



**Independent Communications Authority of South Africa**

<b>MINUTES OF AN ORDINARY MEETING OF COUNCIL</b>		
<b>Date</b>	<b>8 March 2023</b>	
<b>Time:</b>	<b>09:00</b>	
<b>Venue:</b>	<b>Virtual- Microsoft Teams</b>	
<b>Present</b>	[REDACTED]	Acting Chairperson
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
<b>By Invitation</b>	[REDACTED]	CEO
	[REDACTED]	Acting CFO
	[REDACTED]	Acting CAE
	[REDACTED]	Executive: LRCCC
	[REDACTED]	Corporate Secretary
	[REDACTED]	Secretariat Officer
	[REDACTED]	Secretariat Officer
	[REDACTED]	
	[REDACTED]	
<b>Partial Attendees</b>	[REDACTED]	Executive: Corporate Services
	[REDACTED]	Executive: Policy Research and Analysis
	[REDACTED]	Executive: Licensing and Compliance
	[REDACTED]	Executive: Engineering and Technology
	[REDACTED]	Senior Manager: Compliance
	[REDACTED]	Manager: Service Broadcasting
	[REDACTED]	Manager: Licensing
	[REDACTED]	Senior Manager: Type Approval and Numbering
	[REDACTED]	Complaints Officer
	[REDACTED]	Complaints Officer
	[REDACTED]	Senior Manager: IT
	[REDACTED]	Senior Manager: Facilities Management
	[REDACTED]	Communications Manager



No.	Action Item	Person Responsible
1.	<p><b>Opening and apologies</b></p> <p>1.1. The Chairperson opened the meeting at 09:00 and welcomed all present.</p> <p>1.2. There were no apologies noted.</p> <p><b>The opening and apologies were noted.</b></p>	Chairperson
2.	<p><b>Ratification of the Agenda</b></p> <p>2.1. Insertion of a new item under General: “Feedback on the SAHRC engagement held on 7 March 2023 in relation to <i>Telecommunications and Human Rights: Eastern Cape</i>”.</p> <p>2.2. Insertion of a new item under General: “Update on the meet and greet with employees”.</p> <p>2.3. Item E5.1 was removed from the agenda as the item had erroneously been included on the agenda, having already been tabled and approved at the previous Council meeting.</p> <p>2.4. Matters Arising were deferred to the next meeting of Council.</p> <p><b>The agenda was ratified.</b></p>	All
3.	<p><b>Declaration of interest</b></p> <p>No conflict of interest was noted.</p>	Council
4.	<p><b>Minutes of previous Council meetings:</b></p>	Council
4.1	<p><b>Minutes of Council: 24 January 2023</b></p> <p><b>The minutes were approved as presented.</b></p>	Council



No.	Action Item	Person Responsible
4.2	<p><b>Minutes of Council: 21 February 2023</b></p> <p>4.2.1 Paragraph 6.1 rephrased to “a verbal report was given, and the following comments were made”.</p> <p><b>The minutes were adopted subject to the amendment made.</b></p>	<b>Council</b>
5.	<p><b>Matters Arising</b></p> <p><b>The item was deferred to the next meeting of Council.</b></p>	<b>CEO</b>
6.	<p><b>International Engagements (“Standing Item”)</b></p> <p>The Executive: Corporate Services presented the item.</p> <p>6.1. A brief update was provided to Council in relation to the upcoming CRASA engagement and the following comments were made.</p> <p><u>Comments made:</u></p> <p>6.2. Council enquired if there were urgent engagements for the early part of April 2023.</p> <p>6.3. Management informed Council that there are no urgent invitations for early April 2023.</p> <p>6.4. Management informed Council that there are invitations for March 2023 namely: the WSIS invitation and a PAPU engagement, however, the Division has exhausted the budget.</p> <p>6.5. Council expressed that all the strategic invitations should be tabled at Council, to allow Council an opportunity to take a decision on those engagements.</p> <p>6.6. Council expressed that the Office of the CEO should assess the budget constraints and provide proposals on how to address the budgetary constraints.</p>	<b>CEO / Exec: Corporate Services</b>



