



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY MEETING OF COUNCIL		
Date	13 February 2024	
Time:	09:00	
Venue:	Virtual – Microsoft Teams	
Present		
	██████████	Acting Chairperson
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
By Invitation		
	██████████	CEO
	██████████	Acting CFO / Executive: Regions & Consumer Affairs
	██████████	Acting CAE
	██████████	Executive: LCCC
	██████████	Corporate Secretary
	██████████	Secretariat Officer
	██████████	Graduate, Secretariat
Partial Attendees		
	██████████	Executive: Corporate Services
	██████████	Executive: Licensing and Compliance
	██████████	Chief Information Officer
	██████████	Executive: PRA
	██████████	Cost Modelling Analyst
	██████████	Senior Manager: Engineering Facilities & Research
	██████████	Senior Manager: Market Regulation
	██████████	Manager: Communications & Reputational Management
	██████████	Manager: Retail Services
	██████████	Client Licensing & Spectrum
	██████████	Senior Manager: Compliance
	██████████	Manager: Cost Modelling

No.	Action Item	Person Responsible
5.	<p>Matters Arising</p> <p>5.1. <i>Item 10 (Capacitation of the Information Technology Review Committee (ITRC))</i> – Council sought assurance as to how ITRC affairs / matters are currently being handled. Management informed Council that AREDC is currently overseeing the work of ITRC, in line with the resolution of Council. Further, Council envisaged that one of the current AREDC members should be approached to serve in the ITRC.</p> <p>5.2. <i>Item 20 (Stakeholder Engagement: Council and Employees)</i> – Council [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] The CEO indicated that she would finalise and confirm the staff meeting date.</p> <p>5.3. <i>Item 28 (Filling of critical vacancies in Finance and IT)</i> - Council requested that the vacancy of [REDACTED] [REDACTED]</p> <p>5.4. <i>Item 2 (Non-responsive/non-contactable previously captured as Dormant I-ECNS/ I-ECS licences.)</i> - Council inquired on whether there are any regulatory interventions that can be used to resolve the matter. Management indicated that they will explore issuing a Gazette.</p> <p>5.5. <i>Outstanding [REDACTED] Fees</i> – Council raised concerns on why there is a delay in finalising the date for a follow-up meeting with [REDACTED]. Management assured Council that the finalising of the meeting date will be expedited.</p>	CEO
6.	<p>International Engagements (“Standing Item”)</p> <p>Staff Meeting, Media Training and Meeting Engagements</p>	CEO / Executive: Corporate Services

No.	Action Item	Person Responsible
	<p>The Executive: Corporate Services and Senior Manager: Communications & International Relations presented the submission:</p> <p>6.1. The purpose of the submission dated 8 February 2024 was to request Council to note and approve engagements planned from February to March 2024. These engagements are listed here below:</p> <p>6.1.1. Regulators' Forum (CEOs' meeting);</p> <p>6.1.2. Staff meeting;</p> <p>6.1.3. Media Training for Council;</p> <p>6.1.4. Media Engagement; and</p> <p>6.1.5. UK Government Digital Programme.</p> <p><u>Recommendation to Council:</u></p> <p>6.2. It was recommended that Council should:</p> <p>6.2.1. Consider and approve the proposed dates for the Regulators' Forum (CEOs meeting), staff meeting, media training, media engagement and UK government Digital Access Programme, as proposed in the memorandum.</p> <p>6.2.2. Approve the attendance of the media training by all Councillors.</p> <p>6.2.3. Nominate the Councillors who will attend the UK government Digital Access Programme meeting.</p> <p><u>Comments made:</u></p> <p>6.3. Council sought clarity what the purpose of the planned media engagement is. Council was informed that the purpose of the media engagement is to strengthen stakeholder relations with the various media houses.</p> <p>6.4. Council indicated that the proposed media engagement dates in the memorandum are between 11 and 29 February 2024, and that the 11th has already passed. Council was informed that the proposed dates were from the 11th to 29th of February 2024, but that the final dates will take into consideration the availability of Councillors and Executives so they can also be part of the</p>	

