



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY MEETING OF COUNCIL		
Date	14 July 2022	
Time:	11:30	
Venue:	Microsoft Teams	
Present	████████████████████	Chairperson
	██████████	Councillor
	██████████████	Councillor
	████████████████████	Councillor
By Invitation	██████████████	CEO
	██████████████	CFO
	████████████████████	CAE
	██████████████	Corporate Secretary
	██████████████	Secretariat Officer
	██████████████	Secretariat Officer
Partial Attendees	██████████	Executive: Licensing and Compliance
	██████████████	Executive: Legal, Risk and CCC
	██████████████	SM: ICT Licensing Services
	██████████	Executive: Corporate Services
	██████████████	Manager: Broadcasting Frequency Coordination
	██████████████	Executive: Engineering & Technology
	██████████	Senior Manager: Talent and Performance Management
	██████████████	Risk and Compliance Management Specialist
	████████████████████	CAP Chairperson
	██████████████	CAP Member
	██████████████	Cap Member
Apologies	██████████████	Councillor

No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>1.1. The Chairperson opened the meeting at 11:30 and welcomed all present.</p> <p>1.2. Dr. Charley Lewis 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 Item E6.1 - AREDC Terms of Refence was deferred in order for the benchmarking to be finalised.</p> <p>The agenda was adopted with the above amendments.</p>	All
4.	<p>Minutes of Council: 05 April 2022</p> <p>The minutes were adopted subject to the minor amendments made.</p>	Council
5.	<p>International Engagements</p> <p>The Executive: Corporate Services presented the item:</p> <p>5.1. The purpose of this memo was to:</p> <p>5.1.1. Request Council to note the list of meetings for the second quarter of the 2022/23 Financial Year and nominate Councillor's to attend the meetings.</p> <p>5.1.2. To note the request from the Forum Global to host the Spectrum Management Conference and</p>	CEO

No.	Action Item	Person Responsible
	<p>5.1.3. To provide update on the Radiocommunication Regulations Board candidature for re-election.</p> <p>5.2. As part of the international programme for the 2022/23 Financial Year, the Corporate Services: CIR Unit has identified key meetings for attendance by Council taking place from July to September 2022.</p> <p>5.3. South Africa, through the DCDT, has submitted Mr Mandla Mchunu for re-election as a member of the ITU Radio Regulations Board (RRB) for the period 2023 – 2026. Several activities will take place in the coming months to promote his candidature. Thus far, a brochure has been developed. In addition, a promotional video will be produced where some members of the Council will be requested to provide messages of support for Mandla's nomination.</p> <p>5.4. ICASA has received an invitation to Host the 7th Sub-Sahara Spectrum Management Conference and the PRIDA. The conference is organised by Forum Global alongside the strategic partners ITU, ATU and The Africa Union. The conference provides a key international platform for interactive discussions on topical issues and current thinking on spectrum management policy in Sub-Saharan Africa.</p> <p>5.4.1. 02 November 2022 The Policy and Regulation Initiative for Digital Africa (PRIDA)</p> <p>5.4.2. 03 – 04 November 2022 7th Sub-Sahara Spectrum Management Conference.</p> <p>5.5. World Radiocommunication Conference 2023 (WRC 2023) is taking place in December of 2023, the Corporate Services; IR unit is of the view that it may be opportune to host this meeting in 2023 as one of the lead meetings to the Radio conference.</p> <p><u>It was recommended that Council:</u></p> <p>5.6. It was recommended that Council:</p> <p>5.6.1. Note the identified meetings for the second quarter of 2022/23 and nominate Council representatives for the identified meetings,</p> <p>5.6.2. Note the update on the Radio Regulations Board candidature,</p>	

