



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
Date	13 April 2021	
Time:	08:00	
Venue:	Microsoft Teams	
Present	[REDACTED]	Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
By Invitation	[REDACTED]	CEO
	[REDACTED]	CFO
	[REDACTED]	Corporate Secretary
	[REDACTED]	Secretariat Officer
	[REDACTED]	Secretariat Officer
Partial Attendees	[REDACTED]	Executive: Human Resources
	[REDACTED]	SM: Talent and Performance Manager.
	[REDACTED]	Remuneration and Benefits Specialist
	[REDACTED]	SM: Spectrum
	[REDACTED]	HR/ REMCO Chairperson
Apologies	[REDACTED]	CAE

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No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>1.1. The Chairperson opened the meeting at 08:00 and welcomed all present.</p> <p>1.2. Cllr [REDACTED] was having network connectivity difficulties, and joined shortly after the meeting had begun.</p> <p>1.3. The Chief Audit Executive was on annual leave.</p> <p>The opening and apologies were noted.</p>	Chairperson
2.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
3.	<p>Ratification of the Agenda</p> <p>3.1. The submission deadline for Council meeting documents was to be discussed under general.</p> <p>3.2. The planning session for Performance Agreements for Councillors was to be discussed under general.</p> <p>The ratification of the agenda was noted.</p>	All
4.	<p>Minutes of the previous meeting: 31 March 2021</p> <p>4.1. The spelling of the word Tier was corrected in paragraph 4.5.</p> <p>4.2. Migration was correctly captured from remigration in page 6 of the minutes.</p> <p>4.3. Paragraph 9.1 the word Commission was captured with a capital "C".</p>	Council



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	<p>4.4. The words “Financial Year” were captured in capital letters throughout the minutes for uniformity.</p> <p>4.5. Paragraph 10.5 the name Kalahari was removed and replaced with Northern Cape.</p> <p>4.6. Paragraph 13.4 the figure was captured as 3.5 million and it was agreed that the exact details of the amount would be found in the full report.</p> <p>4.7. Paragraph 14.6 was captured to include “is subject to the performance being Audited”.</p> <p>The minutes were approved subject to the changes.</p>	
5.	<p>Matters Arising</p> <p>The Chief Executive Officer presented the item.</p> <p>An update of the Matters Arising was noted.</p>	CEO
6.	<p>Submission for approval to reinstate the Standards Liaison Committee (SLC)</p> <p>The Senior Manager: Spectrum Management presented the item:</p> <p>The purpose of the submission was to request Council to approve the reinstatement of the Standards Liaison Committee to manage the standardisation process.</p> <p>6.1. On 11 December 2000, the Authority together with the South African Bureau of Standards (SABS), entered into a Memorandum of Understanding (MoU) on a co-operative approach regarding the enforcement of Compulsory Standards which paved a way for the establishment of the ICASA/SABS TC80 (TC80 Technical Committee).</p> <p>6.2. The role of the TC80 Committee was to regulate standards in the field of Telecommunications and Broadcasting and to align/harmonise applicable standards with the best international standards.</p>	CEO/E&T

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	<p>6.3. The Authority established a Standards Liaison Committee (SLC) to advise Council on matters relating to Telecommunications Standards and to make recommendations to adopt ICT Standards for the country. The SLC Committee was led by an ICASA Councillor, representing the interests of ICASA Council.</p> <p>6.4. The Authority ultimately abandoned the SLC process due to the terms of the Councillors serving on the Committee coming to an end. The challenge that arose was that according to the Standards Act 8 of 2008, standards are voluntary and not mandatory. The SABS, therefore, decided to separate all regulatory activities from its Standardisation Committees. This meant that TC80 can no longer adopt standards for regulatory purposes.</p> <p>6.5. For the Authority to develop and adopt the standards, there was a need to reinstate the SLC to effectively manage the standardisation process.</p> <p>6.6. The SLC as a standing Committee of the Authority would act as an interface between ICASA and industry specialists, with the aim of advancing the standardisation of Electronic Communications Equipment in South Africa.</p> <p><u>Comments and Inputs</u></p> <p>Council resolved to nominate Cllr [REDACTED] as the Chairperson of the Committee, and Cllr [REDACTED] as the deputy Chairperson of the Committee. Council indicated that it would allocate the Standing Regulatory Committees in due course.</p> <p>The submission was approved by Council.</p>	
7.	<p>Recommendation by CCC to Council in the matter between Matlotlo Moloi and QwaQwa Radio</p> <p>Councillor Qocha presented the item:</p>	Cllr [REDACTED]