No.	Action Item	Person Responsible
	<p><u>Resolutions of Council:</u></p> <p>6.7. Council resolved that a written report on the preparations for the CRASA AGM should be tabled at the next meeting of Council.</p> <p>6.8. Council resolved that a RRR be submitted on the PAPU and WSIS invitations to allow Council to make a recommendation on the engagements.</p>	
7.	<p><b>Litigation Update (“Standing Item”)</b></p> <p>The Executive: LRCCC presented the item.</p> <p>7.1. The Authority has twenty-one active (21) litigation matters. Three (3) CCC matters, fourteen (14) Licensing Review Applications, three (3) Labour Review Applications and one (1) PRA Review Application.</p> <p>7.2. The Authority was successful in five (5) matters. There are two (2) opposed appeals four (4) settled matters and two (2) matters were dismissed.</p> <p>7.3. The appointment of the Panel of Attorneys has not been finalised. A submission for a month-to-month extension has been presented to BAC as an interim measure while awaiting the finalisation of the appointment.</p> <p>7.4. The budget for legal fees has been exceeded by R [REDACTED] as a result of urgent review applications. This amount excludes outstanding invoices.</p> <p><u>Comments made:</u></p> <p>7.5. Council sought clarity and guidance regarding the update that the HOT FM matter will be returned to the CCC. Council also enquired whether the CCC has the power to adjudicate on a matter that has already been decided on.</p>	<p><b>CEO / Executive: LRCCC</b></p>



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	<p>7.6. Council requested further clarity regarding the update that the Authority did not apply for the award to be amended, and enquired if the award would be paid at the end of March 2023.</p> <p>7.7. Management informed Council that the Authority has been meeting with the attorneys and a contingency liability budget allocation has been provided for.</p> <p>7.8. Management informed Council that the LRCCC division is currently working with the Licensing Division to determine the fine that needs to be awarded in the HOT FM matter, and further that the submission will be brought before Council and further that it will not be tabled before the CCC.</p> <p>7.9. Council enquired if the review applications lodged by the community radios have had a risk analysis. Council expressed that an analysis is necessary to determine if risk mitigating strategies could be implemented to lessen the number of review applications tabled against the Authority.</p> <p>7.10. Management informed Council that the review applications lodged by the community radios are premised on their assertion that the regulations do not allow the Authority to consider licence renewal applications submitted outside the deadline. The Licensing Division has put in place a reminder notification to remind the community radios at least a month before the due date of licence renewal applications as a measure to mitigate against the late submissions.</p> <p>7.11. Council enquired about the measures put in place by the Authority to educate Boards of the community radio stations about the Regulations and the renewal process.</p> <p>7.12. Council advised that a record of the reminders to the community radio stations must be kept as evidence that we have notified them that that the Authority will not consider late applications.</p> <p>7.13. Management informed Council that officers do inform the Licensees and the Boards during site visits about the provisions</p>	



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	<p>of the Regulations and the officers compile post visit reports as evidence. Management further informed Council that the Division will ensure that the visits are conducted on a more frequent basis.</p> <p><b>The submission was noted.</b></p>	
<p><b>8.</b></p>	<p><b>Work Progress Update in relation to Disaster Management Task Team (“Standing Item”)</b></p> <p>The Task Team Leader presented the item.</p> <p>8.1. The Minister has not yet published the Policy Direction, the Department has shared a draft for inputs, which the Authority has responded to.</p> <p>8.2. The Task Team is currently formulating a consultation document taking into account the Regulations published by the COGTA Ministry.</p> <p><u>Resolution of Council:</u></p> <p>8.3. Council Resolved that the Task Team should present a formal submission at the next meeting of Council.</p> <p><b>The submission was noted.</b></p>	<p><b>CIlr</b> [REDACTED]</p>
<p><b>9.</b></p>	<p><b>Cell C requesting the Authority to effect changes to its licence shareholding information</b></p> <p>The Executive: Licensing and Compliance presented the item.</p> <p>9.1 The purpose of the submission dated 28 February 2023 was to advise Council of a notice from Cell C (Pty) Ltd, requesting the Authority to effect changes to its licence shareholding information and to recommend that Council approves the submission.</p> <p><u>Recommendation to Council:</u></p>	<p><b>CEO / Exec: Licensing and Compliance</b></p>



