



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY MEETING OF COUNCIL		
Date	12 December 2023	
Time:	09:00 – 16:57	
Venue:	Virtual – Microsoft	
Present		
	██████████	Acting Chairperson
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
By Invitation		
	██████████	CEO
	██████████	Acting CFO Executive: Regions & Consumer Affairs
	██████████	Acting CAE
	██████████	Executive: LCCC
	██████████	Secretariat Officer
	██████████	Secretariat Officer
	██████████	Graduate -Council
Partial Attendees		
	██████████	Acting Executive: Licensing and Compliance/ SM: Type Approval and Numbering
	██████████	Executive: Corporate Services
	██████████	Executive: Engineering and Technology
	██████████	Executive: PRA
	██████████	Executive: Licensing and Compliance
	██████████	Executive: HR
	██████████	SM: Engineering Facilities & Research
	██████████	Senior Accountant: Budgets & Projects
	██████████	Manager: Wholesale Services
	██████████	Manager: Service ECS\ECNS\Post
	██████████	Manager: Communications & Reputational Management
	██████████	Manager Service Broadcasting
	██████████	Complaints Officer
	██████████	Manager: Broadcasting Frequency Co- ordination

	██████████	Competition Law Specialist
	██████████	SM: Social Policy for ICT Service
	██████████	Senior Manager: Market Regulation
	██████████	Senior Accountant: Budgets & Projects
	██████████	Senior Manager: Strategy & Programme Management
	██████████	Secretariat Officer
	██████████	Specialist: Legislative and Regulatory Drafting
	██████████	AREDC Chairperson
Apologies	██████████	Executive: Engineering & Technology
	██████████	Acting CFO
	██████████	Corporate Secretary

No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>1.1. The Chairperson declared the meeting open at 09:00 and welcomed all present.</p> <p>1.2. The Executive: Engineering & Technology was attending a conference in Dubai.</p> <p>1.3. The Acting CFO was attending an urgent Bid Adjudication Committee (BAC) meeting, and was to join the Council meeting later.</p> <p>1.4. The Corporate Secretary was on annual leave.</p> <p>The opening and apologies were noted.</p>	Chairperson
2.	<p>Ratification of agenda</p> <p>2.1. IT status update – added under general as item 31.1.</p> <p>2.2. Item C1.1 and C1.6 to be tabled one after the other and inputs / questions taken thereafter.</p> <p>2.3. Item 29 (ICASA's Comments on the SABC Bill) was deferred. Council raised a view that it needs to be involved and make inputs on submissions of national importance. Council indicated that item 27 (White Paper on Audio Visual Services and Online Content) and 29 had not been circulated for inputs</p>	Council

No.	Action Item	Person Responsible
	<p>to be made. Council was informed that the Authority has been granted indulgence by Parliament to still make inputs for item 27 though the dateline had been missed, and that an extension of 17 January 2024 has been granted.</p> <p>2.4. Item 28 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>2.5. SONA invite – added under general under item 31.2.</p> <p>The agenda was ratified with the above amendments.</p>	
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
4.	<p>Adoption of Minutes of Council</p>	
4.1.	<p>Minutes of Council: 07 November 2023</p> <p>The minutes were approved with no inputs.</p>	Council
4.2.	<p>Minutes of Council: 28 November 2023</p> <p>The minutes were approved, subject to all inputs made being incorporated.</p>	Council
5.	<p>Matters Arising</p> <p>5.1. Item 2 (Non-responsive/non-contactable previously captured as Dormant I-ECNS/ I-ECS licences) – Council sought clarity on the process to be followed to trace the non-responsive licensees. Council requested clarity on whether the Gazette will indicate that should the Authority not receive any response by a certain date, the licences will be revoked. Council was informed that should no response be received by the time stipulated in the Gazette and published in newspapers and ICASA social media platforms, a submission for Council’s consideration to revoke</p>	CEO

