



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
Date	14 December 2021	
Time:	08:00	
Venue:	Microsoft Teams	
Present	D [REDACTED]	Chairperson
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
By Invitation	[REDACTED]	CEO
	[REDACTED]	CFO
	[REDACTED]	CAE
	[REDACTED]	Corporate Secretary
	[REDACTED]	Secretariat Officer
Partial Attendees	[REDACTED]	Executive: Licensing and Compliance
	[REDACTED]	Executive: Human Resources
	[REDACTED]	Acting Executive: Engineering and Technology
	[REDACTED]	Executive: Policy Research and Analysis
	[REDACTED]	Manager: Broadcasting Frequency Coordination
	[REDACTED]	SM: ICT Licensing Services
	[REDACTED]	ECS/ECNS Compliance Officer
	[REDACTED]	Radio Frequency Specialist
	[REDACTED]	CCC Assessor
	[REDACTED]	Radio Frequency Specialist
Apologies		

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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. There were no apologies noted.</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>The agenda was ratified as follows:</p> <p>3.1 E2 Items will follow discussion on agenda Item 5.</p> <p>3.2 Item D14 was removed as it was a duplicate of Item D10.</p> <p>The agenda was ratified.</p>	All
4.	<p>Minutes</p>	Council
4.1	<p>Minutes of Council: 12 October 2021</p> <p>The minutes of Council were adopted as presented.</p>	Council
4.2	<p>Minutes of Council: 19 October 2021</p> <p>The minutes of Council were adopted as presented.</p>	Council
5.	<p>Matters Arising</p>	CEO



No.	Action Item	Person Responsible
	The update on the matters arising document was noted.	
6.	<p>International Engagements</p> <p>There was no submission / update on International Engagements.</p>	CEO
7.	<p>Licensing of IMT (“Standing Item”)</p> <p>The brief update on the licensing of IMT was noted by Council.</p>	CII [REDACTED]
8.	<p>Application for Amendment of Radio Frequency Spectrum Licence for Public Sound Broadcasting Service: TRU FM (SABC)</p> <p>The Executive: Licensing and Compliance presented the item.</p> <p>8.1. The purpose of this submission was to request Council to decline the Radio Frequency (“RF”) Spectrum Licence amendment application received from Tru FM (“the Applicant”).</p> <p>8.2. The Applicant submitted an application to the Independent Communications Authority of South Africa (“the Authority”) on 06 May 2021 for Radio Frequency (“RF”) Spectrum License amendment for provision of Public Sound Broadcasting Service in the Eastern Cape Province.</p> <p>8.3. The Applicant is currently licensed to provide Public Sound Broadcasting Services in Bisho, East London, King Williams Town, Queens Town, and surrounding areas in the Eastern Cape Province. The Applicant is currently operating in the FM broadcasting band from nine (9) transmitter sites.</p> <p>8.4. The Applicant seeks to amend its RF Spectrum Licence by relocating its Bisho transmitter site to Port Elizabeth site in Gqeberha in the Eastern Cape Province, which includes all station personnel, broadcast equipment, and other movable assets.</p>	CEO/ Licensing

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	<p>8.5. The Applicant indicated that the relocation would allow the South Africa Broadcasting Corporation ("SABC") to optimize the use of its current assets while reducing wastage and will boost audience growth especially the youth in the area.</p> <p>8.6. The proposed frequency of 107.5 MHz is currently a spare assignment for community sound broadcasting in Nelson Mandela Bay Metropolitan Municipality in the Eastern Cape Province. This is evident in the Terrestrial Broadcasting Frequency Plan ("TBFP"), 2013.</p> <p>8.7. On 12 November 2019, 107.5 MHz was published on the list of available frequencies in the Invitation to Pre-register ("ITP-R") for Community Sound Broadcasting Service and Radio Frequency Spectrum Licences in Government Gazette No. 42835, Notice 606 of 2019.</p> <p>8.8. Therefore, the Applicant's proposed frequency is earmarked for new community sound broadcasting services in the Nelson Mandela Bay Metropolitan Municipality. The Authority conducted desktop coverage and interference analysis for the proposed amendment.</p> <p>8.9. The interference analysis revealed that the Applicant would induce and be affected by harmful radio frequency interference ("RFI") from the spare assignment (107.5 MHz) that was advertised in the ITP-R, which is earmarked for new community sound broadcasting services.</p> <p>8.10. The International Telecommunications Union ("ITU") Radio Regulations (RR1.169) defines harmful interference as "interference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with Radio Regulations". In controlling, planning, administering, managing, and licensing the use of radio frequency spectrum, the Authority must:</p>	

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	<p>8.11.1 Comply with the applicable standards and requirements of the ITU and its Radio Regulations, as agreed to or adopted by the Republic.</p> <p>8.11.2 Take into account modes of transmission and efficient utilisation of the radio frequency spectrum, including allowing shared use of the radio frequency spectrum when interference can be eliminated or reduced to acceptable level as determined by the Authority.</p> <p>8.11. As revealed by inference analyses result in the technical report, the Applicant would induce or be affected by harmful RFI from 107.5 MHz transmitting from Port Elizabeth transmitter with an ERP of 0.5 KW. As a result of the potential frequency interference, the application does not comply with section 30 (3) and 31 (4) of the ECA.</p> <p><u>Recommendation to Council:</u></p> <p>8.12. It was recommended that Council reject the application for amendment of radio frequency spectrum licence based on the following reason:</p> <p>8.13.1 the application is not in line with section 30 (3) and 31 (4) (d) of the ECA because the Applicant will cause harmful RFI to a frequency assignment that is currently a spare assignment, coordinated for community sound broadcasting services, that has been published on the list of available frequencies in the ITP-R which is earmarked for new services.</p> <p>The submission was approved by Council.</p>	
9.	<p>Application for the amendment of an Individual Commercial Sound Broadcasting Service and Radio Frequency Spectrum Licences by Cape Town Radio (Pty) Ltd T/A Smile 90.4 Fm</p> <p>The Executive: Licensing and Compliance presented the item.</p> <p>9.1. The purpose of this submission was to provide Council with an analysis of the application submitted by Cape Town Radio (Pty) Ltd t/a Smile 90.4 FM ("the Applicant") to amend its</p>	CEO/ Licensing



