
	[REDACTED]	Telecommunication Network Measurement Specialist
	[REDACTED]	Acting GM: Engineering and Technology
	[REDACTED]	Manager: Cost Modelling
	[REDACTED]	SM: Market Regulation
	[REDACTED]	Risk and Compliance Management Specialist
Apologies	None	

Independent Communications Authority of South Africa

	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Chairperson opened the meeting at 08h39 and welcomed all present.</p> <p>Apologies</p> <ul style="list-style-type: none"> • There were no apologies noted at the meeting. 	Chairperson
2.	<p>Ratification of agenda</p> <p>The following item was added to the agenda:</p> <ul style="list-style-type: none"> • December Office Shutdown <p>The following items were deferred to the next meeting:</p> <ul style="list-style-type: none"> • Proposed Re-broking Exercise for Government Employees Pension Fund. • ICASA submission on the Film and Publications Board Draft Classification Guidelines for the classification of films, interactive computer games and certain publications – 2018. • Condonation of Unauthorised Irregular, Fruitless and Wasteful Expenditure 2016/17. • Application for the transfer of I-ECS and I-ECNS licenses from Ucoms Satellite (Pty) Ltd to Wi-Fi Wave (Pty) Ltd. • Application for the amendment of an I-CSBS and RFS license by Cape Town Radio (Pty) Ltd. • 2018/19 USAASA Impendle Network Audit <p>It was resolved that the agenda be approved with the above additions.</p>	Council
3.	Declaration of interest	All



	Action Item	Person Responsible
	No conflict of interest was noted in the meeting.	
4.	Adoption of previous minutes	Council
4.1	<p>Minutes of the 16 October 2018</p> <p>It was resolved that the minutes of a meeting held on 16 October 2018, be approved as presented.</p>	
4.2	<p>Minutes of Council 23 October 2018</p> <p>Page 12, Item 10 – the CAE did not present the item. Page 15, item 14 was deferred.</p> <p>It was resolved that the minutes of a meeting held on 23 October 2018, be approved with corrections.</p>	
5.	<p>Matters arising from the previous minutes</p> <p>The matters arising document was discussed in the meeting.</p>	Secretariat/ Acting CEO
6.	<p>Inter/ Intra Operator Disputes (“Standing Item”)</p> <p>The purpose of the 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>Democratic Alliance and SABC/Multichoice</p> <ul style="list-style-type: none"> • The matter between the Democratic Alliance and the SABC/Multichoice was being finalised. • The SABC has not responded to the request for additional information confirming if other broadcasters had access to the archived content. • The legal division was still analysing the Constitutional Court judgment against the SABC. 	CEO

	Action Item	Person Responsible
	<p>As soon as legal division has completed the analysis the matter will be finalised.</p> <p>MTN v Transnet</p> <p>MTN 's application to review the Authority's decision to implement the porting of numbers to Vodacom was dismissed by the High Court.</p> <p>The update on Inter-operator disputes was noted.</p>	
7.	<p>International Engagements</p> <p>Feedback on the ITU meeting was given. Cllr [REDACTED] and team were applauded for the great job done with respect to ITU. A full report will be presented in the next Council meeting.</p> <p>The international calendar to be updated and relevant teams to be sent to preparatory meetings.</p> <p>Reports should be submitted post meetings and action items followed up.</p>	
8.	<p>Update on Office Relocation</p> <p>The Senior Manager:CS:IT presented the item and the following were noted:</p> <ul style="list-style-type: none"> • Employees are settling in well. • Furniture is being installed in Councillors offices. • Round tables in the Councillors' offices to be delivered during the week. • The air-conditioners are a challenge and staff members will be workshopped on how to use them. • Access control in place. • All cameras in the building are completed and all working. • The cameras outside are nine, of which two are functional and the rest to be installed during the week. • Spare keys for councillors will be allocated next week. • Opening ceremony is scheduled for 07 December 2018. • Naming of the boardrooms is underway. 	Relocation Committee



