



SKA SOUTH AFRICA
SQUARE KILOMETRE ARRAY

ANNEXURE 2

ICASA letter and resolution





Independent Communications Authority of South Africa

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27 November 2003

Square Kilometre Array Radio Telescope Bid Committee
c/o Resolve Group
P.O. Box 413460
Craighall
2024

Per Telefax: (011) 325 4607

ATTENTION: DR BERNIE FANAROFF

Dear Dr Fanaroff

SQUARE KILOMETRE ARRAY (SKA) RADIO TELESCOPE BID BY THE SOUTH AFRICAN GOVERNMENT

Thank you for your letter on behalf of the Bid Committee dated 20th October 2003.

I wish to acknowledge the Authority's subsequent meeting with yourself and Nèel Smuts on 5 November 2003. The Council of the Authority has approved the establishment of a Special Committee in terms of Section 17 of the ICASA Act No. 13 of 2000, to support and assist the South African Bid to host the SKA.

The establishment of this Committee will assist the Authority in systematically considering the regulatory framework to sustain the SKA operation.

Attached hereto please find a copy of the Resolution of the Council of the Independent Communications Authority of South Africa, duly signed by a quorum of Councillors, as a formal indication of the Authority's strong commitment to the SKA Bid.

The Authority hereby commits to supporting and assisting the Bid not only as a South African Bid but also in the interest of the African Continent, in the spirit of NEPAD.

Yours sincerely

**MANDLA LANGA
CHAIRPERSON**



Independent Communications Authority of South Africa

Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

RESOLUTION OF THE COUNCIL OF THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

ESTABLISHMENT OF A SPECIAL COMMITTEE TO SUPPORT AND ASSIST THE SOUTH AFRICAN BID TO HOST THE SQUARE KILOMETRE ARRAY (SKA) AND TO CONSIDER THE REGULATORY FRAMEWORK TO SUSTAIN THE SKA OPERATION

1. WHEREAS:

- 1.1 In terms of section 17 of the Independent Communications Authority of South Africa Act no. 13 of 2000 ("the ICASA Act"), the Independent Communications Authority of South Africa ("the Authority") may establish standing or special committees for such purposes as the Council may deem necessary with a view to assisting it in the effective exercise and performance of its powers and duties;
- 1.2 Each committee established in terms of the above section must consist of one or more Councillors designated by the Council and such additional members as the Council may determine;
- 1.3 In terms of section 91(1) of the Telecommunications Act No. 103 of 1996, as amended ("the Act") as read with Section 69 of the Independent Broadcasting Authority Act No. 153 of 1993, as amended ("the IBA Act") the Council may, in writing, delegate any power or duty of the Authority in terms of the Act to any committee of Council.
- 1.4 In terms of section 91 (5) of the Act, the Council shall not be divested of any power or function or relieved of any duty which it may have delegated in terms of subsection (1), and may amend or rescind any decision made in terms of such a delegation, except where any license, approval, certification or registration will be affected thereby.

- 1.5 Having due regard to the provisions of the Broadcasting Act No.4 of 1999, as amended, and all regulations promulgated in terms of the relevant legislation applicable to broadcasting and telecommunications.
2. **COUNCIL RESOLVES:**
 - 2.1 To establish a Section 17 Committee (“the Committee”) upon the following terms and conditions:
 - 2.1.1 consider and analyse all relevant submissions and representations made in regard to or any matter relating to the SKA bid.
 - 2.1.2 where applicable, made recommendations for the adoption by Council as decisions of the Authority.
 - 2.2 Perform such functions as may be delegated or assigned to them by the Council of ICASA and shall do all such other things necessary for or reasonably incidental to the proper performance of this delegation;
 - 2.3 Where necessary liaise with all relevant stakeholders regarding all matters pertaining to the functions assigned to them;
 - 2.4 Council shall appoint in consultation with the Chief Executive Officer (CEO) any staff member/s in order to enable the Committee to fulfil its mandate and functions as shall be assigned to it by Council;
 - 2.5 Ensure that the functions undertaken and tasks executed are conducted in accordance with the Telecommunications Act, the IBA Act, the Broadcasting Act no.4 of 1999, and any other applicable legislation or regulations;
 - 2.6 The Committee shall consist of the following persons:
 - 2.6.1 Mandla Langa who shall chair the Committee
 - 2.6.2 Councillor Gerhard Petrick
 - 2.6.3 Wojtek Skowronski – GM Engineering & Technical
 - 2.6.3 Michael Markovitz – Special Advisor to the Chairperson
 - 2.6.4 Sean Rankin – Council Advisor

- 2.7 The quorum for any meetings, of the Committee shall be all Councillors that are members being present (with the exception of when there is a reasonable excuse for absence) and the majority of all its other members appointed by Council;
- 2.8 The Committee, shall where possible, arrive at decisions by consensus, and where consensus is not possible, the Committee shall arrive at decisions by majority vote. In the case of an equality of votes or deadlock, the Chairperson of the Committee shall have a casting vote over and above his or her deliberative vote;
- 2.9 All submissions and/or findings of the Committee shall be submitted to Council as a recommendation for approval or ratification before they are made known or announced to the members of the public;
- 2.10 Any member of ICASA who wishes to observe proceedings in any meeting of the Committee shall be entitled to do so however such a member shall not participate in the proceedings, shall not make any contributions towards the discussions and shall not be allowed to vote at any point whilst observing the proceedings. Councillors may, however, fully participate when the matter is presented before Council;
- 2.11 The Committee shall keep proper minutes and recordings of all its proceedings;
- 2.12 The Committees may appoint experts as may be necessary including experts from other countries, advisors and members of other regulators with which the Authority enjoys concurrence jurisdiction, with a view to assisting the Committee in the performance of its functions in accordance with section 26 of the Telecommunications Act. These appointments will be done in terms of ICASA's procurement policies and subject to the availability of funds;
- 2.13 The Committees may also, in accordance with section 98 of the Telecommunications Act and section 27 of the IBA Act, appoint inspectors to assist it with the performance of its functions and the fulfillment of its mandate as set out herein;
- 2.14 The Committees shall report to Council on a regular basis on the implementation by the Committee of this delegation.

3. **DURATION OF COMMITTEES**

The Committee shall dissolve upon completion of the mandate delegated herein and by decision of Council after receipt by Council of a written report and having satisfied itself that the Committee has satisfactorily dispensed with the delegated power, function and duty.

Dated this 10th day of November 2003 at Sandton.

Mandla Langa
Chairperson

Mamodupi Mohlala
Councillor

Nadia Bulbulia
Councillor

Lumko Mtimde
Councillor

Julia Hope
Councillor

Mbulelo Ncetezo
Councillor

Gerhard Petrick
Councillor