No.	Action Item	Person Responsible
	<p>5.6. <i>Item 36 (Update on Regulatory Agenda: SMME Project, ECA Amendment Bill, Regulatory Sandboxes)</i> – Council advised that the Task Team and the Regulator of the Future Committee needed to have a joint meeting, as the issue of the sandboxes is a key component in the work of the regulator of the future.</p> <p>5.7. <i>Item 48 (Review of the Electronic Communications Act (ECA))</i> – Council requested that timelines be included.</p>	
<p>6.</p>	<p>International Engagements (“Standing Item”)</p> <p>The Executive: Corporate Services presented the submission:</p> <p>6.1. The submission dated 07 December 2023 was to request Council to note the list of meetings for the fourth quarter of 2023/24 Financial Year and nominate Councillors and approve the CEO to attend the proposed meetings.</p> <p><u>Recommendation to Council:</u></p> <p>6.2. It is recommended that Council:</p> <p>6.2.1. Note and approve the identified meetings for the fourth quarter of 2023/24; and</p> <p>6.2.2. Nominate Council representatives and approve the CEO and Councillors’ attendance for the identified meetings.</p> <p><u>Comments made:</u></p> <p>6.3. Council sought clarity on whether the MOUs listed in the submission will be tabled at a Council meeting. The process of how MOUs are managed and signed was outlined by the Executive: Corporate Services, who advised that the draft MOUs are tabled at Council for inputs before being finalised and signed.</p> <p>6.4. Council sought clarity on whether officials who attend international trips, are aware of the expected support they are supposed to provide to</p>	<p>CEO / Executive: Corporate Services</p>

No.	Action Item	Person Responsible
	<p>Councillors. Council was informed that sometimes officials go on international trips / conferences to present documents. However, in some instances, should a Councillor be part of formal meetings while at a conference, an ICASA official will be there to offer support.</p> <p>6.5. The issue of when Councillors are integrated into the ITU working groups needed clarity. Council was informed that the status quo with respect to the attendance of ITU Council by the Authority's officials who attended the ITU Council meeting in July, will remain going forward (for the sake of continuity).</p> <p>6.6. Council requested the Executive: Corporate Services to revert to Council and confirm the date of the next CRASA meeting.</p> <p><u>Resolution by Council:</u></p> <p>6.7. Council requested that, in future, the submission on international trips should include a list of the officials who will be attending.</p> <p>6.8. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
7.	<p>Litigation Update (“Standing Item”)</p> <p>No submission was tabled.</p>	CEO / Executive: LRCCC
8.	<p>Licensing of IMT (“Standing Item”)</p> <p>No submission was tabled.</p>	Cllr Zimri
9.	<p>GNIC SA (Pty) Ltd application for National Radio Frequency Spectrum Test Licence in the 31 GHz Band</p> <p>The Executive: Licensing and Compliance and SM: Type Approval and Numbering presented the submission:</p> <p>9.1. The purpose of the submission dated 17 January 2024 was to request Council to note the list of ad hoc</p>	CEO / Executive: Licensing and Compliance

No.	Action Item	Person Responsible
	<p>9.2. meetings and nominate Councilors to attend the meetings.</p> <p><u>Recommendation to Council:</u></p> <p>9.3. It was recommended for Council to approve the application by GNIC South Africa (Pty) Ltd (“the Applicant”) for a Radio Frequency Spectrum Test Licence (“Test Licence”) in the 31 MHz band.</p> <p><u>Comments made:</u></p> <p>9.4. Council highlighted that the relevant Radio Frequency Spectrum Assignment Plans (RFSAPs) should be added as supporting documents.</p> <p>9.5. Council sought clarity on whether the extract on the National Band Plan is from the current band plan. Council was informed that the current National Band Plan of 2021 was used.</p> <p><u>Resolution by Council:</u></p> <p>9.6. Council resolved to approve the submission.</p> <p>Council resolved to approve the submission.</p>	
10.	<p>Legal opinion: Notice of surrender of the Individual I-ECS & I-ECNS Licenses held by Avoxi (Pty) Ltd</p> <p>The Executive: Licensing and Compliance and SM: Type Approval and Numbering presented the submission.</p> <p>10.1. The purpose of the submission dated 30 November 2023 was to request Council to note the notice of surrender of the I-ECS and the I-ECNS licences held by Avoxi (Pty) Ltd (“the Applicant”), based on the attached legal opinion sought by the Independent Communications Authority of South Africa (“the Authority).</p> <p><u>Recommendation to Council:</u></p> <p>10.2. It was recommended that Council note the notice for surrender of the Applicant's I-ECS and I-ECNS licences.</p>	<p>CEO / Executive: Licensing and Compliance</p>