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	<p>5.6.3. Note the request by Forum Global for ICASA to host the Spectrum Management conference.</p> <p><u>Comments and Resolutions</u></p> <p>5.7. Council requested for the costs, benefits and impact of the Authority hosting the Policy and Regulation Initiative for Digital Africa (PRIDA) conference in a submission</p> <p>The submission will be re-tabled with the inclusion of the above inputs.</p>	
6.	<p>Licensing of IMT (Standing Item)</p> <p>The update was noted.</p>	Cllr ██████
7.	<p>Vetted Reasons Document - Application for the Amendment of an Individual Commercial Sound Broadcasting Service Licence by Primedia Holdings (Pty) Ltd in Respect Of 567 Cape Talk T/A Cape</p> <p>The Executive: Licensing and Compliance presented the item:</p> <p>7.1. The purpose of the memorandum was to recommend that Council approves the attached vetted Reasons Document, for the decision on the application submitted by the Applicant to amend its I-CSBS licence, for publication on the Authority's website.</p> <p>7.2. On 29 March 2022, Council resolved to amend in part the Applicant's I-CSBS licence.</p> <p>7.3. On 25 May 2022, the vetted draft Reasons Document and confirmation of vetting were received from the LRCCC Division, subject to comments being addressed by the Licensing and Compliance Division. The Licensing and Compliance Division has subsequently addressed the comments from the LRCCC.</p> <p>7.4. EXCO has approved the submission, for tabling at Council.</p>	CEO / Executive: Licensing and Compliance

No.	Action Item	Person Responsible
	<p><u>It was recommended that Council:</u></p> <p>7.5. It was recommended that Council approves the vetted Reasons Document for publication on the Authority's website.</p> <p>The submission was approved by Council.</p>	
<p>8.</p>	<p>Digital Television Content Advisory Group Close-Out Report</p> <p>Cllr ██████████ presented the item:</p> <p>8.1. The purpose of this memorandum is to request Council to approve the DTCAG Close-out Report.</p> <p>8.2. On the 21 August 2018, a submission was made to Council requesting a continuation of the DTCAG and recommending that Council delegate one or two councillors to continue with the work and it was approved.</p> <p>8.3. Subsequent to that, the DTCAG Funding Report was also tabled and approved. Since then, several meetings have taken place and the DTCAG Close-out Report was completed.</p> <p><u>It was recommended that Council:</u></p> <p>8.4. It was recommended that Council approves the DTCAG Close-out report.</p> <p><u>Comments and Resolutions</u></p> <p>8.5. Council indicated that in the absent of certainty the submission will be noted, and if there is a need in future to convert the noting into an approval that will be done.</p> <p>Council noted the submission.</p>	<p>Cllr ██████████</p>
<p>9.</p>	<p>CAP Quarter One Report 2022/2023</p> <p>Cllr ██████████ introduced the item:</p> <p>9.1. The purpose of the submission was to submit the Consumer Advisory Panel (CAP) Q1 report (April-June 2023) to the Council.</p>	<p>Cllr ██████████ / CAP Chairperson</p>

No.	Action Item	Person Responsible
	<p>9.2. All CAP Q1 workplan targets were achieved.</p> <p>9.3. This is a detailed account of activities undertaken and considered by CAP over a period of three months (April - June 2022) which include the following:</p> <p>9.3.1. North-West and Limpopo stakeholder engagements;</p> <p>9.3.2. CAP commentary on the Draft End-user and Subscriber Service Charter Regulations;</p> <p>9.3.3. Critical Consumer Concerns;</p> <p>9.3.4. Proposed international study tour by CAP members; and</p> <p>9.3.5. Recommendations on relevant bodies for collaboration.</p> <p><u>It was recommended that Council:</u></p> <p>9.4. It recommended that Council approve CAP Q1 report as undertaken during the reporting period.</p> <p><u>The following comments were made:</u></p> <p>9.5. Council sought clarity on the intended purpose of the proposed international study trip. Council was informed that the main purpose of the international trip was benchmarking, learning and sharing notes with other countries.</p> <p>9.6. Council indicated that issues of how CAP can conduct the international benchmarks, has to be looked at within the context of the amendment of the CAP regulations so that they are provisions for it.</p> <p>Council the submission was approved.</p>	
10.	<p>HR & REMCO Terms of Reference</p> <p>The Senior Manager: Talent and Performance Management presented the item.</p>	<p>CEO / Exec: HR</p>

