



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY MEETING OF COUNCIL

<b>Date</b>	30 April 2019	
<b>Time:</b>	09h30	
<b>Venue:</b>	Block C, Thabo Mbeki Boardroom	
<b>Present</b>	████████████████████	Acting Chairperson
	████████████████████	Member ( <i>via teleconferencing</i> )
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<b>By Invitation</b>	████████████████████	Acting CEO
	████████████████████	CFO
	████████████████████	CAE
	████████████████████	Corporate Secretary
	████████████████████	Secretariat Officer
<b>Partial Attendees</b>		
	████████████████████	Executive: Legal, Risk and CCC
	████████████████████	Specialist: Monitoring and Evaluation
	████████████████████	SM: Talent and Performance Management
<b>Apologies</b>		
	████████████████████	CEO



	<b>Action Item</b>	<b>Person Responsible</b>
<p><b>1.</b></p>	<p><b>Opening and apologies</b></p> <p>The Acting Chairperson opened the meeting at 09:40 and welcomed all present.</p> <ul style="list-style-type: none"> <li>• The Acting Chairperson indicated that the meeting of Council will be short as he had to meet with attorneys to depose an affidavit in the matter relating to the funding of ICASA.</li> <li>• Council was informed that ICASA was involved in a dispute with the Department of Communications regarding the release of the first tranche of its funding and was briefing lawyers on a view to make an urgent application to the High Court to compel the department to release the funding and the Minister of Communications has been given until eleven o'clock to action the request</li> <li>• Councillors were also invited to attend the launching of the Independent Electoral Commission (IEC) Election Centre.</li> </ul> <p><b>Apologies</b></p> <p>The following apology was noted:</p> <ul style="list-style-type: none"> <li>• The CEO was on leave.</li> <li>• Cllr [REDACTED] will be joining the meeting via teleconferencing</li> </ul>	<p><b>Acting Chairperson</b></p>
<p><b>2.</b></p>	<p><b>Declaration of interest</b></p> <p>A declaration of interest form was circulated.</p> <p>No conflict of interest was noted at the meeting</p>	<p><b>Council</b></p>

	<b>Action Item</b>	<b>Person Responsible</b>
3.	<p><b>Ratification of Agenda</b></p> <p>The following items were prioritized.</p> <ul style="list-style-type: none"> <li>• Q4 Performance Information Report 2018/2019</li> </ul> <p>The following items were deferred. Items 7,8,9,10,11,14</p> <p><b>The Agenda was approved with amendments.</b></p>	All
4.	<b>Adoption of previous minutes</b>	Council
4.1	<p><b>Minutes of a Meeting held on 02 April 2019</b></p> <p>The following corrections were noted:</p> <ul style="list-style-type: none"> <li>• Pg1-Delete repeat name of Cllr [REDACTED]</li> <li>• Remove bullet three, Item 1 on page 2.</li> <li>• Item 5 correct the word 'expressed its concerns on the'</li> <li>• Remove bullet 4 on Item 14, page 8.</li> <li>• Correct the resolution on item 14 to state the following <b>"The International meeting schedule was approved on condition of a supplementary list tabled"</b></li> <li>• Correct punctuation on bullet one on item 16.</li> <li>• Item 23- <b>"The Acting Chairperson thanked all who attended"</b></li> </ul> <p><b>The minutes were approved with corrections</b></p>	Council
4.2	<p><b>Minutes of a meeting held on the 18<sup>th</sup> March 2019</b></p> <p>The following corrections were made:</p> <ul style="list-style-type: none"> <li>• Remove bullet three on Item 1</li> <li>• On bullet four, add department.</li> </ul>	All

	<b>Action Item</b>	<b>Person Responsible</b>
	<b>The Minutes were approved with corrections</b>	
5.	<p><b>Matters arising from previous minutes</b></p> <p>Cllr [REDACTED] will share the errors on the report with Secretariat</p> <p>It was resolved that the Secretariat should create a template of "current matters arising and standing and overdue matters arising to track whether resolutions were acted upon.</p> <p>The template should be tabled at Council for approval.</p>	<b>Secretariat/CEO</b>
6	<p><b>International Engagements ("Standing item")</b></p> <p>The item was deferred.</p>	<b>Executive:CS</b>
7.	<p><b>Licensing of IMT ("Standing item")</b></p> <p>The item was deferred</p>	<b>Cllr [REDACTED]</b>
8.	<p><b>Public Audit Amendment Act ("Standing item")</b></p> <p>The item was deferred</p>	<b>CAE</b>
9.	<p><b>Recommendation by Complaints and Compliance Committee to Council in the matter between Newcastle Community Member ("NCM") and Newcastle Community Radio ("NCR")</b></p> <p>The item was deferred.</p> <p><i>The Specialist: Monitoring and Evaluation joined the meeting at 10:40</i></p>	<b>Cllr [REDACTED]</b>
10.	<p><b>Q4 Performance Information Report 2018-2019</b></p> <p>The purpose of the submission was to present the Q4</p>	<b>Acting CEO</b>