No.	Action Item	Person Responsible
	<p><u>Comments made:</u></p> <p>10.3. Council requested that the submission be copy edited.</p> <p>10.4. Council sought clarity on what happened to the numbers that were ported illegally. Council was informed that the numbers have been returned by the applicant. Some of the numbers have been transferred to Seacom.</p> <p>10.5. Regulation 6 of the Number Portability Regulations needs to be strengthened, to avoid the illegal trading / transfer of numbers between licensees.</p> <p>10.6. Council sought clarity on whether the matter will be referred to the CCC, to deal with issues related to non-compliance and contravention of the licences.</p> <p>10.7. Council sought clarity on whether the CCC can look into the matter, given that Avoxi is no longer a licensee. The Legal division is to look into whether the directors of Avoxi can be held personally liable should it turn out that Avoxi does not exist as a company.</p> <p>10.8. Council further sought clarity on whether the matter will still be referred to the CCC, even though the numbers have been returned. Council was informed that the Licensing division will have a look into the issues of noncompliance first, once finalised a determination will be made on whether the matter should be referred to the CCC. Council was assured that customers will not be adversely affected in the process.</p> <p><u>Resolution by Council</u></p> <p>10.9. Council resolved to note the submission, subject to Executive: LCCC looking into whether the directors of Avoxi can be held personally liable, should it turn out that Avoxi does not exist as a company.</p> <p>The submission was approved.</p>	

No.	Action Item	Person Responsible
11.	<p>Change & Update of Licence Information - Switch Telecom (Pty) Ltd</p> <p>The Executive: Licensing and Compliance presented the submission.</p> <p>11.1. The purpose of the submission dated 21 November 2023 was to advise Council of a notice from Switch Telecom (Pty) Ltd (“Switch Telecom”), requesting the Authority to effect changes to its shareholding information and addresses and to recommend that Council approves the submission.</p> <p><u>Recommendation to Council:</u></p> <p>11.2. It was recommended that Council should approve the submission.</p> <p><u>Resolutions by Council:</u></p> <p>11.3. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	CEO / Executive: Licensing and Compliance
12.	<p>Change & Update of Licence Information - Network for Next Generation (Pty) Ltd</p> <p>The Executive: Licensing and Compliance presented the submission.</p> <p>12.1. The purpose of the submission dated 23 November 2023 was to advise Council of a notice from Network for Next Generation (Pty) Ltd (Network for Next Generation) requesting the Authority to effect changes to its shareholding, and to recommend that Council approves the submission.</p> <p><u>Recommendation to Council:</u></p> <p>12.2. It was recommended that Council approves the submission.</p> <p><u>Comments made:</u></p> <p>12.3. Council sought clarity on who has control, based on the new shareholding information. Council was</p>	CEO / Executive: Licensing and Compliance