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	<p>9.2 It was recommended that Council should approve the submission.</p> <p><u>Comments made:</u></p> <p>9.3 Council requested that the shareholding table be corrected to reflect the changes.</p> <p>9.4 Council enquired if the Licensee gave reasons for failure to comply, in their condonation letter.</p> <p>9.5 Management informed Council that Cell C did not provide plausible reasons on why it requests the condonation. However, the Authority has no recourse as the Authority has no power over the matter in terms of the Regulations.</p> <p>9.6 Management informed Council that the shareholding table is as it was submitted by the Applicant and further that the Division does not tamper with information submitted by Applicants. Management informed Council that it would confirm if the figures are aligned to the information received with the application.</p> <p><u>Resolution of Council:</u></p> <p>9.7 Council resolved that the decision on the submission be deferred to the next meeting of Council, pending the confirmation that the shareholding information to be updated is correct.</p> <p><b>The submission was deferred to the next meeting of Council.</b></p>	
10.	<p><b>Feedback from meeting of the Portfolio Committee on Communications (PPCC) held on 21 February 2023</b></p> <p>The Executive: Licensing and Compliance presented the item.</p> <p>10.1. The purpose of this submission dated 28 February 2023 was to apprise Council on the key issues discussed at the meeting of the Portfolio Committee on Communications ("the Committee/ PPC") held on 21 February 2023 in respect of the</p>	<p><b>CEO / Exec: Licensing and Compliance</b></p>



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	<p>analogue switch-off ("ASO") date and to request Council to note the feedback in this regard.</p> <p><u>Recommendation to Council:</u></p> <p>10.2. It was recommended that Council should note the feedback with regards to the PCC meeting in respect of ASO.</p> <p><u>Comments made:</u></p> <p>10.3. Council raised that the word re-stacking needed the insertion of a "c".</p> <p>10.4. Council enquired if the broadcasters have finalised the migration process and whether the final switch-off date has been announced.</p> <p>10.5. Management informed Council that the SABC has only switched off five (5) provinces and that they still have to switch off the remaining four (4) provinces. Council was further informed that etv has switched off twenty-four (24) sites in four (4) provinces and that there are five (5) provinces wherein work has not begun.</p> <p><u>Resolution of Council:</u></p> <p>10.6. Council resolved that there should be a further update regarding ASO for consideration pursuant its implications on Licensees' payment of spectrum fees and the auction fees they paid yet they have no access to the spectrum.</p> <p><b>The submission was noted.</b></p>	
11.	<p><b>Submission for Administrative and Licence Fees Increase</b></p> <p>The Executive: Licensing and Compliance presented the item.</p> <p>11.1. The purpose of this submission dated 28 February 2023 was to recommend that Council approves the submission on the increase of administrative fees relating to type approval, service licence applications, unreserved postal service (UPS),</p>	<p><b>CEO / Exec: Licensing and Compliance</b></p>





No.	Action Item	Person Responsible
	<p>and annual spectrum licence fees relating to radio frequency spectrum licences.</p> <p><u>Recommendation to Council:</u></p> <p>11.2. It was requested that Council should approve the submission.</p> <p><u>Comments made:</u></p> <p>11.3. Council enquired if there could be a year wherein the Authority ignores the inflation rate and decides to implement a zero increase. Council further enquired how the 6.9% of the CPI is determined.</p> <p>11.4. Council enquired if the fees would be reduced in the instance where the inflation rate is below 6.9%.</p> <p>11.5. Management informed Council that the Regulations require the Authority to increase the Annual Spectrum fees in accordance with CPI. Management further informed Council that there is no provision for discretion in terms of the Regulations.</p> <p><u>Resolution of Council:</u></p> <p>11.1. Approved as per recommendation (i.e. from next FY (1 April 2023) fees will go up by 6,9%).</p> <p>11.2. However, Council indicated that the Disaster Management Task Team should still look at interventions to consider in terms of the Disaster Regulations, for instance, halting the increase.</p> <p>11.3. Council resolved that the Authority should perform an assessment on whether the Regulations could be relaxed.</p>	