	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Relocation allowance error on calculations was being addressed and will be resolved. <p>The update on the relocation process was noted</p>	
9.	<p>Non-Compliance by RAIN (Pty) (Formerly WBS) with Radio Spectrum Frequency Trial Licence -Re Potential Disregard for Legislative Requirements: Vodacom Proprietary Limited ("Vodacom") and Wireless Business Solutions Proprietary Limited ("WBS")</p> <p>The GM: CCA presented the item.</p> <p>The purpose of the submission was to advise Council of the outcome of one of the recommendations into the Final Investigation Report dated, 03 May 2018, on potential disregard for legislative requirements: Vodacom Proprietary Limited ("Vodacom") and Wireless Business Solutions Proprietary Limited ("WBS") ("Final Report"), that was submitted to Council and approved on 05 June 2018, as well as to request Council to note and approve the recommendations.</p> <ol style="list-style-type: none"> 1. The matter emanates from 3 complaints from Cell C Ltd, MTN (Pty) Ltd and Telkom SA Ltd, between June 2016 and July 2017 against Vodacom and WBS (now RAIN). The complaints were alleging that the agreements entered between Vodacom and WBS, may be in contravention of the ECA and/or applicable regulations. A Task Team was put together to investigate. 2. During the investigation, the Task Teams came across unrelated instances of non-compliance on the part of WBS, as outlined in paragraph 1.14, with representations thereto by WBS in paragraphs 8.9.1.3 & 8.9.1.6, of the Final Report. 3. Therefore, the current matter is to consider the Council recommendation for referral of WBS to the Compliance and Consumer Affairs (CCA) Division, for further enforcement action - including referral to the Complaints and Compliance Committee. It 	CEO

	Action Item	Person Responsible
	<p>is alleged that WBS contravened:</p> <ul style="list-style-type: none"> (a) The provisions of its Radio Frequency Spectrum Trial Licence¹ (RFSTL); (b) Paragraph 8.1 of the Radio Frequency Spectrum Assignment Plan, 2015 (RFSAP); and (c) Regulation 9 of the Radio Frequency Spectrum Regulations, 2015 (RFSR). <p>After a comprehensive discussion, Council resolved that there was no contravention of the ECA and the RFS licence by RAIN.</p>	
<p>10.</p>	<p>The Authority 's comments on the Electronic Communications Amendment Bill,2018</p> <p>The Executive: LRCCC presented the item.</p> <p>The purpose of the item was to request Council to consider the Electronic Communications Amendment Bill.</p> <p>The Department of Telecommunications and Postal Services published the Electronic Communications Amendment Bill for public comments, and the deadline for the submissions is the 20th November 2018.</p> <p>In 2017 the Department of Telecommunications and Postal Services invited the Authority to provide written comments on the draft ECA Bill, 2017.</p> <p>Thereafter, the DTPS published the ECA Bill, 2018 in Government Gazette No. 41903 of 14 September 2018 and the Bill was formerly tabled in Parliament on 19 September 2018.</p> <p>It was resolved that Council considers the EC Amendment Bill, 2018 and the Authority's comments for submission to the department.</p>	<p>CEO</p>
<p>11.</p>	<p>Submission of a Report on Western Cape Education Activations</p>	<p>CEO</p>

	Action Item	Person Responsible
	<p>The purpose of the submission was to request Council of the Authority to note the report on the Consumer Education Events that took place in the Western Cape in October 2018.</p> <p>The purpose of the consumer-focused education campaign was to deliver on ICASA's mandate that requires it to regulate in the interest of South African consumers, educate consumers on their rights and responsibilities; and protect them against harmful business practices by licensees and illegal operators within the sector.</p> <p>The report was noted.</p>	
12.	<p>Risk and Compliance Management Plan Quarter Two Progress Report</p> <p>The Executive: LRCCC presented the item.</p> <p>The purpose of the submission was to provide quarterly progress report on Risk and Compliance Management activities which are being undertaken by Legal, Risk and CCC Division and provide organisational risk profile.</p> <p>Risk Management continues to be an integral part of the management's programme, which includes having to report progress on a regular basis to Council. It also provides a high-level focus on assurance and management arrangements for governance, managing risk and maintaining an effective control environment.</p> <p>The report was noted.</p>	CEO
13.	<p>Quarter 2 Strategic Risk Progress Update</p> <p>The Executive: LRCCC presented the item.</p> <p>The purpose of the submission was to provide Council with quarter 2 update on the implementation of the strategic risks, for noting.</p> <p>The Councillors, Executive Team and General Managers, had several meetings, to determine the Authority's strategic risks. The strategic risk register was approved by Council in February 2018, and progress</p>	CEO

