



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY MEETING OF COUNCIL

Date	18 June 2019	
Time:	09h30	
Venue:	Block B, Council Boardroom	
Present		Acting Chairperson
		Member
		Member
		Member
		Member
By Invitation		CEO
		CFO
		CAE
		Corporate Secretary
		Secretariat Officer
Partial Attendees		SM: Talent and Performance Management
		GM: Policy Research and Analysis
		GM: Licensing
		Market Regulation
		Specialist: Regulation and Legislative Drafting
Apologies		Member
		Member
		Member



	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Acting Chairperson opened the meeting at 09:50 and welcomed all present.</p> <ul style="list-style-type: none"> • Council indicated that as from 10h15, it will not quorate as Cllr [REDACTED] has another engagement to address a delegation from Kenya visiting ICASA. • Council resolved that it will take two time bound submissions which will be approved via Round Robin Resolution and one for noting as follows: <ul style="list-style-type: none"> ✓ Cost of Living Adjustment; ✓ Provisional Findings and Recommendations on the Data Services Market Inquiry by the Competition Commission; and ✓ 2019/19 Performance Assessment. <p>The following apologies were noted:</p> <ul style="list-style-type: none"> • Cllr [REDACTED] will leave the meeting to address the delegation from Kenya. • Cllr [REDACTED] was on sick leave. • Cllr [REDACTED] was attending the CRASA Roaming Task Team and SADC Roaming Forum in Benoni. • Cllr [REDACTED] was attending an ATU WRC-19 Preparatory Meeting in Gaborone, Botswana. 	Acting Chairperson
2.	<p>Ratification of the agenda</p> <p>The agenda was ratified with the changes indicated above.</p>	Council



	Action Item	Person Responsible
3.	Declaration of interest No conflict of interest was noted at the meeting.	All
4.	Engagement with the Union on Cost of Living Adjustment [REDACTED] [REDACTED] [REDACTED] The SM: Talent and Performance Management presented the item: <ul style="list-style-type: none">• [REDACTED] [REDACTED] [REDACTED]• [REDACTED] [REDACTED] [REDACTED]• [REDACTED] [REDACTED] [REDACTED]• [REDACTED] [REDACTED] [REDACTED] [REDACTED]• [REDACTED] [REDACTED] [REDACTED] [REDACTED]	CEO



	Action Item	Person Responsible
	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Cllr [REDACTED]</p> <ul style="list-style-type: none"> • [REDACTED] • [REDACTED] • [REDACTED] <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
5.	<p>Performance Assessments 2018/2019</p> <p>The purpose of the submission was to provide a guideline on the performance management and assessment of committees in line with the Performance Management Policy.</p> <p>The SM: Talent and Performance Management presented the item:</p> <ul style="list-style-type: none"> • Council previously deliberated on the assessment of employees that were serving in Council committees and emphasised adherence to the Performance Management Policy in line with the ratings and indicators outlined in the policy as follows: 	CEO