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	<p>11.4. Council resolved to approve the submission and resolved that any possible consideration to relax the Regulation would be for the 2024-2025 financial year.</p> <p><b>The submission was approved.</b></p>	
<p><b>12.</b></p>	<p><b>Notice to Surrender I-ECS and I-ECNS Licence held by Avoxi</b></p> <p>The Executive: Licensing and Compliance presented the item.</p> <p>12.1. The purpose of this submission dated 1 March 2023 was to recommend that Council notes the notice of surrender of the I-ECS and the I-ECNS licences held by Avoxi (Pty) Ltd (“the Applicant”).</p> <p><u>Recommendation to Council:</u></p> <p>12.2. It was recommended that Council notes the notice for the surrender of the Applicant’s I-ECS and I-ECNS licences for the following reason:</p> <p style="padding-left: 40px;">12.2.1 The Applicant has met all the relevant requirements of section 12 of the ECA and Regulation 13 of the Processes and Procedures Regulations relating to the surrender of its Services Licences.</p> <p><u>Comments made:</u></p> <p>12.3. Council enquired if the applicant would surrender its licence, but continue to operate under a reseller agreement.</p> <p>12.4. Council further enquired if both licences were being surrendered.</p> <p>12.5. Council further sought clarity regarding how the numbers were being re-assigned.</p> <p>12.6. Management informed Council that the two licenses will be surrendered. Management further informed Council that the applicant will surrender the block of numbers once the Authority has approved the application and after the applicant is informed accordingly.</p>	<p><b>CEO / Exec: Licensing and Compliance</b></p>



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	<p>12.7. Council expressed concern that the submission read in a manner that suggests that the Authority is aiding the behaviour of self-regulation on the part of the Applicant.</p> <p><u>Resolution of Council:</u></p> <p>12.8. Council resolved to defer the submission and approval of the recommendation in order to allow Management to clarify the issue of transfer of customers and the transfer of numbers. The submission would thereafter be brought back to Council.</p> <p><b>The submission was deferred to the next meeting of Council.</b></p>	
13.	<p><b>Alternate Dispute Resolution (ADR) Committee</b></p> <p>The Manager: Customer Complaints presented the item.</p> <p>13.1 The purpose of this submission dated 24 February 2023 was to request Council to approve the establishment of an Alternative Dispute Resolution (ADR) Committee.</p> <p><u>Recommendation to Council:</u></p> <p>13.2 It was recommended that Council should approve the request for the re-establishment of the ADR Committee together with the attached draft Terms of Reference.</p> <p><u>Comments made:</u></p> <p>13.3 Council raised concerns that outdated Annexures have been appended to the submission and that the Terms of Reference of the Committee have also not been updated in a long time.</p> <p><u>Resolution of Council:</u></p> <p>13.4 Council resolved that the ToR should be reworked and following the updates the submission should be brought back before Council.</p> <p><b>The submission was deferred to the next meeting.</b></p>	<p><b>CEO / Exec: Regions and Consumer Affairs</b></p>



No.	Action Item	Person Responsible
14.	<p><b>Passport, Travel Checklist and SOP</b></p> <p>The Executive: Corporate Services presented the item.</p> <p>14.1 The purpose of this submission dated 10 February 2023 was to provide an update to Council on the International Relations Checklist and the Standard Operating Procedures to be adhered to in relation to Passport and Visa documents.</p> <p><u>Recommendation to Council:</u></p> <p>14.2 It was recommended that Council should note the update on the International Relations Checklist and provide input into the Standard Operating Procedures to be adhered to in relation to Passport and Visa documents.</p> <p><u>Resolution of Council:</u></p> <p>Council resolved that the submission should be re-tabled and allow an opportunity for Councillors to submit their inputs <b>The submission was deferred.</b></p>	CEO / Exec: Corporate Services
15.	<p><b>Update on WIFI and Audio-Visual Equipment</b></p> <p>The Executive: Corporate Services presented the item.</p> <p>15.1. The purpose of this submission dated 14 February 2023 was to provide an update to [REDACTED]</p> <p><u>Recommendation to Council:</u></p> <p>15.2. It was recommended that [REDACTED]</p> <p><u>Comments made:</u></p> <p>15.3. Council enquired [REDACTED]</p>	CEO / Exec: Corporate Services



No.	Action Item	Person Responsible
	<p>15.4. Management informed Council [REDACTED]</p> <p>15.5. Management further [REDACTED]</p> <p>15.6. Council enquired [REDACTED]</p> <p>15.7. Management informed [REDACTED]</p> <p>15.8. Management [REDACTED]</p> <p><u>Resolution of Council:</u></p> <p>15.9. Council resolved that there [REDACTED]</p> <p><b>The submission was noted.</b></p>	
16.	<p><b>Code for Persons with Disabilities Senior Council Legal Opinion</b></p> <p><b>The submission was removed from the agenda as the item was previously tabled at Council.</b></p>	CEO / Exec LRCCC
17.	<p><b>Legal Opinion on SANDF outstanding fees</b></p> <p>The Executive: Legal Risk and CCC presented the item.</p> <p>17.1. The purpose of this submission dated 22 February 2023 was to provide Council [REDACTED]</p>	CEO / Exec LRCCC