No.	Action Item	Person Responsible
	<p>10.1. The purpose of the submission was for Council to approve the HR & REMCO's Terms of Reference.</p> <p>10.2. The Remuneration Committee (REMCO)'s Terms of Reference were approved in May 2015, and the terms of reference only covered remuneration matters at that time.</p> <p>10.3. In November 2019 the REMCO terms of reference were amended to include all human resources matters and the name change to HR & REMCO. The revised HR & REMCO's terms of reference are tabled before the Council for approval.</p> <p><u>Recommendation to Council:</u></p> <p>10.4. It was recommended that Council approves the HR & REMCO's Terms of Reference.</p> <p><u>The following comments were made:</u></p> <p>10.5. Council requested that the termination clause (clause 5.4) be relooked and rephrased differently, as it currently states that a termination of a Committee member contract is subject to Council. Council recommended that can a notice period for when for any committee member resigns should be inserted.</p> <p>Council approved the submission subject to the implementation of the inputs made.</p>	
11.	<p>Appointment of Executive: Licensing and Compliance</p> <p>The Senior Manager: Talent and Performance Management presented the item.</p> <p>11.1. The purpose of the submission was to request approval for the appointment of [REDACTED] to the advertised position of Executive: Licensing and Compliance within the Licensing and Compliance Division, for a period of five (5) years, effective from the date of assumption of duty.</p> <p>11.2. The position of Executive: Licensing and Compliance was advertised externally on 19 April 2022, with the closing date of 11 May 2022. A total number of 48 applications were received and 09 screened applications were submitted to the relevant line manager on 27 May 2022.</p>	CEO / Exec: HR

No.	Action Item	Person Responsible
	<p>11.3. The shortlisting meeting was held on 30 May 2022. The panel deliberated and selected candidates to be shortlisted for the interviews. No panel member declared a conflict of interest in the position of Executive: Licensing and Compliance or in relation to any of the candidates.</p> <p>11.4. The following three (03) candidates were shortlisted and interviewed on 06 June 2022:</p> <p>11.4.1. [REDACTED];</p> <p>11.4.2. [REDACTED]</p> <p>11.4.3. [REDACTED]</p> <p>11.5. After a comprehensive evaluation of competencies required and a comparison of all candidates, it is recommended that [REDACTED] be considered as the most suitable candidate for the advertised position.</p> <p>11.6. [REDACTED] is currently on an annual total package of</p> <p>11.7. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. In line with [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>11.8. There were no conflicts of interest declared by all parties involved in the recruitment process for the position of Executive: Licensing and Compliance or in relation to any of the candidates.</p> <p><u>Recommendation to Council:</u></p> <p>11.9. It is recommended that approval be granted for the appointment of [REDACTED] to the advertised position of Executive: Licensing and Compliance Division, for a period of five (5) years, effective from the date of assumption of duty.</p> <p>Council approved the submission.</p>	
12.	Progress report on the review of policies	CEO / Exec: Legal Risk and CCC

No.	Action Item	Person Responsible
	<p>The Risk and Compliance Management Specialist presented the item.</p> <p>12.1. The purpose of the submission was to provide Council with a progress report on the review of the Organisation’s policies, for noting.</p> <p>12.2. In order for the organisation to operate effectively, active policies are required to ensure consistent, fair and standardised implementation of programmes and to guide all employees in the performance of their duties. Regular review of the policies is critical for ICASA to operate optimally to address the emerging legal and compliance risks.</p> <p>12.3. ICASA’s Policy and Procedure Review Framework was approved in June 2019. The Policy framework provides that all policies should be reviewed after three years from the date of approval or earlier where required.</p> <p>12.4. The review of the policies may result in the followings:</p> <p>12.4.1. No changes made;</p> <p>12.4.2. Minor editorial updates which are tabled at EXCO/RCMC;</p> <p>12.4.3. Significant amendments which require a formal approval process; or</p> <p>12.4.4. The rescission of a policy that is no longer applicable, which also require a formal approval process.</p> <p><u>Recommendation to Council:</u></p> <p>12.5. It was recommended that Council notes the progress report on the review of policies.</p> <p>Council noted the submission.</p>	
13.	<p>Quarter Four Risk and Compliance Management Report</p> <p>The Risk and Compliance Management Specialist presented the item:</p>	<p>CEO / Exec:</p> <p>LRCCC</p>