No.	Action Item	Person Responsible
	<p>Individual Commercial Sound Broadcasting Service ("I-CSBS") and Radio Frequency Spectrum ("RFS") licences and recommend that Council approves the submission.</p> <p>9.2. The Applicant holds both I-CSBS and RFS licences to provide commercial sound broadcasting services in the City of Cape Town Metropolitan area in the Western Cape province. Both licences were issued on 25 May 2012 and are due to expire on 24 May 2022.</p> <p>9.3. On 26 March 2021, the Applicant applied for the amendment of its I-CSBS and RFS licences. The applications were lodged in terms of section 10 (1)(a), (c) and (f) of the ECA, read with regulation 9 (Form C) of the Processes and Procedure Regulations.</p> <p>9.4. The Applicant requested confidentiality in terms of Section 4D of the ICASA Act. The confidential information relates to a report commissioned by the Applicant on its financials, commercial, scientific, technical information and trade secrets.</p> <p>9.5. The Applicant advanced that if this information is disclosed, it will likely cause commercial or financial harm. The Authority, as a result, granted confidentiality on the report conducted by an international consultant and the financial performance comparison report.</p> <p>9.6. On 10 June 2021, the Authority published a notice in the Government Gazette inviting interested persons to submit written representations and responses about the applications within fourteen (14) working days from the date of publication of the notice. The deadline was on 01 July 2021.</p> <p>9.7. By the closing date, the Authority had received written representations from the South African Broadcasting Corporation ("SABC") and KFM ("Primedia"), objecting to the amendment application.</p> <p>9.8. The Applicant seeks approval from the Authority to amend its I-CSBS Licence as follows:</p>	



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	<p>9.8.1 Programming Format- Clause 4.1.1 of its I-CSBS Licence; and</p> <p>9.8.2 Local Content Obligations- Clause 4.1.2.1.1 of its I-CSBS licence;</p> <p>9.9. The Applicant seeks to amend its RFS licence by adding twelve (12) transmitter sites in the Western Cape province. The Applicant seeks to increase its coverage area from Cape Town metropolis to Western Cape province.</p> <p>9.10. The Licensing and Compliance Division has considered the proposed technical parameters and conducted interference analysis on the proposed frequencies.</p> <p>9.11. The Licensing and Compliance Division considered the proposed amendments and reasons provided by the Applicant and has noted the following:</p> <p>9.11.1 the Applicant's proposal to decrease its South African music content from 50% to 40% is still above the minimum requirement of 35% for commercial sound broadcasting service licensees as provided for in regulation 3(2) of the ICASA South African Music Content Regulations, 201621. Additionally, the wording 40% daily programming is in line with the current wording of clause 4.1.2.1.1 of the licence;</p> <p>9.11.2 the Applicant's proposal to delete the descriptive percentages of talk vs music format will go against the essence of the uniqueness of the Applicant's format which was a promise of performance proposed by the Applicant. It was this undertaking that set the Applicant apart from other Applicants who had lodged their applications during the licensing process in the Western Cape at the time.</p> <p>9.11.3 The Licensing and Compliance Division is of the considered view that the proposed format will distort this unique format and will consequently resemble those of other commercial Licensees such as Good Hope FM, KFM and Heart FM who do not have</p>	

7 KM



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	<p>descriptive percentages in terms of talk vs music. Other than citing each of these licensees' formats as provided for in their respective licences inter alia: "...programming format of talk and music in an adult contemporary format providing a programming mix of music and information (including coverage of community affairs)" (KFM); "...adult contemporary jazz format." (Heart FM) and "...Urban Contemporary Music format" Good Hope FM; the applicant has failed to demonstrate how these licensees provide distinct on-air content. The only distinguishable factor from the above-listed Licensees is the type of music format – adult contemporary, adult contemporary jazz, and Urban contemporary music. On this basis, the Licensing and Compliance Division is not persuaded that diversity of content as alluded to by the Applicant will be achieved.</p> <p>9.11.4 The Licensing and Compliance Division has taken into consideration the Applicant's 2019 Annual Compliance Report. The Applicant was in compliance with clause 4.1.1 and not in compliance with clause 4.1.2.1.1 of its Licence term and conditions.</p> <p>9.11.5 The Licensing and Compliance Division is satisfied with the reasons advanced by the Applicant with regards to the challenges experienced in playlisting seven (7) to nine (9) South African songs in one (1) hour. It must be noted that performance is measured weekly, therefore removing this playing listing obligation will elevate the challenges experienced by the Applicant.</p> <p>9.11.6 Lastly, the Licensing and Compliance Division considered the proposed technical parameters and conducted interference analysis on the proposed frequencies. None of the proposed technical parameters were successful. Most of the frequencies applied for by the Applicant are earmarked for new community radio stations as published in the ITP-R, as amended.</p>	

8 KM



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	<p><u>Recommendation to Council:</u></p> <p>9.12. It was recommended that Council approves the submission as follows:</p> <p>9.12.1 Reject the Proposed amendment to clause 4.1.1;</p> <p>9.12.2 Proposed amendment to clause 4.1.2.1.1 be as follows “The Licensee shall adhere to the following, namely Broadcast 40% South African music during its daily programming.”</p> <p>9.12.3 It was also recommended that Council approves the recommendation to decline the Applicant’s RFS Licence amendment based on the analysis done in section 9.11 above.</p> <p><u>The following comments were made:</u></p> <p>9.13. Council inquired if there was no middle ground between the talk verses music balance as there was a motivation around the balance. Council inquired if the talk verses music could not be at 70% and 30%.</p> <p>9.14. Council expressed concern about taking away the bread and income from the local artists.</p> <p>9.15. Council inquired about the ITP-R frequencies and what would be the case had the licensee just decided to approach the Authority to request guidance and assistance with alternative frequencies and not specify the frequencies. Council inquired if the above would have led to a different recommendation.</p> <p>9.16. Management informed Council that the current limitations is that all commercial radio stations should play a minimum of 35% local music.</p> <p>9.17. Management informed Council that there are challenges in the Metropolitan Cities. The Terrestrial Broadcasting Frequency plan has dissected the frequencies into three categories, being, public, commercial and community. When the Authority</p>	

9 KM



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	<p>receives applications, there should be assurance that the frequency will be coordinated into the plan. if the frequency is allocated for commercial then it can be assigned, the frequencies for community services cannot be allocated to a commercial station.</p> <p>9.18. Council inquired if the licensee could be asked if the application could be specific to allow for the Authority to exercise its discretion as a regulator.</p> <p>9.19. Management informed Council that the Authority held a meeting with the licensee in regard to the application of the amendment. The engagement has already happened as the division wanted to understand their rational of wanting to remove their descriptive format. This application is not the first from the license and it was previously rejected.</p> <p>The recommendation was approved by Council.</p>	
10.	<p>South African Post Office Soc Ltd's Annual tariff application for 2022/2023 Price Control Period</p> <p>The Executive: PRA presented the item.</p> <p>10.1. The purpose of the submission was to recommend that Council approve an average decrease of 7.7% (which amounts to R 135 million) in revenue for reserved postal products and services.</p> <p>10.2. SAPO applied for a decrease of 7.7% in revenue for reserved postal products and services for the 2022/23 price control period, which is acceptable since it is less than the allowable increase of the Consumer Price Index (CPI) which is 5% in terms of the Price Cap Regulations for Reserved Postal Services, 2013 ("Regulations").</p> <p>10.3. The decrease of 7.7% in revenue will result in an average tariff increase of 6% in reserved postal products and services. SAPO is still facing declining volumes, due to a slow response to the rapid and constant technological revolution, changing customer needs and demands.</p>	<p>CEO/ Executive: PRA</p>