	Action Item	Person Responsible									
	<p>✓ According to section 6.4.2 of the Performance Management Policy, a five-point rating scale should be utilised when employees are rated for purposes of performance assessments are as follows:</p> <table border="1"> <thead> <tr> <th data-bbox="347 656 464 734">Rating</th><th data-bbox="464 656 815 734">Descriptor</th><th data-bbox="815 656 1193 734">Definition of Descriptor</th></tr> </thead> <tbody> <tr> <td data-bbox="347 734 464 1731">5</td><td data-bbox="464 734 815 1731"> Exceptional Performance <i>(Performance far exceeds the standard expected for the job)</i> </td><td data-bbox="815 734 1193 1731"> <ul style="list-style-type: none"> Planned objectives were achieved well above established standards against all performance criteria and indicators and maintained this in all areas of responsibility throughout the year. Accomplishments were made in unexpected areas and introduced innovations that significantly improved ICASA's effectiveness. Performance far exceeds all expectations consistently. </td></tr> <tr> <td data-bbox="347 1731 464 1989">4</td><td data-bbox="464 1731 815 1989"> Above expectation Performance <i>(Performance significantly higher than the standard expected for the job)</i> </td><td data-bbox="815 1731 1193 1989"> <ul style="list-style-type: none"> Consistently exceeds standards in most areas of responsibility. Performance meets and </td></tr> </tbody> </table>	Rating	Descriptor	Definition of Descriptor	5	Exceptional Performance <i>(Performance far exceeds the standard expected for the job)</i>	<ul style="list-style-type: none"> Planned objectives were achieved well above established standards against all performance criteria and indicators and maintained this in all areas of responsibility throughout the year. Accomplishments were made in unexpected areas and introduced innovations that significantly improved ICASA's effectiveness. Performance far exceeds all expectations consistently. 	4	Above expectation Performance <i>(Performance significantly higher than the standard expected for the job)</i>	<ul style="list-style-type: none"> Consistently exceeds standards in most areas of responsibility. Performance meets and 	
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Action Item			Person Responsible
		exceeds most expectations.	
3	Effective Performance (<i>Value adding performance</i>)	<ul style="list-style-type: none"> • Performance fully meets expectations in all areas of the job. • Performance fully meets the standard in all areas of the job. 	
2	Performance does not meet some expectations/standards (<i>KPA not met</i>)	<ul style="list-style-type: none"> • Not all planned objectives were accomplished within the established standards. • Performance was below standard required for the job in key areas. • Needs improvement. 	
1	Poor Performance (<i>There was a need for immediate Performance Improvement Plan</i>)	<ul style="list-style-type: none"> • Does not meet expectations in all areas. • Performance does not meet the standard expected for the job. • Needs immediate Performance Improvement Plan. 	
Council resolved to note the rating scales as contained in the Performance Management Policy.			



	Action Item	Person Responsible
6.	<p>ICASA's comments on the provisional findings and recommendations made on the Data Services Market Inquiry by the Competition Commission.</p> <p>The purpose of the submission was to request Council to note comments made by ICASA to the Competition Commission (CC) on the provisional findings and recommendations on the Data Services Market Inquiry by the Competition Commission.</p> <ul style="list-style-type: none"> • On the issue of in Bundle rate and Out of Bundle OBB data rates, the CC recommended that bundles smaller than 1GB are reduced in price to be within 25% of the average effective 1GB bundle price (inclusive of free and promotional data offers) on a per MB basis; and • The OBB data rates are subject to the same difference of 25% relative to in -bundle rates may be appropriate for similar reasons. • The Authority is uncertain on how the CC arrived at the proposed 25% maximum. In particular, the Authority was of the view that cost analysis study should be conducted to ascertain the appropriate figure. <p>The following was noted:</p> <ul style="list-style-type: none"> • The Report stated that all Mobile Network Operators agreed with the notion of zero rating some applications run by public benefit organisations (PBOs') and they indicated that they are already actively involved in the zero rating of some applications and some content such as content provided by academic institutions. • The Commission 's provisional recommendation was 	CEO



	Action Item	Person Responsible
	<p>that-</p> <ul style="list-style-type: none"> ✓ The zero rating of PBO content, including that of educational institutions be formalised and subject to regulation which may include self-regulation. ✓ The Authority advised that it had already started engaging with some stakeholders to review their Universal Service and Access Obligations. Particularly, the Authority intends on imposing obligations to ensure the zero-rating of internet services of educational institutions. ✓ Further, the Authority noted the concern by the CC that the zero-rating of PBO content was voluntary and inconsistent and needs to be regulated. <p>The following was noted:</p> <ul style="list-style-type: none"> • Spelling errors contained in the document to be corrected; • The document must indicate a category of Stakeholders; • PRA to verify that information and data provided was accurate and up to date; • Secretariat to seek an appropriate date and request a bi-lateral meeting with the CC. <p>It resolved that the item will be approved by Round Robin Resolution.</p>	
	<p>Closure</p> <p>The Acting Chairperson thanked all who attended the</p>	<p>Acting Chairperson</p>



	Action Item	Person Responsible
	meeting and adjourned at 11:00	
	Date of next meeting: 25 June 2019	Secretariat

Signed:  Date: 16 July 2019

(Chairperson)