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	<p>The purpose of the submission was to table the recommendation of the Complaints and Compliance Committee (CCC) in the matter between Matlotlo Moloji and QwaQwa Radio.</p> <p>7.1. On 20 January 2020, Mr Matlotlo Moloji (the Complainant) lodged a complaint for investigation by the CCC in terms of Section 17B(a) of the ICASA Act.</p> <p>7.2. The charges levelled against QwaQwa Radio were as follows:</p> <p>7.2.1. That QwaQwa Radio had contravened article 5 of its Constitution, read with clause 5.1.4 of the Licence Terms and Conditions, which provides for the languages of broadcast: Sesotho - 56%; and English - 44%. The allegation was that almost all programmes are broadcast in Sesotho, and it is in violation of the above Licence Terms and Conditions.</p> <p>7.2.2. The Complainant alleged that the designated person as stated in the licence, was no longer in the employ of QwaQwa Radio, and that the licensee had failed to notify the Authority in terms of clause 6.2 of QwaQwa's Licence Terms and Conditions.</p> <p>7.2.3. The Complainant alleged that QwaQwa Radio had relocated from its principal address, without notifying ICASA of its new address and in violation of clause 7 of QwaQwa's Licence Terms and Conditions.</p> <p>7.2.4. The Complainant alleged that there was no single show or programme, which invited local artists to promote their music, arts and culture in terms of clause 8.3 of QwaQwa's Licence Terms and Conditions.</p> <p>7.2.5. The Complainant alleged that the Constitution was undated and unsigned by the Secretary and</p>	



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	<p>Chairperson of the board of directors to confirm that indeed the Constitution was amended and approved by general members or listenership of QwaQwa Radio, during an AGM, in terms of Article 11 of QwaQwa's Constitution.</p> <p>7.3. On 22 January 2021, the CCC heard oral arguments from the Complainant and the Respondent relating to the complaint.</p> <p><u>Recommendation to Council</u></p> <p>7.4. The CCC's finding was that the Respondent was found not to have contravened the allegations as set out above in 7.2.3; 7.2.4; and 7.2.5</p> <p>7.5. However, QwaQwa Radio was found to have contravened Clause 5.1.4 of the Licence Terms and Conditions which provides for the Languages of Broadcasts: Sesotho at 56% and English at 44%.</p> <p>7.6. The evidence and argument before the CCC indicated that the conditions were not being met by the Radio Station, although attempts were constantly made to try to attain the English broadcast requirement.</p> <p>7.7. The CCC recommended that Council issue an order that QwaQwa Radio comply with Clause 5.1.4 of its Licence Terms and Conditions by 31 January 2022.</p> <p>7.8. Further, it was recommended that Council directs the Compliance and Consumer Affairs Division of ICASA (CCA) to undertake an inspection, to ensure compliance with the order.</p> <p>7.9. The CCC recommended that the Respondent be directed to desist from further contravening its Licence Terms and Conditions.</p>	



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	<p><u>Comments and inputs</u></p> <p>Council was of the view that the language recommendation (7.5 – 7.9) was an area of importance, as it paves a way forward for the future. It should be assessed why a radio station that is in a predominantly Sesotho-speaking area would have a high programme language requirement of English.</p> <p>The recommendation of the CCC was approved.</p>	
8.	<p>2019/20 Performance Bonus Payment & Proposed 2019/20 ICASA Merit Increase</p> <p>The Executive Human Resources presented the item.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>8.1. As per the ICASA's approved Performance Management Policy, [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>8.2. The organisation [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>8.3. The organisational target [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>8.4. The Authority's [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	CEO/HR