No.	Action Item	Person Responsible
	<p>informed that Akha Unique Telecoms (Pty) Ltd has the controlling majority shares.</p> <p><u>Resolutions by Council:</u></p> <p>12.4. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
13.	<p>Change & Update of Licence Information - Amatole Telecommunications Services (Pty) Ltd</p> <p>The Executive: Licensing and Compliance presented the submission.</p> <p>13.1. The purpose of the submission dated 21 November 2023 was to advise Council of a notice from Amatole Telecommunications Services (Pty) Ltd (“Amatole”), requesting the Authority to effect changes to its contact details, shareholding information, and addresses, and to recommend that Council approves the submission.</p> <p><u>Recommendation to Council:</u></p> <p>13.2. It was recommended that Council approves the submission.</p> <p><u>Comments made:</u></p> <p>13.3. Council indicated that the total HDG percentage based on the calculations on the submission should be 95%, not 94%. Management indicated that it will look into this.</p> <p>13.4. Council sought clarity on whether a shareholding of 49% does not constitute a change of control. Management indicated that according to a ruling made by the CCC, 49% shareholding does not constitute a change of control.</p> <p>13.5. Council sought clarity on whether the performance of the CCC is evaluated / reviewed. It was highlighted that the CCC makes recommendations, whilst Council approves the recommendations. However, Council can overrule a recommendation of the CCC.</p>	CEO / Executive: Licensing and Compliance

No.	Action Item	Person Responsible
	<p>13.6. Council noted that an extract from the CCC judgement was referenced, though the Division is of the opinion that there might be an error in the judgement made.</p> <p><u>Resolutions by Council:</u></p> <p>13.7. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
<p>14.</p>	<p>Hensoldt South Africa (Pty) Ltd: Application for Radio Frequency Spectrum Test Licence</p> <p>The Executive: Licensing and Compliance presented the submission.</p> <p>14.1. The purpose of this submission dated 24 November 2023 was to recommend for Council to approve the application by Hensoldt South Africa (Pty) Ltd (“the Applicant”) for a Radio Frequency Spectrum Test Licence (“Test Licence”) in the 5 GHz band.</p> <p><u>Recommendation to Council:</u></p> <p>14.2. It was recommended for Council to approve the application by Hensoldt South Africa (Pty) Ltd (“the Applicant”) for a Radio Frequency Spectrum Test Licence (“Test Licence”) in the 5 GHz band.</p> <p><u>Comments made:</u></p> <p>14.3. Council indicated that the extract from the National Band Plan, and the RFSAP supporting documents were outstanding.</p> <p><u>Resolutions by Council:</u></p> <p>14.4. Council resolved to approve the submission.</p> <p>The submission was approved, subject to the abovementioned.</p>	<p>CEO / Executive: Licensing and Compliance</p>
<p>15.</p>	<p>T-Mobile SA (Pty) Ltd T/A Wirels Connect transfer of the I-ECS and I-ECNS licenses</p> <p>The Executive: Licensing & Compliance presented the submission:</p>	<p>CEO/ Executive: Licensing & Compliance</p>

No.	Action Item	Person Responsible
	<p>15.1. The purpose of this submission dated 07 December 2023 was to recommend that Council approves the transfer of the I-ECS and I-ECNS licences (collectively referred to as “the licences”) from T-Mobile SA (Pty) Ltd T/A Wirels Connect (“the Applicant”) to Telafrica Mobile (Pty) Ltd (“the Transferee”), as well as the attached vetted Reasons Document.</p> <p><u>Recommendation to Council:</u></p> <p>15.2. It was recommended that Council approves the transfer of I-ECS and I-ECNS licences, for the following reasons:</p> <p>15.2.1. Although the Applicant was found guilty and fined R5000 by the CCC in 2015, it was confirmed that the Applicant has complied with the fine;</p> <p>15.2.2. The Applicant has paid the licence fees due and payable at the date of the applications; and</p> <p>15.2.3. The Transferee has 100% ownership interest held by HDIs.</p> <p>15.3. It was further recommended that Council approves the vetted Reasons Document.</p> <p><u>Comments made:</u></p> <p>15.4. Council noted that the Applicant is transferring the licence to himself under a different company.</p> <p>15.5. Council indicated that paragraph 2.7 and 2.8 on the submission, highlight issues of delays in the processing of the application. Management acknowledged the delays in processing of the application, and further highlighted the role of capacity constraints as the Division only has one (1) Licensing Officer.</p> <p>15.6. The issue of the transfer of numbers would obviously need to go through the correct processes. It needs to be made clear that numbers cannot be transferred from one entity to another without due processes taking place.</p>	