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	<p>media training. The Communications division had envisaged that the media training will take place before the media engagement.</p> <p>6.5. Council advised the finalisation of preparations pursuant to the UK government Digital Access (on 23 or 24 February 2024), as the date was quickly approaching. Council was informed that the UK government has indicated that they have an MOU with the DCDT. Therefore, the Authority will engage with the DCDT to get more information on the MOU.</p> <p><u>Resolution by Council:</u></p> <p>6.7. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
7.	<p>Litigation Update (“Standing Item”)</p> <p>The Executive: LCCC made a high-level presentation:</p> <p><u>Comments made:</u></p> <p>7.1. Council sought clarity on what the PostNet Southern Africa vs ICASA & Others urgent interdict and review application entailed.</p> <p>7.2. Council was informed that the matter relates to a notice in terms of which the Minister seeks to review the exclusivity period that has been granted to SAPO with regard to the delivery of letters that weigh up to 1 kg.</p> <p>7.3. Council sought clarity [REDACTED] [REDACTED] outcome of the notice. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>7.4. Council was informed that outcome of the notice will have an impact on the litigation, in that the</p>	CEO / Executive: LRCCC

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	<p>defence raised by [REDACTED] is that [REDACTED] [REDACTED] [REDACTED] [REDACTED].</p> <p>The presentation was noted.</p>	
8.	<p>Licensing of IMT (“Standing Item”)</p> <p>No submission</p>	Cllr [REDACTED]
9.	<p>Change and update of ICASA Licensee Information-Telviva (Pty) Ltd</p> <p>The Executive: Licensing and Senior Manager: Compliance presented the submission:</p> <p>9.1 The purpose of the submission dated 8 February 2024 was to advise Council of a notice from Telviva (Pty) Ltd (Telviva), requesting the Authority to effect changes to its shareholding and contact details and recommending that Council should approve the submission.</p> <p><u>Recommendation to Council:</u></p> <p>9.2 It was recommended that Council should approve the submission.</p> <p><u>Resolution by Council:</u></p> <p>9.3 Council resolved to approve the submission.</p> <p>The submission was approved.</p>	CEO / Executive: Licensing
10.	<p>Change and update of ICASA Licensee Information T-Systems South Africa (PTY) Ltd</p> <p>The Executive: Licensing presented the submission.</p> <p>10.1 The purpose of the submission dated 8 February 2024 was to advise Council of a notice from T-Systems South Africa (Pty) Ltd, requesting the Authority to effect changes to its shareholding and contact details, and to recommend that Council should approve the submission.</p>	CEO / Executive: Licensing

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	<p><u>Recommendation to Council:</u></p> <p>10.2 It was recommended that Council should approve the submission.</p> <p><u>Comments made:</u></p> <p>10.3 Council indicated that the submission recommends approval of the change in details but does not deal with the change with the shareholder structure.</p> <p>10.4 Council noted with concern that some individuals / companies get awarded licences based on their HDI structure of 30% and above, whereas subsequently to the issue of their licences, the HDI partners are removed. Council was informed that this submission was a notification which was not intended to deal with a transfer of ownership. Therefore, the Licensing division can only look into the HDI partnership being dissolved when the matter of transfer arises.</p> <p>10.5 The Licensing division requested that the submission be deferred so that, they can ascertain whether the licensee is still complying with the HDI requirements.</p> <p>10.6 Council requested for the CIPC information to be verified.</p> <p><u>Resolution by Council</u></p> <p>10.7 Council resolved that the Licensing division also needed to verify whether there are gaps in the regulatory environment which restrict the Authority from requesting HDI information on a change of details notification application.</p> <p>10.8 Council resolved to defer the submission.</p> <p>The submission was deferred by Council subject to the Licensing division ascertaining whether the licensee is still compliant with the HDI requirements.</p>	

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11.	<p>Analysis of SAPO Regulatory Financial Statements as at 31 March 2023</p> <p>The Executive: PRA presented the submission:</p> <p>11.1 The purpose of the submission dated 24 January 2024 was to make a recommendation for Council to approve the evaluation of SAPO’s Regulatory Financial Statements (“RFS”), for the 2022/23 Financial Year (i.e. 01 April 2022 to 31 March 2023).</p> <p><u>Recommendation to Council:</u></p> <p>11.2 It was recommended that Council should approve the evaluation of SAPO’s 2022/2023 FY Regulatory Financial Statements (i.e. 01 April 2022 to 31 March 2023).</p> <p><u>Comments made:</u></p> <p>11.3 Council highlighted that it has been requesting for over six (6) months to meet with the board of SAPO. Council was informed that the PRA division would draft a letter requesting a meeting with SAPO. The issue regarding the challenges of the Authority obtaining information on the SAPO financial statements can be raised in the meeting.</p> <p>11.4 The Corporate Secretary was requested to do a follow-up on the scheduling of the meeting with SAPO.</p> <p><u>Resolutions by Council:</u></p> <p>11.5 Council approved the submission.</p> <p>The submission was approved.</p>	CEO / Executive: PRA
12.	<p>Submission of End-user and Subscriber Service Charter Amendment Regulations Applicable to the ECN and ECNS Licensees, 2023 and Reasons Document</p> <p>Councillor █████ and the Senior Manager: Engineering Facilities & Research presented the submission.</p>	Cllr █████