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	<p>8.5. The performance [REDACTED] [REDACTED] [REDACTED] [REDACTED] between 3.01-3.09.</p> <p>8.6. The following constitutes guiding criteria for awarding performance bonus:</p> <p>8.6.1. Performance is [REDACTED] [REDACTED].</p> <p>8.6.2. Employees who are [REDACTED] [REDACTED] [REDACTED]</p> <p>8.6.3. A new employee [REDACTED] [REDACTED] [REDACTED] eligible for a pro-rata performance bonus.</p> <p>8.7. During the HR & REMCO meeting held on 27 March 2021, the following was discussed:</p> <p>8.7.1. The Authority did [REDACTED] [REDACTED] [REDACTED]</p> <p>8.7.2. The 2019/20 bonus [REDACTED] [REDACTED] [REDACTED] and</p>	



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	<p>8.7.3. Based on the [REDACTED] [REDACTED] cover for the payment.</p> <p>8.8. The Authority made a [REDACTED] [REDACTED]. Furthermore, Council was requested note that, [REDACTED] [REDACTED] National Treasury.</p> <p><u>Merit Increase:</u></p> <p>8.9. The Authority [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>8.10. The Authority [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>8.11. The [REDACTED] [REDACTED] [REDACTED]</p> <p>8.12. Therefore, [REDACTED] [REDACTED] [REDACTED]</p> <p>8.13. Having considered [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	

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<u>Comments and Inputs</u>		
8.14.	Council questioned the [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
8.15.	Council [REDACTED] [REDACTED] [REDACTED]	
8.16.	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
8.17.	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
8.18.	Council expressed [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
8.19.	Management [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
8.20.	Management [REDACTED] [REDACTED]	
8.21.	Management [REDACTED] [REDACTED] [REDACTED] [REDACTED]	



No.	Action Item	Person Responsible
	<p>[Redacted]</p> <p>8.22. Council requested [Redacted]</p> <p>8.23. Council also [Redacted]</p> <p>8.24. Management [Redacted]</p> <p>8.25. Council requested [Redacted]</p> <p>Council resolved [Redacted]</p> <p>Council resolved [Redacted]</p>	

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No.	Action Item	Person Responsible
	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>Council resolved [REDACTED]</p> <p>[REDACTED]</p>	
9.	<p>Human Resources Policy: Performance Management Policy</p> <p>The Executive Human Resources presented the item.</p> <p>The purpose of the submission was for Council to approve the Performance Management Policy.</p> <p>9.1 The purpose of the policy was to translate the vision, mission, values and strategic objectives of ICASA into deliverable and measurable outputs, applicable to employees.</p> <p>9.2 This aims to provide a consistent, systematic and results-driven approach on how effectively to manage and align the performance of ICASA employees to the organisation's values and strategic objectives, and to provide for a process that facilitates communication and ongoing feedback between managers and employees concerning their work performance requirements.</p> <p>9.3 It further aims to provide for reward and the recognition of performance that supports and enhances ICASA's strategic objectives.</p> <p>9.4 The amendments made to the policy were based on the feedback received during the approval process of the performance bonuses and merit increases from both the HR & REMCO and Council, during the last performance cycle.</p> <p>9.5 The definitions were amended, and the policy was amended to include Risk Management, Financial Management, Finance Compliance and Closing of AG and Internal Audit findings.</p> <p>9.6 This policy was tabled at the HR & REMCO which recommended that the policy be tabled at Council for approval.</p>	CEO/HR