No.	Action Item	Person Responsible
	<p><u>Resolutions by Council:</u></p> <p>Council resolved to approve the submission. The submission was approved.</p>	
16.	<p>Draft Amendment to the Mobile Broadband Services Regulations, 2021</p> <p>The Executive: Policy, Research & Analysis presented the submission.</p> <p>16.1. The submission dated 30 November 2023 was to request Council to approve the Draft Amendment to the Mobile Broadband Services Regulations, 2021 (“draft amendment Regulations”), for publication in the Government Gazette.</p> <p><u>Recommendation to Council:</u></p> <p>16.2. It was recommended that the Council approves the Draft Amendment Regulations for publication in the Government Gazette.</p> <p><u>Comments made:</u></p> <p>16.3. Council sought clarity on why the Authority is repealing sub regulation 7(e) and 7(f). Council was informed that the explanatory memo outlines the reasons.</p> <p>16.4. Council sought clarity on which document will be published. Management indicated that the document titled “Draft Amendment to the Mobile Broadband Services Regulations, 2021”, will be the one published.</p> <p>16.5. Council sought clarity on the effects the amendments will have on the MTN case. Executive: LCCC indicated that the amendments will not have any overall impact on the case. However, they will reduce the number of areas of contention that have been raised.</p> <p>16.6. Council requested clarity on whether the consultants who assisted with the Inquiry, are the same ones currently assisting with the amendments. Council was informed that the consultant who assisted with the Inquiry is still assisting with the MTN review application. A</p>	<p>CEO/ Executive: Policy, Research & Analysis</p>

No.	Action Item	Person Responsible
	<p>consultant has not been appointed to assist with the amendments. Council indicated that the consultants cannot be remunerated twice for assisting in the amendments, which were caused by their errors.</p> <p>16.7. Councillor Lewis will be sending inputs on the draft regulations to the division.</p> <p><u>Resolutions by Council:</u></p> <p>16.8. Council resolved that the deadline of thirty (30) days for the submission of written representations needed to factor in the festive period, and also that the closing date should be close of business on a Monday.</p> <p>16.9. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
17.	<p>Invitation to pre-register for Community Television Broadcasting Service and Radio Frequency Spectrum Licences</p> <p>Councillor ██████ chaired the tabling of this submission.</p> <p>Councillor ██████ and the Manager: Service Broadcasting presented the submission:</p> <p>17.1. The submission dated 26 November 2023 was to advise Council of the applications received in response to the Invitation to Pre-Register for Community Television Broadcasting Service ("CTBS") and Radio Frequency Spectrum ("RFS") licences for Multiplex 1 Frequencies ("the ITP-R") and recommend that Council:</p> <p>17.1.1. Approves the disqualification of nineteen (19) non-compliant applications in Phase 1;</p> <p>17.1.2. Notes that the pre-registrant Platinum North West TV is proceeding to Phase 2 of the licensing process; and</p>	Cllr ██████

No.	Action Item	Person Responsible
	<p>17.1.3. Approves the Report regarding the licensing process of CTBS and RFS licences.</p> <p><u>Recommendation to Council:</u></p> <p>17.2. It was recommended that Council:</p> <p>17.2.1. Approves the disqualification of nineteen (19) non-compliant applications;</p> <p>17.2.2. Notes the pre-registrant Platinum North West TV is proceeding to Phase 2 of the licensing process; and</p> <p>17.2.3. Approves this Report regarding the licensing process of CTBS and RFS licences.</p> <p><u>Comments made:</u></p> <p>17.3. Council noted with concern the number of applicants who did not progress to Phase 2.</p> <p>17.4. Council indicated the need to re-examine the application process, for it to be more user friendly for applicants.</p> <p>17.5. Council suggested that applicants who are not successful in the first phase, might be given a period (seven days) to rectify their errors and resubmit.</p> <p>17.6. Council suggested that a consultant be appointed to avail themselves to assist with the application process for applicants. Council was informed that budget constraints regarding the appointment of a consultant will arise. The Authority had hosted a number of workshops pre-application process to assist applicants.</p> <p>17.7. Council enquired whether the spectrum to be assigned to the applicant will not impact two-step digital migration process. Council was informed that the assignments to be used for community TV broadcasting, will be those identified from MUX 1.</p> <p><u>Resolutions by Council:</u></p> <p>17.8. Council resolved to approve the submission, subject to the terms and conditions of the licence</p>	