No.	Action Item	Person Responsible
	<p>12.1 The purpose of the submission dated 23 January 2024 was to request to Council approve the publication in the Government Gazette of the draft End-user and Subscriber Service Charter Amendment Regulations applicable to the ECN and ECNS Licensees, 2023 and Reasons Document.</p> <p><u>Recommendation to Council:</u></p> <p>12.2 It was recommended that Council should approve the Draft Amendment Regulations and Explanatory Memo for publication in the Government Gazette.</p> <p><u>Comments made:</u></p> <p>12.3 Council sought clarity on whether the OTT definition was included. The Committee informed Council that it did not include a specific definition for OTT, but that the definition of “Bundles” covers the issue.</p> <p><u>Resolutions by Council:</u></p> <p>12.4 Council resolved that the definition of OTT services be included, as its exclusion will open the definition for wide interpretation.</p> <p>12.5 Council resolved to approve the submission subject to the above comment.</p> <p>The submission was approved.</p>	
13.	<p>Notice for the extension of the closing date for written representations on the Electricity Crisis Inquiry</p> <p>Councillor [REDACTED] and the Senior Manager: Engineering Facilities & Research presented the submission:</p> <p>13.1 The purpose of the submission dated 8 February 2024 was to request Council approval via round robin an extension of the closing date for the submission of written representations on the notice of enquiry with regard to the effects of</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p>loadshedding in the electronic communications, broadcasting and postal sectors.</p> <p><u>Recommendation to Council:</u></p> <p>13.2 It was recommended that Council approve the notice for extension of closing date to submit written representation/s for publication in the Government Gazette.</p> <p><u>Comments made:</u></p> <p>13.3 Council remarked that, given that the deadline had already expired, the process must be reopened rather than extended.</p> <p>13.4 The Committee indicated that the notice will state that the Authority reopens the opportunity for interested parties willing to submit or resubmit their written submissions.</p> <p>13.5 The Executive: LCCC would vet the notice prior to its publication.</p> <p><u>Resolutions by Council:</u></p> <p>7.5. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
14.	<p>International Cooperation Agreements</p> <p>The Executive: Corporate Services and Senior Manager: Communications & International Relations presented the submission.</p> <p>14.1 The purpose of the submission dated 8 February 2024 was to request Council to consider and approve several international cooperation agreements that ICASA seeks to conclude with its regulatory counterparts.</p> <p><u>Recommendation to Council:</u></p> <p>14.2 It was recommended that Council should consider and approve the final agreements to be signed at the GSMA MWC.</p>	CEO / Executive: Corporate Services

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	<p><u>Comments made:</u></p> <p>14.3 Council requested that the word ‘fraternal’ be reworded in the MOU with India.</p> <p>14.4 Council sought clarity on paragraphs 3.1.3 and 3.1.4 on the Letter of Intent between ICASA and TRAI, specifically as to why the agreement only mentions telecommunication and excludes broadcasting. Council was informed that the areas of corporation were not limited in scope, as the MOU does state that “provision will be made in regard to other areas of cooperation that we deem mutually agreeable between both parties”. The MOU will be amended so to explicitly state the common areas of cooperation.</p> <p>14.5 Council sought similar clarity on paragraphs 2.1,2.4, 4.1.4 and 4.1.5 of the MOU between ICASA and NTRA, as to why the agreement only mentions telecommunication and excludes broadcasting and postal services. Council was informed that the areas of corporation were not limited in scope, as the MOU does state that “provision will be made in regard to other areas of cooperation that we deem mutually agreeable between both parties”. The MOU will be amended so to explicitly state the common areas of cooperation.</p> <p>14.6 Council indicated that the paragraph 3.1.2 of the MOU agreement with Cote D’Ivoire (ARTCT), talks about “engaging information and government digitisation”. Accordingly, Council asked what information ICASA has on the digitisation of government.</p> <p>14.7 Council was informed that the division will need to obtain the information. This will ensure that the Authority is able to be part of the conversations on the digitisation of government from a regulatory perspective.</p> <p>14.8 Council indicated that the paragraph 3.3 MOU agreement with Cote D’Ivoire (ARTCT) needed to be reworded, as currently it states that both parties will agree to a single point of contact. It should be amended to “each party will agree to</p>	