No.	Action Item	Person Responsible
	<p>13.1. The purpose of the submission was to provide Council with Risk and Compliance Management progress report for quarter four, for noting.</p> <p>13.2. A total number of six (6) strategic outcome risks were identified. For all six risks identified, four (4) mitigation plans were identified during the quarter. All (4)) (100%) mitigation plans were implemented.</p> <p>13.3. The other two (2) risks were assessed at medium from quarter to quarter due some of the controls beyond ICASA's control. These risks continue to receive attention from management. Three(3) risks were assessed low due to implementation of controls which were assessed as adequate and effective.</p> <p>13.4. During the quarter forty-eight (48) Output risks were identified. Out of the forty-eight risks identified, forty-two (42) risk controls implemented by management were adequate and effective. Six (6) risks controls were either inadequate or ineffective. This represents a total of 88% effective and adequate controls and 13% inadequate and ineffective controls during the quarter.</p> <p>13.5. The operational risks report reflects a total of 174 risk identified in this quarter, with 164 risk assessed as effective and adequate, - this equated to 94%.</p> <p>13.6. Crisis Management Committee (CMC) continue to assess the impact of COVID-19 within the organization. The risks of staff outside the premises and inside the premises were assessed lower due to the number of infections cases reported within the country and the control measures being implemented by ICASA.</p> <p>13.7. The risk and compliance management plan had 24 planned actions for the quarter, of which 19 (79.17%) have been achieved and 5 (20.83%) are still outstanding and work is still in progress.</p> <p>13.8. During the quarter, the IT department had fifteen (15) risks identified. Out of fifteen (15) risks, ten (10) risks controls were assessed as adequate and effective to minimise the impact of risk to an acceptable level. Five risks were assessed medium to cautionary even after controls assessment.</p>	

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	<p>13.9. During the quarter, the Finance division identified eighteen (18) risks. Six (6) were classified as Compliance related, Seven (7) as operational, Two (2) relating to Reporting and the last Three (3) were Fraud related. Eleven (11) risks, <u>Eleven (11) risks</u> were assessed as adequate and effective to minimise the impact of risk to an acceptable level. Five (5) risks were assessed as cautionary and last two (2) as medium.</p> <p>13.10. Overview and Mitigations:</p> <p>13.10.1. Payroll Management: Payment of Salaries: Management currently interrogates all information submitted, Follow ups and timeous corrections are being made and the Payroll Procedure manual is in the process of being finalised.</p> <p>13.10.2. Accounts Payable management: Payment of suppliers within 30 days: There is a Payment dashboard that is being kept and a Central email address for invoices including follow ups with divisions. Further engagements with JDE service provider are underway to assist with reconciliation of outstanding PO to invoices, Open PO raised for recurring purchases until the contract ends and for variable contracts (e.g., Legal panel, Lese agreements, etc.)</p> <p>13.10.3. Inadequate contract management register: All contracts are recorded and updated in the contract register regularly and all contract payments go through SCM unit with the contract payment form. There is reconciliation of supplier ledger in JDE with the contract register. Manager: SCM meet with Contract owners quarterly to monitor contracts.</p> <p>13.10.4. Failure to ensure approval of deviations from procurement process: Compliance with the SCM policy and getting the necessary approvals.</p> <p>13.10.5. Non-compliance with treasury instructions and SCM Policies: Management continues to ensure compliance set out by variation approvals, NT instruction notes and SCM policy and ensuring approvals are in line with Delegation of Authority.</p>	

No.	Action Item	Person Responsible
	<p><u>Recommendation to Council:</u></p> <p>13.11. It was recommended that Council notes quarter four Risk and Compliance Management report.</p> <p>The submission was noted by Council.</p>	
14.	<p>Labour Court Judgement in the matter between ICASA and Ms. [REDACTED]</p> <p>The submission was deferred to the next Council meeting.</p>	<p>CEO / Exec: LRCCC</p>
15.	<p>AREDC Terms of Reference</p> <p>The submission was deferred to the next Council meeting.</p>	<p>CAE</p>
16.	<p>Review of the EXCO and OPCO Terms of Reference</p> <p>The submission was deferred to the next Council meeting.</p>	<p>CEO / Secretariat Unit</p>
17.	<p>General</p> <p>17.1. Telkom's request for a meeting to address Authority on Telkom Group 2021/22 Financial Results, factors that influenced performance as well as impact of regulation to the sector and operator performance. The matter was deferred to the next Council meeting.</p> <p>17.2. (Retabling) Updated Advert for Chief Executive Officer position. Council approved the advert.</p>	
18.	<p>Closure</p> <p>The Chairperson thanked all who were present at the meeting and declared the meeting adjourned at.</p>	<p>Council</p>

Signed:  _____

Date: 2023-03-16 _____

Dr. Charley Lewis
(Acting Chairperson)