



**Independent Communications Authority of South Africa**

<b>MINUTES OF THE COUNCIL MEETING HELD ON 12 DECEMBER 2024</b>		
<b>Time:</b>	10:30am	
<b>Venue:</b>	EP-CF THABO MBEKI	
<b>Present</b>	██████████	Chairperson
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
<b>By Invitation</b>	██████████	Executive: Licensing & Compliance / Acting CEO
	██████████	Chief Financial Officer
	██████████	Audit Manager / Acting CAE
	██████████	Executive: LRCCC
	██████████	Secretariat Officer / Acting Corporate Secretary
<b>Partial Attendees</b>	██████████	Executive: PRA
	██████████	Executive: Human Resources
	██████████	Regulatory Economic Specialist
	██████████	Senior Manager: Marketing Regulation
	██████████	Research Specialist: Radio Communication
	██████████	Senior Manager: Spectrum Licensing
	██████████	Senior Manager: Compliance
	██████████	Senior Manager: Legal (Regulatory Support & Legislative Drafting)
	██████████	Graduate: Legal (Regulatory & Legislative Drafting)
	██████████	AREDC Member
<b>Apologies</b>	██████████	CEO
	██████████	Chief Audit Executive
	██████████	Corporate Secretary
	██████████	AREDC Chairperson

No.	Action Item	Person Responsible
1.	<p><b>Opening and apologies</b></p> <p>1.1. The Chairperson declared the meeting opened at 10:30am and welcomed all present.</p> <p>1.2. The CEO had another engagement to attend. The Executive: Licensing &amp; Compliance attended the Council meeting in the capacity of Acting CEO.</p> <p>1.3. The CAE was on leave and the Audit Manager attended the Council meeting in the capacity of Acting CAE.</p> <p>1.4. The Corporate Secretary was on annual leave. The Secretariat Officer attended the Council meeting in the capacity of Acting Corporate Secretary.</p> <p>1.5. The AREDC Chairperson was unable to join the Council meeting. ██████████ (AREDC member) joined the Council meeting on behalf of the AREDC Chairperson.</p> <p><b>The opening and apologies were noted.</b></p>	Chairperson
2.	<p><b>Ratification of agenda</b></p> <p>2.1 Item 4.1, 4.2 and 5 to be circulated via RRR for approval.</p> <p>2.2 Item D3.1 (AREDC Recruitment), D3.2 (HR&amp;REMCO Recruitment), and D3.3 (ITRC Recruitment Update) were deferred, pending discussion regarding the proposed disbanding Ethics and Disclosures from the AREDC.</p> <p>2.3 Item D3.4 (Employee Engagement Survey results, and the three-year plan) was deferred to the next Council meeting.</p> <p>2.4 Item C5 (CAP Supplementary Report) was deferred to the next Council meeting.</p> <p>2.5 Item 8.1 (Letter by Vodacom) was deferred to the next Council meeting.</p> <p>2.6 Council requested that the Corporate Secretary schedule two (2) Council meetings for January 2025.</p> <p><b>The agenda was ratified with the above amendments.</b></p>	Council
3.	<p><b>Declaration of interest</b></p> <p>No conflict of interest was noted.</p>	Council

No.	Action Item	Person Responsible
4.	Adoption of Minutes of Council	Council
4.1.	Council Minutes – 31 October 2024 <b>To be circulated via RRR for approval.</b>	
4.2.	Council Minutes – 13 November 2024 <b>To be circulated via RRR for approval.</b>	
5.	Council Engagements (“ <b>Standing Item</b> ”) <b>No submission</b>	Council
6.	Litigation Update (“ <b>Standing Item</b> ”)	CEO / Executive: LRCCC
7.	<p><b>CCC - Licensing and Compliance Division of ICASA VS Jozi FM</b></p> <p><b>Councillor ██████ presented the item:</b></p> <p>7.1. Council sought clarity on the rational of recommendation 5.2.2. (<i>That the radio station upgrades its hardware and software. This must be followed by a dry run on the system's operation well before the commencement of the next election period to ensure that it is foolproof</i>), and 5.2.3. (<i>Directs the Licensee to deploy a team of five (5) people who would individually check the PAs before they are flighted.</i>).</p> <p>7.2. Council was informed that the recommendations are based on the individual station contraventions, and the reasons provided for the contraventions.</p> <p>7.3. Council advised that standard operation procedures be developed. This will assist with issues of compliance and will assist to prevent contraventions from occurring again.</p> <p>7.4. Council resolved that the CCC should link the recommendations to the context in the judgement transcript and remit the submission back to Council once this has been done.</p> <p><b>The submission was deferred.</b></p>	Cllr ██████
8.	<p><b>CCC – Licensing and Compliance Division of ICASA VS YFM</b></p> <p><b>Councillor ██████ presented the item:</b></p> <p>8.1. Council sought clarity on why the recommendation does not direct the Licensee to deploy a team of five (5) people who</p>	