No.	Action Item	Person Responsible
	<p>10.4. SAPO was granted the exclusive right to provide basic mail services, defined as the reserved area, for 25 years, in terms of clause 7.3.2 of SAPO's license No.2008/005477/06 and in terms of section 16(8) of the Postal Services Act No.124 of 1998 ("the Act").</p> <p>10.5. SAPO lodged its annual tariff application on 29 October 2021 requesting the Authority's approval of a 7.7% decrease in revenue for reserved postal products and services. This means that SAPO's revenue will decrease by R 135.8 million, from R 1 743.6 8 million in the 2021/22 FY to R 1 608.59 million in the 2022/23 FY.</p> <p>10.6. The filed revenue decrease of 7.7% in reserved postal products and services is for the price control period 01 April 2022 to 31 March 2023.</p> <p>10.7. SAPO's request for 7.7% decrease in revenue for reserved postal products and services is within the allowable increase of 5% [being the maximum allowable revenue increase as per the Regulations].</p> <p>10.8. In the 2021/22 price control period, SAPO has had a decrease in mail volumes and will not be able to meet the approved allowable average revenue increase of 0.93% for the 2021/22 control period.</p> <p>10.9. SAPO's 2020/2021 Group financial performance has shown a decrease in operating costs, however any benefits from cost curtailment has been offset by the decrease in revenues. This has worsened SAPO's operating losses and cash flow from operations.</p> <p>10.10. Through national government's equity injections such as recapitalisation funding to settle term loans and pay long outstanding creditor, SAPO's liquidity position has slightly improved. However, it still remains a concern as the revenue generated cannot cover the operating expenditure.</p> <p>10.11. The PRA Division has observed the following adjustments which might lead to positive changes in terms of the future sustainability of SAPO:</p>	



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	<p>10.11.1 SAPO's revenue diversification strategy was less effective in the 2020/21 FY as Mail Revenue's contribution increased from 42.7% to 56.2%, while Retail Revenue's contribution reduced from 47.6% to 35.4% YTD terms.</p> <p>10.11.2 SAPO aims to focus on space utilisation which is part of its new Distribution Network Optimisation Policy.</p> <p>10.12. Given SAPO's YTD operating loss decreased by 14.1% from the preceding YTD period, facing declining mail volumes and high operating costs, SAPO's sustainability is still a concern as it continues operating at a loss, with the YTD (as at end August 2021) net loss amount to R1.27 billion. However, PRA believes that the acquisition of the South African Social Security Agency's (SASSA) social grant project in 2019 aided SAPO in its diversification strategy and could potentially offset the financial impact of declining mail volumes over time.</p> <p>10.13. Mail revenues continue to decline as a result of decreasing volumes due to use of electronic communications service and steep competition in non-regulated services.</p> <p>10.14. Therefore, the increase in tariffs for reserved postal services in the 2021/2022 financial period will partly assist SAPO with resolving its financial challenges.</p> <p><u>Recommendation to Council:</u></p> <p>10.15. It was recommended that Council approves SAPO's application for the decrease in revenue of 7.7% for the reserved postal products and services for the 2022/23 price control period. This would translate to an average tariff increase of 6%.</p> <p>10.16. This tariff increase of 6% on the standard letter, would represent a 32c increase from R 5.34 to R 5.66.</p>	

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	<p><u>The following comments were made:</u></p> <p>10.17. Council expressed that it was odd that SAPO would be applying for a decrease in pricing, bearing in mind the financial challenges experienced by the entity. Council expressed that the issues are inefficiencies in the service provided by SAPO.</p> <p>10.18. Council expressed that a change regime of the rates applicable to SAPO has recently been effected, moving from price cap to Rate of Return Regulations which will be applicable for the 2022/2023 financial year. Council was of the view that the current application would have been done based on the new regime which is supposed to begin with the new financial year.</p> <p>10.19. Council further inquired about the aspect that states that a 5% increase would be legal, but the application has a statement that reflects that 4.2% which is less than 5% is said to not be legal.</p> <p>10.20. Council expressed that the price for letters are very off and suggested that the pricing for letters should be rounded off to the nearest number.</p> <p>10.21. Management informed Council, that scenario three is not aligned with the regulation, as a formula has been set out to be used when the regulation increase is being calculated. The formula is not based on the forecasted scenario that has been indicated in scenario three.</p> <p>10.22. Management further informed Council that the amendment regulations are going to be effective on the 1st of April 2022, and the new tariffs being approved are going to be affected from January 2022.</p> <p>10.23. Management further informed Council that in the analysis and the report the amounts are presented, Council was informed that in the Gazette that will go out the figures will however be rounded off to the nearest 5c.</p>	

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No.	Action Item	Person Responsible
	The submission was approved by Council.	
11.	<p>Recommendation by CCC to Council in the matter between Fani Manganye and Madibeng Community Radio</p> <p>The Council CCC member presented the item.</p> <p>11.1. The purpose of this submission was to request Council to approve the recommendation of the CCC in the matter between Mr. Fani Manganye and Madibeng Community Radio.</p> <p>11.2. On 4 February 2021, Mr. Manganye (“the Complainant”) lodged a complaint with the CCC for investigation in terms of section 17B(a) of the ICASA Act.</p> <p>11.3. Mr. Manganye alleged that Madibeng Community Radio has contravened Regulation 3(1) – 3(3), 11(2) and 12(1) of the Regulations regarding the Code of Conduct for Broadcasting Service Licensees issued in terms of Section 54 of the ECA.</p> <p>11.4. Furthermore, Mr. Manganye alleged that Madibeng Community Radio broadcast Motlounge’s biased and untruthful comment during the radio interview and thereby contravened Regulation 11(2) and 12(1).</p> <p>11.5. At the hearing on 30 August 2021, Mr. Motlounge represented Madibeng Community Radio. The CCC raised concerns that the Board of Directors were not present at the hearing to account for the allegations of non-compliance as custodians of the licence. Motlounge denied that he insulted the Complainant or failed to give him an opportunity to respond.</p> <p>11.6. Relevant factors to be considered by the Authority when making a decision in terms section 17E of the ICASA Act:</p> <p>(a) The nature and gravity of the non-compliance: The CCC views Madibeng Community Radio’s unlawful conduct as a serious contravention of Regulation 11(2) and 12(1) of the Code of Conduct.</p>	Cllr [REDACTED]



No.	Action Item	Person Responsible
	<p>(b) The consequences of the non-compliance The CCC held that Motloun’s comment that the Complainant was involved in the alleged bribery, referring to a stipend as a bribe is a mischief and cannot be said to be ‘an honest expression of opinion’. An insincere comment by a broadcaster that is not based on fact, is a contravention of the Code.</p> <p>(c) The circumstances under which the non-compliance occurred: Motloun in his capacity as Station Manager confirmed that he had to host the “Tshaba Re Fete” show. He was standing in for a volunteer presenter who was off duty. It was during such an occasion that some callers from Bakwena village mentioned that Mr. Manganye ought to “excuse himself from the Bakwena Ba Mogopa Tribe matters”.</p> <p>(d) The steps taken by the licensee to remedy the complaint The CCC noted Madibeng Community Radio’s step to remedy the complaint by affording the Complainant with an opportunity later on the same day to reply to the allegations. The CCC held that Mr. Motloun as a Station Manager, failed to timeously take steps to protect the Complainant.</p> <p>(e) The steps taken by the licensee to ensure that similar complaints will not be lodged in the future: No steps were taken by Madibeng Community Radio to ensure that similar complaints will not be lodged in the future. The CCC held that Madibeng Community Radio must desist from further contravention of Code of Conduct, pay a fine and broadcast a public apology.</p> <p><u>Recommendation to Council</u></p> <p>11.7. The CCC recommends that the following order be issued by Council of ICASA to direct Madibeng Community Radio as follows:</p> <p>11.7.1 To desist from further contravening Regulation 11(2) and Regulation 12(1) of the Code of Conduct.</p>	