No.	Action Item	Person Responsible
	<p>being outlined clearly, should the licence be approved</p> <p>The submission was approved.</p>	
18.	<p>Amended Terms of Reference and the Council Resolution for the Alternative Dispute Resolution (ADR) Committee</p> <p>Councillor [REDACTED] and the Complaints Officer presented the submission:</p> <p>18.1. The submission dated 23 November 2023 was to request Council to approve both the amended Terms of Reference and the Council Resolution for the ADR Committee.</p> <p><u>Recommendation to Council:</u></p> <p>18.2. It was recommended that Council should approve both the amended Terms of Reference and the Council Resolution for the ADR Committee, which now includes Ms Noluthando Msibi from Legal, Risk and CCC Division as a committee member.</p> <p><u>Comments made:</u></p> <p>18.3. Council indicated that section 5 (functions of the Chairperson) of the Terms of Reference, needed to clearly state that the Chairperson of the Committee (a Councillor and not the Chairperson of Council) will preside over the ADR Committee.</p> <p>18.4. Council indicated that a clause stipulates that in the absence of the Chairperson of the Committee, the Deputy Chairperson will chair the Committee.</p> <p><u>Resolutions by Council:</u></p> <p>18.5. Council resolved to approve the submission, subject to the implementation of the above inputs.</p> <p>The submission was approved, subject to the abovementioned.</p>	Cllr [REDACTED]
19.	<p>Report of the Universal Postal Union Extraordinary Congress held from 01-05 October 2023, Riyadh, Saudi Arabia</p> <p>Councillor Mkumatela presented the submission:</p>	Cllr Mkumatela

No.	Action Item	Person Responsible
	<p>19.1. The submission dated 24 November 2023 was to request Council to note the Report of the Universal Postal Union Extraordinary Congress held from 01-05 October 2023, Riyadh, Saudi Arabia.</p> <p><u>Recommendation to Council:</u></p> <p>19.2. It was recommended that the Council should note the report.</p> <p><u>Comments made:</u></p> <p>19.3. Council sought clarity on whether SAPO was represented in the UPU meetings. Council was informed that the CEO attended.</p> <p><u>Resolutions by Council:</u></p> <p>19.4. Council resolved to note the submission.</p> <p>The submission was noted.</p>	
20.	<p>Transfer of Dark Fibre Proprietary Limited I-ECS and I-ECNS Licenses</p> <p>The submission was deferred.</p>	Cllr [REDACTED]
21.	<p>Request for an extension in respect of the completion date for Questionnaires issued by the Authority for the Inquiry into Television Broadcasting Services</p> <p>Councillor [REDACTED] and Senior Manager: Market Regulation presented the submission:</p> <p>21.1. The submission dated 08 December 2023 was to request Council to approve:</p> <p>21.1.1. The Committee's recommendation to grant extensions to stakeholders in respect to the Questionnaires issued by the Authority for the Inquiry into Television Broadcasting Services.</p> <p>21.1.2. The publication of a Notice informing stakeholders of the new date of submission of responses to the Questionnaires.</p> <p><u>Recommendation to Council:</u></p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p>21.2 The Committee recommended that Council approve:</p> <p>21.2.1. The Committee’s recommendation to grant an extension to stakeholders to submit responses to Questionnaires, from 22 January 2024 to 15 February 2024.</p> <p>21.2.2. The publication of a Notice informing all stakeholders of the extension.</p> <p><u>Resolutions by Council:</u></p> <p>The recommendation was approved.</p>	
22.	<p>Update on Labour Court matter on the 2019/20 Performance Rewards</p> <p>The CEO, Executive: HR and Executive: LCCC presented the submission:</p> <p>22.1. [REDACTED]</p> <p><u>Recommendation to Council:</u></p> <p>22.2. [REDACTED]</p> <p><u>Comments made:</u></p> <p>22.3. [REDACTED]</p> <p>22.4. [REDACTED]</p>	CEO/Executive: HR