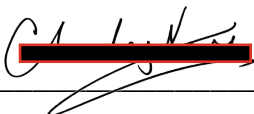
No.	Action Item	Person Responsible
	<p>           [REDACTED]            [REDACTED]            [REDACTED]            [REDACTED]         </p> <p><u>Recommendation to Council:</u></p> <p>17.2. It was recommended that Council consider the attached legal opinion and note the advice contained therein.</p> <p><u>Comments made:</u></p> <p>17.3. Council enquired if the [REDACTED] [REDACTED]</p> <p>17.4. Management informed Council [REDACTED] [REDACTED] [REDACTED]</p> <p>17.5. Council [REDACTED] [REDACTED]</p> <p>17.6. Council enquired [REDACTED] [REDACTED] [REDACTED]</p> <p>17.7. Management informed Council [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>17.8. Council expressed [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Resolution of Council:</u></p> <p>17.9. Council resolved that the [REDACTED] [REDACTED] [REDACTED]</p>	



No.	Action Item	Person Responsible
	<b>The submission was deferred.</b>	
18.	<b>General</b>	<b>All</b>
18.1	<p><b>NAB proposal for a workshop</b></p> <p>18.1.1 Council proposed that the Authority should organise a broadcasting workshop and invite the NAB and other entities to make their presentations.</p> <p><u>Resolutions of Council:</u></p> <p>18.1.2 Council resolved that the Authority should write back and inform the NAB that the Authority will be hosting a broadcasting workshop, however, that both commercial and community broadcasters will be invited to the workshop and that the Authority would facilitate the workshop from its end.</p> <p>18.1.3 Council resolved that the office of the CEO should bring a detailed submission on how the workshop will be hosted.</p> <p><b>The submission was approved.</b></p>	<b>Acting Chairperson</b>
18.2	<p><b>Feedback on the SAHRC</b></p> <p>18.2.1 Cllr ██████ provided feedback from her attendance of the SAHRC meeting and participation as a panel member. She proposed that if so required by Council, she would submit a report to Council. However, she remarked that the panel discussions were not of a substantive nature to warrant that a report be formulated. Council resolved that a report was not necessary.</p> <p>18.2.2 Cllr ██████ mainly raised concern regarding apparent lack of understanding and appreciation by the SAHRC of the mandate of the Authority insofar as the subject matter for the panel discussions was concerned.</p> <p>18.2.3 Council considered that it may be useful for the Authority to host an engagement with other Chapter 9 institutions to explain the mandate of the Authority.</p>	<b>Cllr ██████</b>



No.	Action Item	Person Responsible
	<p>18.2.4 Council advised that there should be a workshop to create awareness of the Authority's mandate from the mandate of other entities such as for instance, USAASA, the FSD and the GCIS.</p> <p><b>The update was noted.</b></p>	
<p><b>18.3</b></p>	<p><b>Update on the meet and greet with employees.</b></p> <p>18.3.1 A verbal update was presented.</p> <p>18.3.2 Management proposed that the meet and greet should be online as the venue is not big enough to host all the members of staff.</p> <p>18.3.3 Council expressed a view that the Authority should have approached other government entities to secure a bigger venue to host the event.</p> <p>18.3.4 Council expressed concern with the meet and greet being held on the virtual platform, indicating that this would defeat the purpose of the meet and greet.</p> <p><u>Resolution of Council:</u></p> <p>18.3.5 Council resolved that the meet and greet should be hosted at the head office, and further that all the staff members who are based in Gauteng should come to the office for the meet and greet and that the other staff members who are not based in Gauteng can join the session online.</p>	<p><b>CEO</b></p>
<p><b>19.</b></p>	<p><b>Closure</b></p> <p><b>The Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 14:40 pm.</b></p>	<p><b>Council</b></p>

Signed: 

Date: 2023-03-29

**Dr Charley Lewis**  
**(Acting Chairperson)**