	Action Item	Person Responsible
	<p>on the implementation of the action plans is continuously being monitored and reported to the AREDC on quarterly basis.</p> <p>The report was noted as presented.</p>	
<p>14.</p>	<p>Quarter 2 Financial Disclosure Report</p> <p>The Executive: LRCCC presented the item.</p> <p>The purpose of the submission was to provide Council with quarter 2 progress update on the disclosure of financial interest report, for noting.</p> <p>Council approved the Risk and Compliance management plan for 2018/19 financial year. The Legal, Risk and CCC division provides quarterly progress report on the implementation of financial disclosure on quarterly basis.</p> <p>The meeting noted that 100% compliance was achieved with regard to filling and submission of the financial disclosure forms.</p> <p>The report was noted as presented.</p>	<p>CEO</p>
<p>15.</p>	<p>Business Impact Analysis Report</p> <p>The GM: Regions presented the item.</p> <p>The purpose of the submission was to provide Council with Business Impact Analysis Report.</p> <p>The Division has appointed a consultant to assist with Business Impact Analysis report. Various workshops to update Business Impact Analysis were conducted in the first quarter.</p> <p>The purpose of the Business Impact Analysis was to:</p> <ul style="list-style-type: none"> • Obtain an understanding of the organisation's key products and services, and the activities that deliver them. • Determine priorities and timelines for resuming activities. 	<p>CEO</p>

	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Identify the key resources likely to be required for continuity and recovery. • Identify dependencies (both internal and external) <p>It was resolved that Council approve the Business Impact Analysis report.</p>	
<p>16.</p>	<p>Response letter to the SABC on the ICASA Must Carry Regulations</p> <p>The CEO presented the item.</p> <p>The purpose of the submission was to request Council to approve the Authority's response letter to the SABC. The letter is with regards to the regulatory Impact Assessment on ICASA Must Carry Regulations.</p> <p>On 11 October 2018, the Authority received a letter from the SABC, regarding the RIA on ICASA Must Carry Regulations.</p> <p>In the main, the letter details the SABC's apprehension that conducting a RIA will result in further delays in dealing with the SABC's concerns regarding the Regulations.</p> <p>It was resolved that Council approve the Authority's response letter to the SABC in that the Authority will conduct a RIA, and there is a need, then revise the regulations.</p>	<p>CEO</p>
<p>17.</p>	<p>Request to Amend Regulation 12 of the Process and Procedure Regulations for Individual Licenses, 2010 in respect of HDI Requirement for State Owned Entities</p> <p>The CEO presented the item.</p> <p>The purpose of the submission was to request that Council approves the vetted notice to amend Regulation 12 of the Process and Procedure Regulations for Individual Licenses, 2010, for publication in the government gazette without delay as provided in section 4(7)(b) of the Electronic Communications Act, no 36 of 2005, as amended.</p> <p>The Legal, Risk and CCC Division has considered Council's</p>	<p>CEO</p>



	Action Item	Person Responsible
	<p>instruction on whether the Broad-Based Black Economic Empowerment certificate received by the Authority from the South African National Space Agency is sufficient to meet the requirements of 30% equity ownership to be held by persons from historically disadvantaged groups as contemplated by Section 9 (2) (b) of the Electronic Communications Act, 2005.</p> <p>The submission was approved as presented.</p>	
<p>18.</p>	<p>ARC Submission on appointments</p> <p>The Executive: HR presented the item.</p> <p>The purpose of the submission was to request the approval for the appointment of four (4) instead of three (3) advertised positions of Audit, Risk, Ethics and Disclosure Committee (AREDC) members, for a period of three (3) years, effective from the date of assumption of duty, for:</p> <ul style="list-style-type: none"> • Dr [REDACTED] (Chairperson) • Ms [REDACTED] • Mr [REDACTED] and • Mr [REDACTED] <p>The three (3) positions of AREDC members were advertised externally on 10 July 2018 with a closing date of 27 July 2018. A total number of sixty-seven (67) applications were received and all received applications were submitted to the relevant selection committee on 03 September 2018.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>It was resolved that the following candidates be appointed:</p> <ul style="list-style-type: none"> • Ms [REDACTED] as the Chairperson of the committee; • Mr [REDACTED] and 	<p>CEO</p>