No.	Action Item	Person Responsible
	<p>11.7.2 To pay a fine (the amount prescribed by the Authority) in respect of the contravention set out above.</p> <p>11.7.3 To take the following remedial action:</p> <p>11.7.3.1 Issue an apology to the Complainant and that such apology be broadcast once during the Tshaba Re Fete programme, within 14 days after ICASA has published its findings and order.</p> <p>11.7.3.2 Issue a statement distancing itself from the conduct of Mr. Motloung and that such statement be broadcast once during the same programme mentioned above, within 14 days after ICASA has published its findings and order.</p> <p><u>The following comments were made:</u></p> <p>11.8. Council raised that the recordings of the broadcast were not referenced to and raised that same would be necessary to confirm the whole proceedings.</p> <p>11.9. Council raised that there is no amount that is stated by the CCC and inquired if the CCC had an amount in mind. Council further expressed that more than one apology would be appropriate in this instance, especially concerning the dangers around the spread of Xenophobia.</p> <p>11.10. The Committee informed Council that, no amount has been specified to the fine that has been recommended.</p> <p>11.11. The CCC informed Council that there are recordings that are in Setswana, and further that those recordings have been translated into English and same has been confirmed.</p> <p>11.12. The CCC also welcomed the suggestion of Council that the apology should be broadcast repeatedly.</p>	



No.	Action Item	Person Responsible
	<p>11.13. Council resolved that the recommendation of “To pay a fine (the amount prescribed by the Authority) in respect of the contravention set out above” would not be approved as the fine amount was not specified.</p> <p>11.14. Council resolved that the order recommended in 11.7.3.2 be amended to :</p> <p>Issue an apology to the Complainant and that such apology be broadcast daily over a period of five consecutive days and distancing itself from any form of Xenophobia, during the Tshaba Re Fete programme, within 14 days after ICASA has published its findings and order. “”</p> <p>The submission was approved by Council.</p>	
12.	<p>Request for deviation in terms of section 10(2) of the Broad-Based Black Economic Empowerment Act, 2003</p> <p>The project leader presented the item.</p> <p>12.1. The purpose of this submission was to request Council to note and approve the request by the HDI Committee to engage with the BBBEE Commission to apply for deviation in terms of Section 10 (2) of the Broad-Based Black Economic Empowerment Act, 2003 (“B-BBEE Act”).</p> <p>12.2. On 31 March 2021, the Authority published final regulations on Equity Ownership by Historically Disadvantaged Groups (HDGs) and the application of the ICT sector codes in the ICT sector, in Government Notice No. 170, Gazette No. 44382 (“HDGs Regulations”).</p> <p>12.3. The current HDGs Regulations need to comply with the BBBEE Act, in particular the codes of good practice. The codes do allow for organs of state and public entities to deviate from the provisions of the BBBEE Act provided that the Minister of Trade & Industry and Competition (“Minister”) approves the deviation.</p>	Cllr [REDACTED]

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No.	Action Item	Person Responsible
	<p>12.4. The Authority needs to apply for deviation to section 10 of the BBBEE Act and deviation on the determination of the 30% Equity held by Black People.</p> <p>12.5. Section 10 places an obligation on ICASA to apply the code of good practice when determining the criteria for granting licences.</p> <p>12.6. The code has five elements, one of which is ownership, and Section 10 requires qualifying criteria that look at all five of the elements listed on the code. However, Section 10 of the EC Act, which imposes the 30% HDG requirement, mandates ICASA to consider imposing HDG equity, as well as any criterion established utilizing the code of good practice.</p> <p>12.7. To expedite transformation in the ICT sector, the Authority decided to focus on ownership rather than all five (5) elements when determining the qualifying requirements for granting the licences.</p> <p>12.8. It is for this reason that the regulations included a provision for black equity. The Authority is in a situation where the qualification criteria do not consider the codes of good practice in its entirety, but merely the ownership element.</p> <p><u>Recommendation to Council:</u></p> <p>12.9. It was recommended that Council note and approve the request by the HDI Committee to engage with the BBBEE Commission to apply for deviation in terms of Section 10 (2) of the B-BBEE Act.</p> <p>The submission was approved by Council.</p>	
13.	<p>Recommendation by CCC to Council in the matter between Primedia (Pty) Ltd And ICASA</p> <p>The Council representative for the CCC presented the item.</p>	<p>Cllr [REDACTED]</p>

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No.	Action Item	Person Responsible
	<p>13.1. The purpose of this submission was for Council to note the recommendations of the CCC in the matter between Primedia and ICASA.</p> <p>13.2. On 31 May 2021, Primedia lodged a complaint against ICASA for investigation by the CCC in terms of Section 17B(a) of the ICASA Act.</p> <p>13.3. The charges levelled against ICASA are as follows: -</p> <p>13.3.1 Primedia alleged that ICASA failed to comply with its legal obligations in respect of Pretoria FM and its affiliate stations under section 4(3)(d) of the ICASA Act which provides that, <i>“the Authority must develop, monitor and enforce compliance with licence conditions and regulations consistent with the objects of this Act and the underlying statutes for different categories of licences”</i>, in that:</p> <p>(a) Primedia alleged that Pretoria FM and its affiliate radio stations have violated clause 10(2) of the Community broadcasting service regulations which provides that programme syndication or network and programme sharing shall not exceed twenty percent (20%) of the community broadcasting licensee’s programming. Pretoria FM is engaging on programme syndication/or network and programme sharing above the twenty percent (20%), from when that limitation came into force until the promulgation of the Information and Communications Technology (“ICT”) Covid-19 National Disaster Regulations (the ICT Covid-19 Regulations).</p> <p>(b) Primedia further alleged that Pretoria FM has been programme syndicating or network and programme sharing at hundred percent (100%) since at least 2015. This is above the forty five percent (45%) of its programme syndication or network and programme sharing to its seven affiliate radio stations allowed by the ICT Covid-19 Regulations. This is allegedly a contravention of clause 4(9) of</p>	