No.	Action Item	Person Responsible
	<p>22.5. [REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>22.6. Council resolved to note the submission.</p> <p>The submission was noted.</p>	
23.	<p>Update on the COLA for 2023/24FY</p> <p>The CEO and Executive: HR presented the submission:</p> <p>23.1. The submission dated 07 December 2023 was to provide Council with an update regarding the implementation of the settlement agreement on the Cost-of-Living Adjustment (COLA) for 2023/24FY.</p> <p><u>Recommendation to Council:</u></p> <p>23.2. It was recommended that Council should note the submission.</p> <p><u>Comments made:</u></p> <p>23.3. Council sought clarity [REDACTED]</p> <p>23.4. Council sought clarity [REDACTED]</p> <p>23.5. Council asked that [REDACTED]</p>	CEO/Executive: HR

No.	Action Item	Person Responsible
	<p>23.6. [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>23.7. Council resolved to note the submission.</p> <p>The submission was noted.</p>	
<p>24.</p>	<p>Half-Yearly budget review: 2023/24FY</p> <p>The CEO, Acting CFO and Senior Accountant: Budgets & Projects presented the submission:</p> <p>24.1. The submission dated 30 November 2023 was to provide Council with the Authority's financial performance as at the end of Q2, to highlight key cost line items requiring funding, and to request Council approval for the reprioritisation of funds.</p> <p><u>Recommendation to Council:</u></p> <p>24.2. It was recommended that Council approves the recommendation from the Budget Committee (BudCom) to reprioritise funds.</p> <p><u>Comments made:</u></p> <p>24.3. Council sought clarity on what the Reserve Fund is usually used for. Council was informed that the Reserve Fund is normally used to reduce any deficit.</p> <p><u>Resolutions by Council:</u></p> <p>24.4. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	<p>CEO/ Acting CFO</p>
<p>25.</p>	<p>Multi-Modular Compliance Monitoring Project System Status Report</p> <p>The CEO and Senior Manager: Strategy & Programme Management presented the submission:</p> <p>25.1. [REDACTED] [REDACTED] [REDACTED]</p> <p>25.2.</p>	<p>CEO / Senior Manager: Strategy & Programme Management</p>


No.	Action Item	Person Responsible
	<p><u>Recommendation to Council:</u></p> <p>25.3. It [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Comments made:</u></p> <p>25.4. Council [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>25.5. Council sought clarity [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>25.6. Council indicated that work w [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>25.7. Council sought clarity on [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>25.8. Council resolved to note the submission. The submission was noted.</p>	
26.	<p>White Paper on Audio Visual Services and Online Content</p> <p>The Executive: LCCC and Specialist: Legislative and Regulatory Drafting presented the submission:</p> <p>26.1. The submission dated 07 November 2023 was to:</p>	CEO / Executive: LCCC