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	<p>provide a single point of contact. Management agreed to make the amendment.</p> <p><u>Resolutions by Council:</u></p> <p>14.9 Council resolved that moving forward, submissions in relation to MOU agreements should indicate whether or not the Authority had held consultations with DIRCO on the matter.</p> <p>14.10 Council resolved to approve the submission subject to the aforementioned inputs.</p> <p>The submission was approved, subject to the incorporation of the aforementioned inputs.</p>	
15.	<p>Staff Meeting, Media Training and Meetings</p> <p>The submission was tabled under International Relations (item 6).</p>	CEO / Executive: Corporate Services
16.	<p>PMS 2021/22FY Supplementary Memo</p> <p>The submission was tabled in a closed Council session.</p>	CEO / Executive: HR
17.	<p>Capacitation of Secretariat Unit</p> <p>The submission was tabled in a closed Council session.</p>	CEO / Executive: HR
18.	<p>Retention of surplus funds for 2022-2023FY</p> <p>Councillor [REDACTED] chaired the tabling of the submission as Cllr [REDACTED] requested to be briefly excused from the meeting.</p> <p>The Acting CFO presented the submission:</p> <p>18.1 The purpose of the submission dated 9 February [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	CEO / Acting CFO

No.	Action Item	Person Responsible
	<p><u>Recommendation to Council:</u></p> <p>18.2 It was recommended that Council should note this update on the retained funds for the 2022/23 FY.</p> <p><u>Comments made:</u></p> <p>18.3 Council sought clarity on whether [REDACTED], [REDACTED], [REDACTED]. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] The CEO indicated this was the standard response letter, [REDACTED] [REDACTED] million.</p> <p>18.4 Council noted [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].</p> <p>18.5 Council sought clarity on [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>18.6 Council resolved to note the submission.</p> <p>The submission was noted.</p>	
19.	<p>Update on the ASMS System</p> <p>The CEO and Executive: Licensing and Compliance presented the submission:</p> <p>19.1 The purpose of the submission dated 4 February 2024 was to provide Council with an update with regard to the functionality of the ASMS system</p>	CEO

No.	Action Item	Person Responsible
	<p>and to recommend that Council should note the submission.</p> <p><u>Recommendation to Council:</u></p> <p>19.2 It was recommended that Council should note the submission.</p> <p><u>Comments made:</u></p> <p>19.3 Council noted [REDACTED] and [REDACTED]. Council was [REDACTED].</p> <p>19.4 Council sought clarity [REDACTED]. Council was informed that [REDACTED].</p> <p>19.5 Council sought clarity [REDACTED]. Council was informed [REDACTED] costs.</p> <p>19.6 Council sought clarity [REDACTED]. Council was informed t [REDACTED]. The discussions [REDACTED].</p> <p>19.7 [REDACTED]</p> <p><u>Resolutions by Council:</u></p>	

No.	Action Item	Person Responsible
	<p>19.8 Council resolved to note the submission.</p> <p>The submission was noted.</p>	
<p>20.</p>	<p>General</p> <p>20.1 Invitation to attend and Present at the 1st International Workshop on Open Research Infrastructure and Toolkits for 5G/6G (OpenRIT 6G) – Cape Town</p> <p>The item was moved to the closed Council session.</p> <p>20.2 International Communications Satellite Organisation (AP-41) –</p> <p>The Item was moved to the closed Council session.</p>	<p>Acting Chairperson / Corporate Secretary</p>
<p>21.</p>	<p>Closure</p> <p>The Acting Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 14:00.</p>	<p>Acting Chairperson</p>

Signed:  _____
Yolisa Kedama
(Acting Chairperson)

Date: _____