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>Performance Information Report to Council to determine progress made towards delivery of outputs as planned in the APP; and</p> <ul style="list-style-type: none"> <li>• Targets pursued and recommended any corrective measures where there are challenges.</li> </ul> <p>The Specialist: Monitoring and Evaluation presented the item:</p> <ul style="list-style-type: none"> <li>• Quarterly reports are a progress monitoring tool, to evaluate progress towards delivery of outputs and achievement of targets. The Authority must produce one every quarter as a legislative compliance requirement.</li> </ul> <p>The following were noted;</p> <ul style="list-style-type: none"> <li>• The report presents ICASA's performance for Quarter 4 ending 30<sup>th</sup>March 2019.</li> <li>• It was based on Annual Performance Plan 2018/19 approved by the Minister of Communications.</li> <li>• The report was processed through all the internal structures such as joint EXCO/OPCO, AREDC and went through verification by Internal Audit division before submission to Council</li> <li>• The Authority set sixty-eight targets for the quarter under review. Sixty-two (62) were achieved. The Sixty-two (62%) targets achieved constitute a 91% quarterly achievement. The percentage signifies the Authority 's quarterly contribution towards achievement of long-term Strategic Outcome Oriented Goals as spelled out in its 5-year Strategic Plan.</li> <li>• Licensing and Engineering and Technology contributed hundred percent (100%) towards facilitation of investment and access to</li> </ul>	

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	<p>broadband infrastructure for sustainable socio-economic development -SOOG1.</p> <ul style="list-style-type: none"> <li>• Licensing and Policy Research and Analysis and Engineering and Technology contributed eighty percent (80%) towards promotion of competition and facilitation of universal access to communication services at affordable cost-SOOG2</li> <li>• Licensing and Policy Research and Analysis contributed seventy five percent (75%) towards promotion of social integration, inclusivity and nation building-SOOG 3.</li> <li>• PRA and Engineering and Technology, Regions and Compliance contributed ninety five percent (95) towards protection of consumers. -SOOG4</li> <li>• Corporate Services, Finance, Human Resources, Internal Audit and Legal, Risk and CCC have contributed 92% towards organisational efficiency-SOOG5</li> </ul> <p>The overall performance for Quarter 4 (91%) has improved significantly when compared to performance in Quarter 3. The significant improvement could be attributed to the stability that was obtained due to the completion of the relocation to the new offices.</p> <p>It should be noted that extensive progress has been made during quarter 4 by all Programmes to redress and mitigate the non-achievement of quarter 3, hence the significant improvement. Based on the significant improvement during the quarter under review, the Authority appeared to be on course to exceed the 80% performance target set for the current financial year.</p> <p><b>It was resolved that Q4 Performance Information Review before 2018-2019 be approved for onward submission to the Minister of Communications</b></p>	

	<b>Action Item</b>	<b>Person Responsible</b>
11.	<p><b>Finance Expenditure Report for Quarter 4</b></p> <p>The purpose of this submission was for Council to note and approve the Finance Expenditure Report or Quarter 4 for the 2018-2019 financial period.</p> <p>The CFO presented this item</p> <p>With the report, the finance division intended to provide an update on the quarterly expenditure report and progress made on the demand plan and audit action plan for 2018-2019 financial year.</p> <p>In terms of the Public Finance Management Act (PMFA), section 38 (1) (a) (1), "an accounting officer for a constitutional institution must ensure that, that constitutional institution has and maintains effective, efficient and transparent systems of financial and risk management and internal controls"</p> <p>The report detailed spending of divisions, projects, revenue as well as National Revenue Fund over the quarter and year to date. There was a section that also relates to compliance with National Treasury regulations.</p> <p><b>Grants</b></p> <ul style="list-style-type: none"> <li>• The Authority's grant was received on a quarterly basis from the Department of Communications. A total amount of [REDACTED] was to date received from the Department.</li> <li>• This total collected to date was 100% of the total budgeted amount for the quarter, which was in line with the projected revenue for the year.</li> <li>• There were deferred grants realized during the first quarter of [REDACTED] from the 2017/2018 rolled over ring</li> </ul>	CFO

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	<p style="text-align: center;">fenced (ASMS project) amount of [REDACTED]</p> <p><b>Interest Income</b></p> <ul style="list-style-type: none"> <li>A total amount of [REDACTED] was earned in the fourth quarter of 2018/19 from the short-term Investments against the budget of [REDACTED]</li> <li>The total amount collected to date was inclusive [REDACTED] which was interest earned from thirty days investment on collected licences. The total interest earned year to date against budget [REDACTED] lesser, main contributing factor was the Authority does not have reserves at its disposal following National Treasury's decision to withdraw surplus funds</li> </ul> <p><b>Other Income</b></p> <p>A total amount of [REDACTED] was collected to date was mainly from insurance claims recovered during the quarter</p> <p>The Authority's quarter revenue as at the end of March 2019 was [REDACTED] which was [REDACTED] lower to the quarterly budget.</p> <p>The Authority's year to date total OPEX expenditure excluding normal projects and capital costs was [REDACTED] against budget of [REDACTED]</p> <p><b>The Finance Expenditure Report for Q4 was noted.</b></p>	
12.	<p><b>Update on the 2019-20 Budget Implemented with effect from 1 April 2019</b></p> <p>The CFO presented the item</p> <p>The purpose of the submission was for Council to note</p>	CFO