No.	Action Item	Person Responsible
	<p>would individually check the PAs before they are flighted, this recommendation made in the Jozi FM case, as the contraventions are the same.</p> <p>8.2. Council was informed that Jozi FM was not certain on how the contravention took place. While YFM was clear on how the contravention took place and had taken measures to mitigate.</p> <p><b>The submission was approved.</b></p>	
9.	<p><b>CCC - Licensing and Compliance Division of ICASA VS Power FM</b></p> <p><b>Councillor ██████ presented the item</b></p> <p>9.1. Council resolved that the recommendation 5.2.3 on the submission (<i>Direct the Licensee to deploy a team of five (5) people who would individually check the PAs before they are broadcast.</i>), be amended to "<i>alternative resources of not less than two (2) be appointed</i>".</p> <p>9.2. Council noted with concern that proactive monitoring was not taking place.</p> <p><b>The submission was approved with the above amendments.</b></p>	
10.	<p><b>Supplementary Discussion Document in respect to the inquiry into Subscription Television Broadcasting Services</b></p> <p><b>Councillor ██████ presented the item, supported by Executive: PRA, the Senior Manager: Marketing Regulation and the Regulatory Economic Specialist</b></p> <p>10.1. Council remarked that the issue of subscription tv cannot be properly investigated without looking into the impact of OTTs.</p> <p>10.2. Council indicated that on the issue of sourcing content, the discussion document must show that the Authority is proactive. The Department of Trade &amp; Industry will need to be engaged on the funding offers available for content creation.</p> <p>10.3. The issue of sport and how will this may contribute to the sustainability of the SABC, is a matter that needs to be explored.</p> <p><b>The submission was approved.</b></p>	Cllr ██████
11.	<p>CAP Supplementary Report</p> <p><b>The submission was deferred.</b></p>	CAP Chairperson
12.	<p><b>Notice to amend the Radio Frequency Spectrum License in the Frequency Band 450 to 470 MHz</b></p>	Cllr ██████

No.	Action Item	Person Responsible
	<p><b>Councillor [REDACTED] supported by the Research Specialist: Radio Communication presented the item</b></p> <p>The submission was approved.</p>	
13.	<p><b>SABC v ICASA Notice of Motion</b></p> <p><b>Executive: LRCCC presented the item</b></p> <p>The submission was approved.</p>	Executive: LRCCC
14.	<p><b>WRFM (NON-PROFIT COMPANY) v ICASA</b></p> <p>Executive: LRCCC presented the item</p> <p>The submission was approved.</p>	
15.	<p><b>Change And Update – BT Communication Services South Africa (Pty) Ltd</b></p> <p><b>Executive: Licensing &amp; Compliance presented the item</b></p> <p>The submission was approved.</p>	CEO / Executive: Licensing & Compliance
16.	<p><b>Swiftnet SOC LTD - Transfer of Control Applications</b></p> <p><b>Executive: Licensing &amp; Compliance presented the item</b></p> <p>16.1. Council raised its concerns on the delays with regard to the time it took for the competition analysis to be sent to the PRA Division. Council was informed that this was a result of the applicant initially submitting an incorrect form to the Authority.</p> <p>The submission was approved.</p>	
17.	<p><b>Cell C Surrender of RFS licences</b></p> <p><b>Executive: Licensing &amp; Compliance supported by the Senior Manager: Spectrum Licensing presented the item</b></p> <p>17.1. Council was informed that the frequency surrendered by Cell C can be utilised by other licensees.</p> <p>17.2. Council requested that the Licensing &amp; Compliance Division, with the assistance of the Finance division, should look into the financial loss the Authoring will incur from the surrender on the licences.</p> <p>The submission was approved.</p>	


No.	Action Item	Person Responsible
18.	<p><b>Change And Update - Market Demand Trading</b></p> <p><b>Executive: Licensing &amp; Compliance supported by the Senior Manager: Compliance presented the item</b></p> <p>18.1. Council sought clarity on whether the historically disadvantage group (HDG) requirement was not required, as there was no HDG shareholding prior to and post the transaction. Council was informed that larger licensees have 48 months to comply with the HDG requirement, this requirement will be required in the 2024/25 application as part of the procedure manual form 6.</p> <p><b>The submission was approved.</b></p>	
19.	<p><b>Sydney Tshokolo Fubane Application</b></p> <p><b>The Executive: LRCCC presented the item</b></p> <p><b>The submission was noted.</b></p>	CEO / Executive: LRCCC
20.	<p><b>Analysis of the Next Generation Spectrum Policy, 2024</b></p> <p><b>The Executive: LRCCC presented the item, supported by the Senior Manager: Legal (Regulatory Support &amp; Legislative Drafting)</b></p> <p>20.1. Council sought clarity on whether the DCDT will be engaged with regard to the analysis report. Council was informed that nothing is preventing the Authority from organising a workshop with DCDT.</p> <p>20.2. Council requested that management find out why the inputs made by the Authority were not incorporated by the DCDT.</p> <p>20.3. Council noted that the purpose of the policy was not clear, thus the inputs from the Authority are critical.</p> <p>20.4. Council advised management to ascertain whether the items highlighted in yellow, have been incorporated in the ICASA strategic plan.</p> <p>20.5. Council resolved that the analysis report be circulated to committees, in preparation for the next auction.</p> <p><b>The submission was approved.</b></p>	
21.	<p><b>Proposed Policy Direction by ICASA on Phasing Out the Emergency Numbers</b></p> <p><b>The Executive: LRCCC presented the item, supported by the Senior Manager: Legal (Regulatory Support &amp; Legislative</b></p>	