	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Mr [REDACTED] as ordinary members. <p>It was also resolved that the former chairperson of the committee [REDACTED] be invited in the induction of the new committee members.</p>	
<p>18.</p>	<p>REMCO Submission on appointments</p> <p>The purpose of the submission was to request approval for the appointment of four (4) advertised positions of Human Resources and Remuneration Committee members, for a period of three (3) years, effective from the date of assumption of duty, for:</p> <ul style="list-style-type: none"> • Mr [REDACTED] • Ms [REDACTED] • Mr [REDACTED] and • Ms [REDACTED] <p>The four (4) positions of REMCO members were advertised externally on 07 September 2018, with a closing date of 28 September 2018. A total number of sixty-seven (62) applications were received and all received applications were submitted to the relevant selection committee on 04 October 2018.</p> <p>It was resolved that the following candidates be appointed:</p> <ul style="list-style-type: none"> • Mr [REDACTED] • Ms [REDACTED] • Mr [REDACTED] and • Ms [REDACTED] 	<p>CEO</p>
<p>19.</p>	<p>2018/19 Quarter 2 Inspection report for the South African Maritime Safety Authority.</p> <p>Acting GM: Engineering and Technology presented the item.</p> <p>The purpose of the submission was to request Council to note the 2018/2019 Quarter 2, inspection report for the South African Maritime Safety Authority inspection report.</p>	<p>CEO</p>

	Action Item	Person Responsible
	<p>The South African Maritime Safety Authority is authorised to act on behalf of ICASA to perform maritime functions. A memorandum of understanding stipulates the functions that SAMSA performs.</p> <p>This includes maritime radio-technology training and certification. ICASA was previously responsible for issuing these certificates. The MoU transfers the duties of issuing certificates to SAMSA. ICASA is still responsible for overseeing the processes and conducting quarterly inspections.</p> <p>The report was noted.</p>	
20.	<p>Analysis of SAPO's 2017/18 Regulatory Financial Statements and Operator's Manual Procedure</p> <p>Acting GM: Engineering and Technology presented the item.</p> <p>The purpose of the submission was to make recommendations to Council to approve the evaluation of SAPO 2017/2018 Regulatory Financial Statements and Operators Manual Procedure:</p> <ul style="list-style-type: none"> • Regulatory Financial Statements (01 April 2017 to 31 March 2018) and • Operator's Procedure Manual. <p>It was resolved that the Analysis of SAPO's 2017/18 Regulatory Financial Statements and Operator's Manual Procedure be approved.</p>	CEO
21.	<p>2018/18 Quarter 2 – Voice Quality of Service Report – North West Province</p> <p>Acting GM: Engineering and Technology presented the item:</p> <p>The purpose of the submission was for Council to approve the Voice Quality of Service Report for Q2 2018/2019.</p> <p>The Engineering and Technology Division has conducted Quality of Service of the mobile networks and service being offered by Cell C,</p>	CEO

	Action Item	Person Responsible
	<p>Vodacom, MTN and Telkom mobile in the Free State Province as per 2018/19 QoS Monitoring Plan for E&T division. Quality of Service is defined as the collective effect of the service performances which determine the degree of satisfaction of a user of the service.</p> <p>The Key Performance Indicators used to measure the QoS were Drop Call Ratio for retainability of the voice call and Call Setup Success Ratio for the Accessibility of the network resources.</p> <p>It was resolved that the 2018/18 Quarter 2 – Voice Quality of Service Report – North West Province, be approved.</p>	
<p>22.</p>	<p>General</p> <p>December shutdown period.</p> <p>The Executive: HR presented</p> <p>Council resolve to shut-down from the 17th to the 31st December 2018. An i-news to be sent to that effect. A formal submission to be brought forward and presented in the next Council meeting.</p>	
<p>23.</p>	<p>Closure</p> <p>The Chairperson thanked all present at the meeting and adjourned the meeting at 16h17.</p>	<p>Secretariat</p>

Signed: 
 (Chairperson)

Date: 29/01/2019