No.	Action Item	Person Responsible
	<p style="text-align: center;">the ICT Covid-19 Regulations provides that “Programme syndication must not exceed forty five percent (45%) per week of a broadcasting service licensee’s programming.”</p> <p>13.4. The CCC heard arguments from both parties on 6 September 2021. Primedia argued that section 17B(a)(ii) and (iii) of the ICASA Act clearly state that the CCC is required to investigate, hear if appropriate and make a finding on complaints received by it or allegations of noncompliance with the ICASA or the underlying statutes and that there is no restriction against whom such a complaint or allegation can be made. Section 17B(b) of the ICASA Act, empowers the CCC to make any recommendations necessary or incidental to the performance of the functions of the Authority in terms of the ICASA Act or the underlying statutes or to achieve the objects of the ICASA Act and the underlying statutes. Therefore, Primedia is of the view that the CCC has jurisdiction to investigate and adjudicate a complaint against ICASA.</p> <p>13.5. ICASA argued that in April 2016, the Authority made a decision and granted permission to Pretoria FM to do hundred percent (100%) of programme syndication or network and programme sharing with its affiliate radio stations. This results in the jurisdiction of the CCC and ICASA itself being ousted, because the Authority has already made a decision on this matter.</p> <p><u>Recommendation to Council:</u></p> <p>13.6. The CCC makes the following finding:</p> <p style="padding-left: 40px;">13.6.1 That the CCC does not have jurisdiction to hear the complaint against ICASA.</p> <p style="padding-left: 40px;">13.6.2 The complaint is dismissed; therefore, no order is advised to Council.</p> <p>The submission was approved by Council.</p>	




No.	Action Item	Person Responsible
14.	<p>Request for Approval of Final Regulations and Reasons Document on Mobile Broadband Services Inquiry</p> <p>The submission was deferred to the next meeting of Council.</p>	Cllr [REDACTED]
15.	<p>Amendment of Universal Service and Access Licence obligations for Rain Networks (Pty) Ltd</p> <p>The Chairperson of the Council Committee presented the submission.</p> <p>15.1. The purpose of the submission was to request Council to note and approve the Amendment of Universal Service and Access Licence Obligations (USAOs) for Rain Networks (Pty) Ltd and publication thereof.</p> <p>15.2. On 17 July 2009, Rain Networks (Pty) Ltd was granted and issued a Radio Frequency Spectrum Licence for use of the 1800MHz. As a condition to its 1800MHz licence, Rain Networks (Pty) Ltd was given USAOs to provide Internet access to not less than 1000 (one thousand) rural and urban schools.</p> <p>15.3. In 2016, The Universal Service and Access Obligations (USAO) Project Committee was constituted to amend the USAOs. Rain Networks (Pty) Ltd was subsequently consulted on the new Universal Service and Access Licence obligations.</p> <p>15.4. In 2018 / 2019 financial year, the USAO Committee consulted both Rain Networks (Pty) Ltd and Department of Higher Education & Training, and the revised Draft Specifications were agreed by stakeholders.</p> <p>15.5. On 13 March 2020, the Authority published the Draft Amendment of USAOs - for Rain Networks (Pty) Ltd in General Notice, Government Gazette No 43095.</p> <p>15.6. Only one submission was received - from MTN (Pty) Ltd. The issues raised in the submission were ventilated with MTN (Pty) Ltd, and the matter was closed.</p> <p>15.7. In consultation with Rain Networks (Pty) Ltd, the USAO Committee made some small changes to the published Draft</p>	Cllr [REDACTED]



No.	Action Item	Person Responsible
	<p>Specifications in order update them in line with the current data services market.</p> <p>15.8. It was recommended that:-</p> <p>15.8.1 Council notes and approves the final amendment of Universal Service and Access Licence Obligations for Rain Networks (Pty) Ltd for publication; and</p> <p>15.8.2 The Chairperson signs off the General Notice: Amendment of Universal Service and Access Licence Obligations for Rain Networks (Pty) Ltd for publication.</p> <p>The submission was approved by Council.</p>	
16.	<p>Draft Amendment Universal Service and Access Obligations (USAOs) for Sentech SOC Ltd</p> <p>The project leader presented the item.</p> <p>16.1. The purpose of the submission was request Council to note and approve the draft Amendment of Universal Service and Access Licence Obligations (USAOs) for Sentech SOC Limited, and the publication thereof.</p> <p>16.2. On 30 November 2004, Sentech SOC Ltd ("Sentech") was granted and issued a with a licence to provide Multimedia Services. In terms of its USAOs, Sentech was required to provide Internet access to 1500 (one thousand five hundred) rural public schools.</p> <p>16.3. On 26 January 2017, the Authority published the Amendment of USAO Connectivity of TVETs for Sentech (Pty) Ltd in General Notice 35, Government Gazette No 40575.</p> <p>16.4. Thereafter the Department of Higher Education & Training (the "Department")</p> <p>16.5. requested the Authority rather to require connectivity to Community, Education and Training (CET) Colleges and Community Learning Centres (CLCs) - instead of TVETs -</p>	Cllr [REDACTED]



No.	Action Item	Person Responsible
	<p>because the Department had already provided connectivity to most TVETs through Sector Education Training Authorities (SETAs).</p> <p>16.6. The USAO Committee has now consolidated inputs from all stakeholders and has communicated its decisions on the issues under discussion to Sentech. The USAO Committee is therefore now ready to issue the Draft Specifications for public comment.</p> <p><u>It was recommended that:</u></p> <p>16.7. Council notes and approves the Draft Amendment of Universal Service and Access Licence Obligations for Sentech SOC Limited for publication; and</p> <p>16.8. Chairperson signs off the General Notice: Draft Amendment of Universal Service and Access Licence Obligations for Sentech SOC Limited for publication.</p> <p>The submission was approved by Council.</p>	
17.	<p>Amendment of Council Committee Resolution for the Committee responsible for the inquiry into Subscription Television Broadcasting Services</p> <p>The project manager presented the item.</p> <p>17.1. The purpose of the submission was to request Council to approve the amendment to the Council Committee resolution of the Committee responsible for the Inquiry into Subscription Television Broadcasting Services and to request the Council to provide additional Council leadership.</p> <p>17.2. On 13 July 2016, the Authority instituted an Inquiry that sought to establish factors that contributed to new subscription broadcasting licensees not being able to successfully launch their services and attract a fair number of new subscribers.</p> <p>17.3. Council appointment Adv. Dimakatso Qocha as the Chairperson of the Committee along with Councillor Luthando Mkumatela as the Deputy Chairperson.</p>	<p>Cllr </p>

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23



No.	Action Item	Person Responsible
	<p>17.4. The contract of Adv Qocha subsequently expired on 24 November 2021 and there is a need to update the Council Committee resolution by providing the Council leadership that Council deems fit.</p> <p>17.5. Councillor Mkumatela is currently providing leadership as the deputy Chairperson to ensure continuity. The Committee request Council to provide the Committee with full Council leadership.</p> <p>17.6. The Committee further resolved to substitute members from the Legal, Risk and CCC division. The replacement was done to mitigate the risk of quorum concerning members who are overly committed in other Committees.</p> <p><u>Recommendation to Council</u></p> <p>17.7. It was recommended that Council approve the amendment to the Council Committee resolution of the Committee responsible for the Inquiry into Subscription Television Broadcasting Services and to request the Council to provide additional Council leadership as Council deems it fit.</p> <p><u>Resolution of Council</u></p> <p>17.8. Council resolved to appoint Cllr [REDACTED] as the Chairperson of the Inquiry into Subscription Television Broadcasting Services and further that a new deputy Chairperson will be announced in the new year.</p>	
18.	<p>Notice to Amend the Radio Frequency Spectrum Regulations, 2015</p> <p>The project leader presented the submission.</p> <p>18.1. The purpose of this submission was request Council to approve the Notice to Amend Annexure B of the Radio Frequency Spectrum Regulations.</p>	Cllr [REDACTED]