	<b>Action Item</b>	<b>Person Responsible</b>
	<p>the current budget allocations per division and to provide an update on the implementation of the 2019-20 budget as approved by Council</p> <p><b>Council Deliberated on the Budget and resolved as follows</b></p> <p>Regarding the Budget concerning training for councillors, Council will not decide yet, more information was required from management.</p> <p>Further requested that a Task Team consisting of two Councillors ( [REDACTED] ) and management be constituted to explore how councillors' training could be funded and clarify what is the actual allocation for training of councillors (international &amp; Local).</p> <p>This process should look at internal as well as external funding sources and make recommendations to Council for approval</p>	
13.	<p><b>Finance Group Grievance -Performance Management 2017-2018</b></p> <p><b>The item was deferred</b></p>	CEO
14.	<p><b>Submission of a report on Limpopo and Consolidated 2018-19 Consumer Education Activations</b></p> <p><b>The item was deferred</b></p> <p><i>The SM: Talent and Performance Management joined the meeting at 12:30</i></p>	Acting CEO
15.	<p><b>Self-Development Key Performance Area</b></p> <p>The purpose of the submission was to approval from Council to exclude Self-Development KPA from the final assessment of the 2018/2019 Performance Cycle as per performance contracts of all employees, as well as to</p>	Acting CEO

	<b>Action Item</b>	<b>Person Responsible</b>
	<p>approve the Self-Development KPA for the 2019/2020 Performance Cycle.</p> <p>The SM: Talent and Performance Management presented this item:</p> <p><b>Discussion</b></p> <p>As per Performance Management Policy, as well as the approval from Council, pertaining to the memo on the proposed changes to the 2018/2019 Performance contracts in November 2018, all employees should have the following Key Performances Areas (KPAs) within their performance contracts;</p> <ul style="list-style-type: none"> <li>• Living the ICASA Values</li> <li>• Leadership Effectiveness</li> <li>• Self-Development</li> <li>• Risk Management (for all Executives, General Managers, Senior Managers/Specialists(D1-D3) and the Risk Champions</li> <li>• Financial Management (for all employees responsible for capturing invoices, Executives, General Managers, Senior Managers and Managers that approved invoices and</li> <li>• Financial Compliance (for all Executives, General Managers, Senior Managers and Managers).</li> </ul> <p><b>Self-Development KPAs 2018-2019 Performance Cycle</b></p> <p>The Human Resource division was responsible for ensuring that all line Managers and employees engaged one another to draft employees Individual Development Plans (IDPs) that specify which training interventions employees should attend for the particular financial year.</p> <p>The organisational IDP was then consolidated from all received IDPs and form part of ICASA's Workplace Skills Plan submission to the Media, Information and Communication Technology Sector and Training Authority (MICT) SETA.</p>	



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	<p>These training interventions are submitted to the Supply Chain Management Business Unit to procure three quotations which are required for each training course.</p> <p>The Self-Development KPAs were developed with the intention to measure attendance of employees identified training interventions that were approved between employees and the line managers and documented within their IDPs that aim to improve performance and develop employee's professional knowledge and to empower the employee.</p> <p>The Self-Development KPA of certain employees for the 2018/2019 financial year have been severely affected by the Office Relocation procurement activities that took precedence over all other procurement activities during the relocation of ICASA from Sandton to Centurion.</p> <p>During the completion of the relocation process, the procurement of all training courses came to a standstill that resulted in a backlog of procuring training courses. Thus, there was no enough time to procure all the training interventions within the 2018/19 financial year. As such, employees have not been able to positively respond to all self-development targets as contracted.</p> <p>International training was also adversely affected as most of the budget allocated for International training was transferred to Corporate Services Division to augment the relocation budget. Therefore, majority of employees would be unreasonably penalised for the 2018/19 Performance cycle due to non-attendance for all their training interventions as per the IDP.</p> <p>To ensure that all employees were given a fair opportunity pertaining to Self-Development KPA and not to be penalised for not being able to attend their training intervention for reasons that were out of their control, it was requested that the Self Development KPA for 2018/19 Performance cycle be waved in the final assessment.</p>	



	<b>Action Item</b>	<b>Person Responsible</b>
	<b>The request was approved</b>	
<b>16.</b>	<b>General</b>  A list of policies that require Council's approval must be tabled to Council by the end of May 2019 and Finance policies must be prioritised as a matter of urgency before audit is completed	
<b>17.</b>	<b>Closure</b>  The Acting Chairperson thanked all who attend the meeting adjourned at 13:00	<b>Chairperson</b>
<b>18.</b>	<b>Date of next meeting: 30 April 2019</b>	<b>Secretariat</b>

Signed:  \_\_\_\_\_ Date: 16 July 2019

(Chairperson)