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	<p><u>Comments and Inputs</u></p> <p>9.7 The Chairperson of HR & REMCO indicated that the Committee wanted to ensure that the policy would result in cost containment with regards to remuneration matters.</p> <p>9.8 In response, [REDACTED]</p> <p>9.9 Council requested that the policy be amended to using decimal numbers instead of rounding off the scores.</p> <p>9.10 Council had deliberations on the policy but requested that the policy be sent back to HR & REMCO for further deliberations and inputs and be brought back to Council for consideration.</p> <p>Council resolved to send back the submission to HR & REMCO.</p>	
10.	<p>Human Resource Policy: Remuneration Policy</p> <p>The Executive Human Resources presented the item.</p> <p>The purpose of the submission was for Council to approve the Performance Management Policy.</p> <p>10.1 The amendments made to the policy were based on the feedback received during the approval process of the Cost of Living Adjustment from both the Human Resources and Remunerations Committee (HR & REMCO) and Council, during the last salary increase exercise.</p> <p>10.2 The Remuneration policy was designed to:</p> <p>10.2.1 Provide a framework for remuneration decision-making, and ensure overall remuneration alignment with the Authority's needs;</p>	CEO/EHR

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No.	Action Item	Person Responsible
	<p>10.2.2 Provide guidance on the remuneration of employees differentially, based on their market value, competence and level of performance;</p> <p>Serve as a primary governance tool to ensure remuneration decisions fall within an approved framework; and</p> <p>10.2.3 Guide and inform line managers and employees on matters pertaining to remuneration.</p> <p>10.3 The policy was tabled at HR & REMCO that recommended the policy to Council for approval.</p> <p><u>Comments and Inputs</u></p> <p>Council had deliberations on the policy, but requested that the policy be sent back to HR-REMCO for further deliberations and inputs and be brought back to Council for consideration.</p> <p>Council resolved to send back the submission to HR-REMCO.</p>	
11.	<p>Department of Communications and Digital Technologies (DCDT) Public Entity Oversight Branch Quarterly Report Format</p> <p>The Chief Executive Officer presented the item.</p> <p>The purpose of the submission was to table the DCDT Public Entity Oversight Branch Quarterly Report Format for Council's consideration and approval.</p> <p>11.1 On 2 March 2021, the Authority held a meeting with the DCDT Public Entity Oversight Branch via Microsoft Teams. The purpose of the meeting was to discuss the Authority's APP2021/22 alignment with the DCDT's APP2021/22 and the Minister's Performance Agreement.</p> <p>11.2 One of the resolutions of the meeting was that the Authority must report to the DCDT in a more comprehensive manner on a quarterly basis to allow the Minister to have a holistic</p>	CEO



No.	Action Item	Person Responsible
	<p>picture of the performance of the Authority and its general state of health.</p> <p>11.3 Based on the guidance provided by the DCDT Public Entity Oversight Branch, more composite variables of performance have been added to the non-financial and the financial performance variables that the Authority has been using to report on its performance information over the years.</p> <p>11.4 There was a list compiled of the composite variables on which data will be collected to produce the comprehensive quarterly report, together with the names of Programmes that will collect the data per composite variable.</p> <p>11.5 Production of the comprehensive quarterly report would follow a similar format to the one that has been followed to produce the quarterly performance information report over the years. Data collected from Programmes will be submitted to the Strategy & Programme Management Unit for consolidation and production of the report on a quarterly basis.</p> <p><u>Comments and Inputs</u></p> <p>11.6 Council requested clarity on whether the report that will be submitted to the DCDT will be the same report that will be tabled at Parliament.</p> <p>11.7 Management indicated that the first report of this Format will be produced in July after completion of Quarter 1, and that the report will be submitted to the DCDT following which it would be tabled at Parliament.</p> <p>The submission was approved by Council.</p>	
12.	<p>Update of register of Memorandum of Understanding entered into by the Authority</p> <p>The Acting Executive Legal, Risk and CCC presented the item.</p>	CEO/ELRCC