No.	Action Item	Person Responsible
	<p>18.2. On 23 July 2019, the Authority published a Notice of Intention to Amend Annexure B of the Radio Frequency Spectrum Regulations, 2015 in the Government No 42590 of 2019, for public comments.</p> <p>18.3. By 25 September 2019, the Authority received forty-two (42) representations from interested parties for consideration and incorporation in the final regulations.</p> <p>18.4. The Spectrum Resource Committee has analysed submission and adopted the consolidated Annexure B to develop the "Notice to Amend the Radio Frequency Spectrum Regulations 2015".</p> <p><u>Recommendation to Council:</u></p> <p>18.5. It was recommended that the Council approve the Notice to Amend the Radio Frequency Spectrum Regulations 2015.</p> <p>The submission was approved by Council.</p>	
19.	<p>Resolution – FTA Commercial sound in the Northern Cape Committee</p> <p>The project manager presented the submission.</p> <p>19.1. The purpose of this submission was to request Council to approve the Council Resolution for the establishment of a Special Committee to consider applications for the licensing of Commercial Sound Broadcasting Services in the Northern Cape.</p> <p>19.2. Council resolved to appoint Cllrs [REDACTED] and [REDACTED] as Chairperson and deputy Chairperson, respectively, of the Council Committee responsible for undertaking the process to consider applications for the licensing of Commercial Sound Broadcasting Services in the Northern Cape.</p>	<p>Cllr [REDACTED]</p>



No.	Action Item	Person Responsible
	<p><u>Recommendation to Council:</u></p> <p>19.3. It was recommended that Council approves the attached Council Resolution.</p> <p><u>The following comments were made:</u></p> <p>19.4. Council expressed concern about the text in the Notice stating that <i>“the Authority will not invite any applications for the remainder of this financial year, and for the 2022/23 financial year ”</i> and requested clarity as Northern Cape is the only province that does not have a commercial radio station.</p> <p>19.5. Council was of the view that the last sentence in the Notice should be revised.</p> <p>19.6. The Committee informed Council that this was the third attempt of publishing an ITA for the Northern Cape, the reason for not advertising in the 2022/23 period is because the Committee deemed it fit that the process should be preceded by a market feasibility study. The above will be done in an aim to establish the main reason why the Northern Cape is not able to respond to the ITP-R.</p> <p>19.7. Council was of the view that the issue around the feasibility study should be included in the Notice to provide more clarity.</p> <p>19.8. Council resolved to delete the entire last sentence and inserted the following:</p> <p style="padding-left: 40px;">“The Authority will continue to assess the Northern Cape secondary market with a view to concluding a successful licencing process in the near future ”</p> <p>The submission was approved by Council subject to the amendment made.</p>	

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No.	Action Item	Person Responsible
20.	<p>Draft Implementation of the Radio Frequency Migration Plan and of the International Mobile Telecommunications (IMT) Roadmap”</p> <p>The project manager presented the submission.</p> <p>20.1. The purpose of this submission was to request Council to approve:</p> <p>20.1.1 the notice regarding the draft Implementation plan for the Radio Frequency Migration Plan 2013 and 2019 as well as the International Mobile Telecommunications (IMT) Roadmap 2014 and 2019; and</p> <p>20.1.2 the publication of the notice regarding the draft Implementation plan for the Radio Frequency Migration Plan 2013 and 2019 as well as the International Mobile Telecommunications (IMT) Roadmap 2014 and 2019 in the Government Gazette and on the Authority’s Website.</p> <p>20.2. The Authority is in the process of developing the implementation plans for the Radio Frequency Migration Plan 2013 and 2019 as well the Implementation Plans of the IMT Roadmap 2014 and 2019, and the development of the respective consequential Radio Frequency Spectrum Assignment Plans.</p> <p>20.3. The goal is to align migration and the roadmap for all the frequencies identified during the evolution of the national radio frequency plan as from 1996 to date, the final Acts of all previous World Radio Conference (WRC(s) and the latest edition of the International Telecommunications Union’s (ITU) latest Edition of the Radio Regulations.</p> <p>20.4. The overall purpose for the implementation Plan, is to identify the various options for the deployment of the priority bands analysed during the previous consultation processes as identified with stakeholders, and to state the Authority’s intentions and plan in each case.</p>	<p>Cllr  Cllr </p>

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No.	Action Item	Person Responsible
	<p>20.5. The implementation of Radio Frequency Migration Plan and IMT Roadmap is to be undertaken in two (2) phases as follows:</p> <p>20.5.1 Phase 1: The Authority is to conduct Technical and Economic Feasibilities Studies for all the frequency bands identified in the Radio Frequency Migration Plan 2013 and 2019, taking into considering the regulatory framework in so far as managing and assigning the radio frequency spectrum.</p> <p>20.5.2 Phase 2: The Authority, taking into consideration the results of the feasibility studies, will develop and or revise the Radio Frequency Spectrum Assignment Plans (RFSAP(s)) to give effect of the implementation of the Radio Frequency Migration Plan 2013 and 2019 and IMT Roadmap 2014 and 2019.</p> <p>20.6. It is anticipated that the outcome of the draft implementation plan will be an implementation plan mapping out different scenarios and is to include the following recommendations:</p> <p>20.6.1 Detailed cost analysis of the spectrum migration process and the affected users in the bands being migrated.</p> <p>20.6.2 Detailed analysis identifying destination frequency bands for the incumbent services where this is not identified by the frequency migration plan.</p> <p>20.6.3 Detailed project phases for migration of the identified frequency bands.</p> <p>20.6.4 The best fit in terms of internationally and or regionally harmonised channel arrangements and plans with provision for options for spectrum re-use.</p> <p>20.6.5 Estimated time frames for the migration to identified destination bands.</p> <p>20.7. The draft implementation of the Radio Frequency Migration Plan and of the International Mobile Telecommunications (IMT) Roadmap is to be published for public consultation,</p>	



