



Independent Communications Authority of South Africa

350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

COUNCIL DECISIONS– 30 July 2019

ITEM NO.	AGENDA ITEM	DECISION
1.	Licensing of the IMT The following was noted: <ul style="list-style-type: none">• The Policy Direction has been released by the Department of Communications and Digital Technologies.• The Spectrum Resource Committee will meet on 31 June 2019 to analyse the Policy Direction and provide guidance to Council.• The legal opinion drafted with regards to the licensing process was discussed and noted.	The update was noted.
2.	2018/19 Annual Performance Report The ARC Chairperson reported on the comments and inputs by the Auditor General of South Africa on 2018/19 FY ICASA Annual Performance Information Report <ul style="list-style-type: none">• The Authority set seventy-one (71) targets for the 2018/19FY. Sixty-five (65) of the targets were achieved and six (6) were not achieved.	It was resolved that the report be noted.

	<ul style="list-style-type: none"> • The sixty-five (65) targets achieved constitute ninety-one-point-five percent (91.5%) annual achievement. 	
<p>3. Update on the implementation of the Southern African Development Community Roam-Like-At Home Initiative.</p> <p>The purpose of the submission was to provide Council with an update on the Implementation of the SADC Roam like at Home Roaming Initiative by South Africa, and feedback on the CRASA Roaming Task Team meeting and SADC Roaming Forum with operators held in Benoni, South Africa on 17-18 June 2019 and 19-20 June 2019 respectively.</p>	<p>Council resolved as follows:</p> <ul style="list-style-type: none"> •The report should address how the glide path was arrived at. •Indicate whether the report was compiled by ICASA. •The proposed letter will be signed by the Acting Chairperson. 	
<p>4. Recommendation by CCC to Council in the matter between Alex FM listeners Forum and Alex FM.</p> <p>The purpose of the submission was to table the recommendation of the Complaints and Compliance Committee in the matter between Alex FM listeners Forum and Alex FM Board of Directors.</p> <p>On July 2018, the Complainant referred a complaint against Alex FM for allegations of contravention of:</p> <ul style="list-style-type: none"> • The regulations on Standard Terms and Conditions; • Alex FM constitution; and • The License Condition of Alex FM. <p>The allegation of contravention</p>	<p>The following resolutions were made by Council:</p> <p>That the present Board place on the agenda for the next AGM to be held on a Saturday or Sunday before the end of August 2019 the following:</p> <ul style="list-style-type: none"> ✓ The election of a Board, such election must be advertised in accordance with the Constitution of the Radio Station with due notice in the Notice of the AGM as to how and when members may be nominated. That ICASA be given at least 10 working days’ written notice of the date, location and starting time of the AGM. ✓ The election of at least two Listener Committees at the AGM and that a meeting be 	

	<p>against Alex FM were as follows:</p> <ul style="list-style-type: none"> • The licensee changed the 2006 Constitution without consulting the Community. • That the licensee had not held an AGM since 2015. • That the licensee did not notify ICASA of the changes of the contact person, the contact details and the physical address of the Radio Station as found in its license. • That the licensee had not provided ICASA and Community with the reports on finances, programming and other affairs of the Radio Station since 2015. 	<p>held by representatives of the Board with the Listener Committee before end of October 2019, and that dates be set for at least two meetings per year, commencing January 2020.</p> <p>✓ That persons who were not members of Alex FM may not vote at the AGM and that any person who attends under the auspices of a political party must not be permitted to vote.</p>
5.	<p>Recommendation by CCC to Council in the matter between Consumer and Compliance Affairs and Lesedi Africa Productions CC.</p> <p>The purpose of the submission was to table the recommendation of the Complaints and Compliance Committee and Lesedi Africa Productions CC.</p> <ul style="list-style-type: none"> • The CCA alleged that Lesedi contravened section 13 (1) of the ECA by transferring the control of its ECS and ECNs licences to Chris Delpont without requisite prior permission of the Authority. 	<p>The following resolutions were made by the Council:</p> <ul style="list-style-type: none"> ✓ Find that the internal transfer of the 50% share in the Close Corporation to be null from the outset. ✓ Direct that Lesedi apply to ICASA for the transfer; and ✓ Await resolution of Council in that regard.
6.	<p>Recommendation by CCC to Council in the matter between Compliance and Consumer Affairs of ICASA and Jazz Spirit 1354 CC</p>	<p>The following resolutions were made by the Council:</p> <ul style="list-style-type: none"> ✓ Find the internal transfer of the controlling share in Jazz

	<p>The purpose of the submission was to table the recommendation of the CCC in the matter between Compliance and Consumer Affairs of ICASA and Jazz Spirit 1354.</p> <ul style="list-style-type: none"> • Consumer and Complaints Affairs alleged that Jazz Spirit contravened section 13 (1) of the Electronic Communications Act of 2005 in that the licensee failed to obtain prior written permission of the Authority before transferring 100% control of its Individual Electronic Communications Network Services licences to Telcel Global Pty Ltd. 	<p>Spirit 1354 to have been null from the outset.</p> <p>Direct Jazz Spirit to:</p> <ul style="list-style-type: none"> ✓ Immediately cancel the registration. ✓ Apply to ICASA for the transfer of control. ✓ Await the resolution of the Council.
<p>7. Recommendation by CC to Council on the matter between Consumer and Compliance Affairs and Paw (Pty) Ltd.</p>	<p>The purpose of the submission was to table the recommendation of the Complaints and Compliance Committee on the matter between Consumer and Compliance affairs and Paw (Pty) Ltd.</p> <p>The CCA alleged that Paw contravened Section 13 (1) of the Electronic Communications Act no 36 of 2005 by transferring the control of its ECS and ECNS licences to H and S Besigheidtrust without the requisite prior written permission to the Authority.</p> <ul style="list-style-type: none"> ✓ Find the internal transfer of the controlling share in Paw (Pty) Ltd to have been null from the outset. <p>Direct Paw (Pty) Ltd to:</p>	<p>Council resolved that the CCA needed to consistently communicate with licensees on the requirement of compliance with the appropriate law and regulations; and Provide infographics of compliance on the ICASA website.</p>

	<ul style="list-style-type: none"> ✓ Immediately cancel the registration. ✓ Apply to ICASA for the transfer of control. ✓ Await the resolution of the Council. 	
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ISSUED BY: Secretariat Office
on behalf of Council