No.	Action Item	Person Responsible
	<p><b>Drafting) and Graduate: Legal (Regulatory &amp; Legislative Drafting) presented the item</b></p> <p>21.1 Council sought clarity on whether the Authority at this stage, can still halt the process as it was not consulted. Council was informed that policy has already been gazetted, therefore the Authority is unable to halt the process.</p> <p>21.2 Council highlighted that in future management must not delay tabling matters such as these to Council.</p> <p>21.3 Council iterated that proper procedures require that the DCDT should consult the Authority on the matter of the phasing out of the emergency numbers.</p> <p>21.4 Council sought clarity on whether the DCDT Minister held public consultations on the matter. Council was informed that according to the policy, the public and ICASA were making inputs on the policy at the same time.</p> <p>21.5 Council noted that the international emergency number will now be 112. This could possibly be the reason for the phasing out of the emergency number. However, the financial implications of this phasing out have not been outlined/explored.</p> <p>21.6 Council resolved that the Authority's comments be sent to DCDT by 13 December 2024.</p> <p><b>The submission was approved.</b></p>	
22.	<p><b>AREDC Recruitment</b></p> <p><b>The item was deferred.</b></p>	CEO / Executive: HR
23.	<p><b>HR&amp;REMCO Recruitment</b></p> <p><b>The item was deferred.</b></p>	
24.	<p><b>ITRC Recruitment Update</b></p> <p><b>The item was deferred.</b></p>	
25.	<p><b>Employee Engagement Survey results, and the three-year plan</b></p> <p><b>Submission deferred to the next Council meeting.</b></p>	HR&REMCO Chairperson

No.	Action Item	Person Responsible
26.	<p><b>SAPO – Request for Write-off</b></p> <p><b>The CFO presented the item.</b></p> <p>26.1. Council sought clarity on why the SAPO debt is being written off, while the SANDF debt is not. The CFO indicated to Council that the SANDF matter was different in that, SANDF has the money to pay off the debt while SAPO does not.</p> <p>26.2. CFO highlighted that as part of the SAPO creditor compromise, a 12% payment was agreed on by SAPO's creditors. Therefore, no amount higher than 12% will be distributed to the Authority.</p> <p>26.3. Council proposed that the DCDT Minister and National Treasury be notified of the loss of income that the Authority will incur, as a result of the SAPO debt that will be written off.</p> <p>26.4. Council resolved that the writing off, of SAPO's debt be reported on in the Annual Report.</p> <p>26.5. Council requested that in the next Council meeting the CFO apprise it on the issue of the office leases of all the provincial office.</p> <p><b>The submission was approved.</b></p>	CEO/CFO
27.	<p><b>Internal Audit Q2 Progress Report</b></p> <p><b>AREDC member supported by the Audit Manager presented the item</b></p> <p>27.1. Council noted the good work done by the Loss Control Committee on the issue of the payment of invoices within 30 days.</p> <p>27.2. Council requested that a year-on-year trajectory report, on the payment of invoices within 30 days be circulated to Council.</p> <p>27.3. Council recommended that Executives be held accountable to dates, based on the audit findings.</p> <p>27.4. Considering that AREDC has an oversight responsibility in relation to the ITRC, the ITRC Chairperson should sit in AREDC meetings when IT issues are being tabled. Reporting lines must be clear.</p> <p>27.5. Council resolved that audit tracks the procurement in relation to projects, and investigate the cause of procurement delays.</p> <p><b>The submission was noted.</b></p>	AREDC Chairperson



No.	Action Item	Person Responsible
28.	<p><b>General</b></p> <p><u><i>Vodacom Request for a Meet and Greet with Council</i></u></p> <p>The item was deferred.</p>	Chairperson
29.	<p><b>Closure</b></p> <p>The Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 15:10.</p>	Chairperson

Signed:   
Mothibi Ramusi  
(Chairperson)

Date: 20/02/2025