No.	Action Item	Person Responsible
	<p>therefore, is aimed at initiating the Second Phase of the Project.</p> <p>20.8. It was recommended that Council approve:</p> <p>20.9.1 the notice regarding the draft Implementation plan for the Radio Frequency Migration Plan 2013 and 2019 as well as the International Mobile Telecommunications (IMT) Roadmap 2014 and 2019;</p> <p>20.9.2 the publication of the notice regarding the draft Implementation plan for the Radio Frequency Migration Plan 2013 and 2019 as well as the International Mobile Telecommunications (IMT) Roadmap 2014 and 2019 in the Government Gazette and on the Authority's Website.</p> <p>The submission was approved by Council.</p>	
21.	<p>Invitation to Pre-Register for Community Sound Broadcasting Service and Radio Frequency Spectrum Licences</p> <p>The project manager presented the item.</p> <p>21.1. The purpose of this submission was to recommend that Council approves the vetted Invitation to Pre-Register (ITP-R) for Community Sound Broadcasting Service ("C-SBS") and Radio Frequency Spectrum ("RFS") Licences for publication in the Government Gazette and on the Authority's website.</p> <p>21.2. On 12 November 2019, the Authority published the ITP-R for CSBS and RFS licences. The closing date for the submission of applications was 31 March 2020, which was extended to 30 June 2020.</p> <p>21.3. In terms of the one hundred and forty (140) applications received and assessed, only two (2) applications complied with the pre-registration requirements of the ITP-R.</p>	<p>Cllr </p>



No.	Action Item	Person Responsible
	<p>21.4. Consequently, the Authority has resolved to reopen the licensing process for the 2022/23 financial year by re-issuing the ITP-R in the third quarter of the current financial year to afford prospective applicants the opportunity to lodge their pre-registration notices.</p> <p>21.5. The Committee has drafted the attached ITP-R which has been duly vetted by the LRCCC.</p> <p><u>Recommendation to Council:</u></p> <p>21.6. It was recommended that Council approves the attached vetted ITP-R for publication in the Government Gazette and the Authority's website.</p> <p>The submission was approved by Council.</p>	
22.	<p>2021 Draft Amendment Regulations and explanatory Memo on the 2010 Regulations governing aspects of the procedures of the Complaints and Compliance Committee of the Independent Communications Authority of South Africa ("CCC Regulations") – Extension Date for Public Comment</p> <p>The Project Manager presented the item.</p> <p>22.1 The purpose of this submission was to request Council to approve the Government Notice advising the public on the extension date for public comment on the Draft Amendment Regulations Governing Aspects of the Procedures of the Complaints and Compliance Committee of the ICASA, published on 26 November 2021 (CCC Regulations), attached hereto as Annexure "A" for publication in the Government Gazette and on the ICASA website.</p> <p>22.2 On 3 December 2021, the CCC Regulations review committee received an extension request from Vodacom (Pty) Ltd ("Vodacom") regarding their submission of comments to the CCC Regulations.</p>	Cllr [REDACTED]



No.	Action Item	Person Responsible
	<p>22.3 Stakeholders are required to submit written responses on the CCC Regulations within 30 working days from the date of publication in this instance 10 January 2022.</p> <p>22.4 Vodacom requested an extension until 12 February 2022 as they close on 10 December 2021 for the December break and return on 10 January 2022. Vodacom's rationale for the aforementioned request for extension is that 18 of the 30 working days would have surpassed, leaving them with a shorter period within which to consider and prepare their written submissions.</p> <p>22.5 On 9 December 2021, the Committee deliberated on Vodacom's extension request for submitting public comment given the December holiday period. The Committee weighed up the project timelines with Vodacom's extension request and resolved as follows that:</p> <p>22.5.1 The 30-day period for public comment (ending on 10 January 2022) be extended for all stakeholders until close of business, 16h30 on Thursday, 20 January 2022.</p> <p>22.5.2 The Notice be published in the Government Gazette, ICASA's website and all social media platforms via Corporate Services.</p> <p>22.6 The Committee is satisfied that the extension period until 20 January 2022 is a fair and reasonable timeline in lieu of the 30-day period initially requested and addresses the December holiday period and the project timelines.</p> <p><u>Recommendation to Council:</u></p> <p>22.7 It was recommended that Council approves the Government Notice, informing the stakeholders that the date for submission of public comment has been extended to 20 January 2022, for publication in the Government Gazette.</p> <p>22.8 Council sought clarity about how long the period will be extended.</p>	

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No.	Action Item	Person Responsible
	<p>22.9 The Committee informed Council that the extension date is being extended by 8 working days.</p> <p>22.10 Council expressed that the Authority should implement finality in the dates that are communicated. Council expressed concern about the Authority being viewed as not working during the December season.</p> <p>The submission was approved by Council.</p>	
23.	<p>Draft long term Spectrum Outlook for Public Consultation</p> <p>The project manager presented the item.</p> <p>23.1 The purpose of this submission was to request Council to:</p> <p>23.1.1 Approve the Notice regarding the Inquiry regarding the Long-Term Spectrum Outlook for public consultation.</p> <p>23.1.2 Approve the publication of the Notice in respect of the Inquiry regarding the Long-Term Spectrum Outlook for public consultation in the Government Gazette and on the Authority's Website.</p> <p>23.2 The Authority initiated the review of the National Radio Frequency Plan with a key focus on the liberalisation of the Spectrum and defining it as a Commodity leading to the Market Approach System of Spectrum Management for the purpose of ensuring that Spectrum derives value for the public interest and to the benefit of its Citizenry.</p> <p>23.3 The Authority has as one of its Strategic Objective (S01), ensuring the provision of broadband services. The key outputs of this goal are the National Radio Frequency Plan and the National Radio Frequency Migration strategy.</p> <p>23.4 To this end, the following programs have been initiated: the process to review and update the National Radio Frequency Plan (NRFP) 2021 which has been approved by Council and currently under consideration by the Minister in terms of section 34(11) of the ECA; The last version of the National Radio</p>	Cllr [REDACTED]

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No.	Action Item	Person Responsible
	<p>Frequency Plan is contained in Government Gazette Number 41650 (Notice 266 of 2018) published 25 May 2018.</p> <p>23.5 Further, the Program includes the development of the long-Term Spectrum Outlook with the National Radio Frequency Plan 2021 as the baseline for the next ten (10) to twenty (20) years in order:</p> <p>22.5.3 To ensure that the National Radio Frequency Plan informs the overall process and principles of implementation of frequency migration, identification of specific frequency bands where migration and re-farming will be applied and the migration of specific frequency bands through specific migration programmes.</p> <p>22.5.4 To ensure that due process is followed in the review of the National Radio Frequency Plan, taking into consideration the prescripts of the Electronic Communications Acts and Spectrum Policies currently in force, in support of the broader spectrum management objectives such as, inter alia, ensuring the efficient and effective use of the radio frequency spectrum.</p> <p>22.5.5 To ensure that the National Radio Frequency Plan is the basis upon which the allocation of further spectrum for the purposes of broadband wireless access for the benefit all South Africans is carried out.</p> <p><u>It was recommended that Council:</u></p> <p>22.6 Approve the Notice regarding the Inquiry in respect of the Long-Term Spectrum Outlook for public consultation.</p> <p>22.7 Approve the publication of the Notice regarding the Inquiry regarding the Long-Term Spectrum Outlook for public consultation in the Government Gazette and on the Authority's Website.</p> <p><u>The following comments were made:</u></p>	