No.	Action Item	Person Responsible
	<p>The purpose of the submission was to update Council with regards to the Memorandum of Understanding (MOU's) entered into by ICASA, including those in the process of being concluded with other entities, for noting.</p> <p>12.1 In terms of section 4(3A) (b) of the ICASA Act, ICASA is empowered to enter into concurrent jurisdiction agreements with other entities.</p> <p>12.2 The Legal, Risk and Complaints and Compliance Committee (LRCCC) division considered it necessary to compile a database or register of the MOUs that the Authority has entered into, which was previously submitted to Council for noting with a recommendation to review MOUs that have been in operation for over (5) years.</p> <p>12.3 The LRCCC further advised that MOUs in effect, which were not uploaded on the ICASA website, were sent to Corporate Services to be uploaded accordingly.</p> <p>12.4 The LRCCC provided an Annexure with a list of the Updated MOU Register. The Annexure highlighted the MOUs that are currently in effect between ICASA and other entities, and a list of MOUs that the Authority is currently in the process of concluding with other entities.</p> <p><u>Comments and Inputs</u></p> <p>12.5 Council requested clarity on the process of identifying entities with which the Authority enters into MOUs.</p> <p>12.6 Management indicated that there is no written process for identifying entities which the Authority can enter into MoUs with. However, as and when a need arises for the Authority to enter into an MOU with an entity, the process will normally be initiated.</p> <p>The submission was noted by Council.</p>	

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No.	Action Item	Person Responsible
13.	<p>Invitation to attend the online forum on: Effective Regulatory Framework for Community Radio Broadcasting in Africa</p> <p>The invitation was from Broadcast Media Africa.</p> <p>13.1 The event profile information is that the event is going to be an Online Forum on 'Implementing Effective Regulatory Framework for Community Radio Broadcasting', to be held on 29 April 2021.</p> <p>13.2 The invitation requested the attendance of the Chairperson of Council, the CEO of the Authority and Cllr Dimakatso Qocha as presenters/panellists to the online session.</p> <p>Council resolved that Cllr [REDACTED] and the CEO both honour the invitation, and further excused the Chairperson from attendance as he has prior engagements.</p>	Secretariat
14.	<p>General</p> <p><u>Council meeting packs</u></p> <p>14.1 Council requested that meeting packs be prepared and sent to Council on Thursdays by 16:30, which will serve as the cut-off time for notifications of the meeting packs.</p> <p>14.2 Council further stated that, should an item be deemed sufficiently urgent or time-bound, it may be added after the cut-off time, but Council should be sensitised of the upcoming urgent submission to be added onto the meeting pack.</p> <p><u>The planning of the Performance Agreements for Councillors</u></p> <p>14.3 Council wrote a letter to the Minister informing her that Council would be available to meet from the second week of April onwards for the proposed workshop on Performance Agreements.</p> <p>14.4 Council expressed that the understanding was that, once the Minister responded to the Authority proposed date, Council</p>	Chairperson

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No.	Action Item	Person Responsible
	<p>would then, leading to the meeting with the Minister, organise an internal preparatory session.</p> <p><u>Chief Financial Officer Interview Panel</u></p> <p>The request was for Council to establish an interview panel for the Chief Financial Officer position. The panel will be responsible to, consider the list from Human Resources and the pre-screening, complete the shortlist, and conduct the interviews to conclude the recruitment process.</p> <p>Council was requested to consider and approve a panel that would comprise of the Chief Executive Officer, the Audit and Risk Committee Chairperson, the Chairperson of Council, a member of Council, or another member of Audit and Risk Committee as well as Human Resources.</p> <p>Council resolved that the interview panel consist of the CEO, the Chairperson of Audit and Risk Committee, the Chairperson of Council, Councillor Kadi.</p>	
16	<p>Closure</p> <p>The Chairperson thanked all who were present at the meeting and closed it at 12:39 pm.</p>	Chairperson
17	Date of next meeting: TBA	Secretariat


Chairperson

30/07/2021