No.	Action Item	Person Responsible
	<p>26.1.1. Advise Council of the draft submission for the Draft White Paper on Audio and Audiovisual Media Services and Online Content Safety: A New Vision For South Africa (“Draft White Paper”);</p> <p>26.1.2. Request Council to approve the Authority’s comments on the Draft White Paper; and</p> <p>26.1.3. Request Council to approve the ICASA cover letter to be sent to the Ministry.</p> <p><u>Recommendation to Council:</u></p> <p>26.2. It was recommended that Council approve the:</p> <p>26.2.1. ICASA Comments Document in relation to the Draft White Paper Strategy; and</p> <p>26.2.2. ICASA cover letter to be sent to the Ministry.</p> <p><u>Comments made:</u></p> <p>26.3. Council indicated that it was unacceptable that the Council did not have the opportunity or time to make inputs on a document of national importance.</p> <p>26.4. Council highlighted that the documents listed in the memorandum have already been presented at the Parliament Portfolio Committee (except by the Authority). The Authority is already late, and its inputs might not be considered.</p> <p><u>Resolutions by Council:</u></p> <p>26.5. Councillor [REDACTED] and Councillor [REDACTED] asked that their objections to the approval of the recommendation be noted, as they were not given enough time to go through the documents and make inputs.</p> <p>26.6. Councillors [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] resolved to support the approval of the submission.</p>	

No.	Action Item	Person Responsible
	<p>The submission was approved on account of the majority on the Councillors supporting approval.</p>	
<p>27.</p>	<p>Removal of the [REDACTED] [REDACTED]</p> <p>AREDC Chairperson attended the tabling of this submission.</p> <p>The CEO, Executive: LCCC and AREDC Chairperson presented the submission:</p> <p>27.1. The submission dated 07 December 2023 was to [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Recommendation to Council:</u></p> <p>27.2. It was recommended that Council notes the attached [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>27.3. Council approved the submission.</p> <p>The submission was approved.</p>	<p>CEO / Executive: LCCC</p>
<p>28.</p>	<p>ICASA’s Comments on the SABC Bill</p> <p>The submission was deferred.</p>	<p>CEO / Executive: LCCC</p>
<p>29.</p>	<p>Legal Opinion on the licensing process of IMT bands as part of the second spectrum auction</p> <p>The Executive: LCCC and Manager: Broadcasting Frequency Co-ordination presented the submission:</p>	<p>CEO / Executive: LCCC</p>

No.	Action Item	Person Responsible
	<p>29.1. The submission dated 11 December 2023 was to present to the ICASA Council a legal opinion prepared by [REDACTED] on the licensing process of International Mobile Telecommunication (“IMT”) spectrum frequency bands as part of the second spectrum auction.</p> <p>29.2. The opinion was sought to advise whether the Authority may proceed with the licensing process as planned and whether the CEO may consider the recommendations of the BAC despite the contentions raised by Telkom.</p> <p><u>Recommendation to Council:</u></p> <p>29.3. It was recommended that the ICASA Council takes note of the opinion by [REDACTED] on the matter.</p> <p><u>Comments made:</u></p> <p>29.4. Council sought clarity on how the IMT licensing process ended up being advertised without a market inquiry taking place first.</p> <p>29.5. Council noted with concern the flouting of processes that took place, and highlighted that this matter is an operational issue.</p> <p>29.6. Council advised that Management should look into splitting the bid into two (2), with one part dealing with the competition analysis, and the second part dealing with the spectrum auction. Executive: LCCC indicated that it was possible for the bid to be separated into two.</p> <p>29.7. Council indicated that the Committee needed to look into the issue of the competition assessment and the secondary market broadly.</p> <p>29.8. Council indicated that it seems like a final settlement order between ICASA and Telkom was never reached. There is only an exchange of letters between the two entities which did not contain in full a specified settlement.</p> <p><u>Resolutions by Council:</u></p> <p>29.9. Council resolved that this submission is operational in nature, and should not have been</p>	

No.	Action Item	Person Responsible
	<p>tabled at Council at this stage. The matter should be discussed at the CEO and Committee level.</p> <p>29.10. Council resolved to note the submission.</p> <p>The submission was noted.</p>	
30.	<p>General</p> <p><u>State Of the National Address (SONA) Invite</u></p> <p>30.1. Council noted the invite to the Council Chairperson.</p>	Acting Chairperson
31.	<p>Closure</p> <p>The Acting Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 16:57.</p>	Acting Chairperson

Signed:  _____
Yolisa Kedama
(Acting Chairperson)

Date: _____