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No.	Action Item	Person Responsible
	<p>22.8 Council commended the Committee on the good work that it has done and drafting all the documents in the submission.</p> <p>22.9 Council suggested that the “Stats SA household survey” that is being used from be the 2020 results that has recently been issued.</p> <p>22.10 The Committee informed Council that the timeline for comments is more than 50 days and the closing date for comments will be around the 08th of March 2022.</p> <p>The submission was approved by Council.</p>	
24.	<p>Appointment of Executive: Legal Risk and CCC within the Legal and CCC Division</p> <p>The Executive Human Resources presented the item.</p> <p>24.1 The purpose of this submission was to request approval for the appointment of Ms [REDACTED] to the advertised position of Executive: Legal and CCC within the Legal & CCC Division, for a period of five (5) years, effective from the date of assumption of duty.</p> <p>24.2 Council resolved that the interview panel for the recruitment of the advertised position should be constituted as follows:</p> <p>24.2.1 [REDACTED] as the Chairperson of the interview panel;</p> <p>24.2.2 Councillor [REDACTED] as a Panel Member;</p> <p>24.2.3 Mr [REDACTED] (the CEO) as a Panel Member;</p> <p>24.2.4 Mr [REDACTED] (Chairperson of HR & REMCO) as a Panel Member; and</p> <p>24.2.5 Ms [REDACTED] (Talent Sourcing Officer) as the HR Representative.</p>	CEO/ Exec: HR

KM
34



No.	Action Item	Person Responsible
	<p>24.3 Following a comprehensive evaluation of competencies required and a comparison of all candidates, Ms [REDACTED] was referred for competency assessment on 18 October 2021.</p> <p>24.4 Based on her presentation, interview, competency and psychometric assessment results as well as her experience combined with the relevance of her qualifications, Ms [REDACTED] has been identified by the panel as the most suitable candidate for the position of Executive: Legal & CCC.</p> <p><u>Recommendation to Council:</u></p> <p>24.5 It was recommended that Council approve the appointment of Ms [REDACTED] to the advertised position of Executive: Legal and CCC within the Legal and CCC Division, for a period of (5) years, effective from the date of assumption of duty.</p> <p><u>The following comments were made:</u></p> <p>24.6 Council inquired [REDACTED]</p> <p>24.7 Council further [REDACTED]</p> <p>24.8 Management informed [REDACTED]</p> <p>24.9 Management further [REDACTED]</p>	

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No.	Action Item	Person Responsible
	The submission was approved by Council.	
25.	<p>Shutdown period for December 2021</p> <p>The Executive Human Resources presented the item.</p> <p>25.1 The purpose of this submission was for Council to note the December 2021 shutdown period and the alternative arrangements that should be made for critical services during this shutdown period, as per the approved Leave Policy.</p> <p>25.2 In terms of the Leave Policy the Authority officially closes operations from 17 December to 24 December annually, to which this period is treated as compulsory leave for employees.</p> <p>25.3 The period after Christmas, 28 December to 31 December 2021, is treated as shutdown leave, to which these four (4) shutdown leave days is granted to employees in addition to their 25 annual leave days.</p> <p>25.4 Despite the compulsory shutdown period, there is a need to ensure that there are contingency measures in place to ensure continuity of critical services. For this reason, arrangements should be made for some employees to be on standby during the shutdown period to attend to these critical services.</p> <p>25.5 The employees who are required to be on standby will not have any compulsory and shut down leave deducted while they are on standby. However, it will be required of the relevant Divisional Heads to do a memo submission to Human Resources (HR) Division that will include the names of the employees and dates of standby.</p> <p><u>Recommendation to Council:</u></p> <p>25.6 It was requested that Council takes note of the December 2021 shutdown period and the alternative arrangements that should be made for critical services during this shutdown period, as per the approved Leave Policy. A communication will be sent to</p>	<p>CEO/ Exec: HR</p>

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No.	Action Item	Person Responsible
	<p>inform all stakeholders about the shutdown period and alternative arrangements to be made.</p> <p><u>The following comments were made:</u></p> <p>25.7 Council expressed concern over the term "shutdown" and inquired if the term in the policy is expressed as "shutdown".</p> <p>25.8 Council further express concern that the submission should have served before Council earlier. Council resolved that in the next year, the submission should serve before Council earlier to allow for an earlier communication to stakeholders and staff.</p> <p>25.9 Management informed Council that the term "shutdown" is provided for in the policy, and Management informed Council that efforts would be made to attempt to amend the term.</p> <p>25.10 Council suggested that the term "shutdown" be replaced with the term "festive break" and "closure of the ICASA offices during the festive break, but that the Authority will still be available during the break".</p> <p>25.11 Council resolved that the submission serve before Council by October in the coming years.</p> <p>The submission was approved by Council.</p>	
26.	<p>Mid-Term Budget Review</p> <p>The submission was deferred to the next meeting of Council as the CFO had to be excused to attend another pressing engagement.</p>	CEO / CFO
27.	<p>General</p> <p><u>Provisional spectrum update:</u></p> <p>27.1 Council licensed provisional spectrum under the Disaster Management Regulations of the Authority. The licensing</p>	Council

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No.	Action Item	Person Responsible
	<p>process was made in a way that eliminated the challenges around the termination of the Temporary Spectrum regime.</p> <p>27.2 The provisional spectrum regime was awarded from Friday the 26th November 2021, with a validity period until end of June 2022 or three months after the end of the National State of disaster whichever comes first.</p> <p>27.3 The assignment method used was administrative and correspondence has since been received from operators, stating that they want to get into arrangements of sharing the spectrum.</p> <p>27.4 The letter received from Cell C came two days after the assignment of the provisional spectrum, requesting an agreement of sharing between Cell C and Vodacom.</p> <p>27.5 Provisional spectrum was applied for and Cell C application did not indicate that after a period of two days it will come back to the Authority and state that it would like to get into a sharing agreement with another operator.</p> <p>27.6 Council expressed that the Authority should write back to Cell C requesting clarity on what exactly Cell C wants to do, and the type of agreement that would it like to enter into.</p> <p>27.7 The response letters have been drafted and sent to the Senior Counsel for vetting, and once they have been vetted by Senior Counsel the letters will be shared with Council for further inputs and approval.</p> <p>27.8 The letters will be sent to Councillors by 13:30 on even date and responses and inputs will be expected by 15:00, following which the letters will be signed by the Chairperson and sent out to the operators.</p> <p>The update was noted.</p>	

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No.	Action Item	Person Responsible
28.	<p>Date of next meeting</p> <p>28.1 Chairperson indicated that the first formal meeting of Council will be on 18 January 2022, and further that, should there be a need for a special meeting before 18 January 2022, this will be communicated to Council.</p> <p>28.2 It was resolved that the submission in relation to the Mobile Broadband Inquiry be tabled at Council at the first ordinary meeting of Council in the year 2022 (i.e. 18 January 2022).</p>	Chairperson
29.	<p>Closure</p> <p>The Chairperson thanked all who were present at the meeting and adjourned the meeting at 13:04 pm.</p>	Council

Signed: _____

Dr Keabetswe Modimoeng
(ICASA Chairperson)

Date: 26/04/2022