



Independent Communications Authority of South Africa

MINUTES OF A SPECIAL MEETING OF COUNCIL		
Date	15 May 2023	
Time:	13:30	
Venue:	Virtual- Microsoft Teams	
Present	██████████	Acting Chairperson
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
By Invitation	██████████	CEO
	██████████	Acting CFO
	██████████	Acting CAE
	██████████	Executive: LRCCC
	██████████	Corporate Secretary
	██████████	Secretariat Officer
	██████████	Secretariat Officer
Partial Attendees	██████████	Manager: Cost Modelling
Apologies	None	

No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>1.1. The Chairperson declared the meeting opened at 13:30 and welcomed all present.</p> <p>The opening was noted.</p>	Chairperson
2.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
3.	<p>Call Termination Council Committee Submission</p> <p>Cllr [REDACTED] and the Manager: Cost Modelling presented the submission:</p> <p>3.1. The purpose of the submission dated 05 May 2023 was to request Council to:</p> <p>3.1.1. Approve the attached Notice, advising stakeholders about the commencement of the Cost Modelling Process in terms of the Call Termination Regulations, 2014 (“the Regulations”), for publication in the Government Gazette; and to</p> <p>3.1.2. Approve the publication of the questionnaires, cost models, and proposed stakeholder plan on the Authority’s website and for sharing with stakeholders.</p> <p><u>Recommendation to Council:</u></p> <p>3.2. It was recommended that Council should approve the Notice for publication in the Government Gazette in line with the commitment made to stakeholders as per the Findings Document on the Review of the 2014 Pro-competitive Remedies Imposed on Licensees in terms of the Call Termination Regulations, 2014 (“the Regulations”).</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p><u>Comments made:</u></p> <p>3.3. Council sought clarity on the litigation, specifically whether it will impact on the project moving forward. Council was informed that the Committee was cognisant that the outcome of the litigation may have an impact on the project timelines. The Executive: LRCCC informed Council that only certain provisions of the Findings Document are being litigated, not the entire document, and further that there is no interdict preventing the Authority from proceeding with the project. Thus, the litigation should not have a substantial impact on the project.</p> <p>3.4. Council sought clarity on whether the LCCC Division is at liberty to share the various affidavits for the litigation with the Committee. Council was informed that the affidavits will be shared with the Committee.</p> <p>3.5. Council noted that the stakeholder plan was a few weeks behind and sought clarity on whether this will be updated before publishing, or it will be published as is. Council was informed that the stakeholder plan will be updated.</p> <p><u>Resolutions by Council:</u></p> <p>3.6. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
4.	<p>Council Performance Management System (PMS)</p> <p>The Acting Chairperson introduced the discussion.</p> <p>4.1. The purpose of the item was for Council to discuss the PMS received from the DCDT which Council was advised should be signed by end of May.</p>	Council

No.	Action Item	Person Responsible
	<p><u>Comments made:</u></p> <p>4.2. Council expressed a need for Council to engage with the Minister regarding the PMS.</p> <p>4.3. Council expressed that the issue of how the assessments will be conducted also needs to be clarified with the Minister.</p> <p>4.4. Council sought clarity on whether it is possible for Councillors to sign the PMS individually without a Chairperson, since Council does not have a permanent Chairperson.</p> <p>4.5. Council sought clarity on whether the contracting will be done based on each project that a Councillor is responsible for, whilst cognisant that Council is ultimately collectively responsible for all the decisions in the end. How will Councillors contract individually, and also as a collective?</p> <p>4.6. Council was informed that the legal opinion formulated by the LCCC Division, seeking to advise Council on whether there are any substantive differences between the PMS version sent to the Minister last year and the version subsequently tabled by the DCDT at the PPCC (without Council inputs), would be tabled to Council on 17 May 2023.</p> <p>4.7. Council highlighted that it was imperative that a workshop with the Minister be planned prior to the PMS being submitted to Parliament. Despite numerous attempts to hold such a workshop, this did not materialise.</p> <p><u>Resolutions by Council:</u></p> <p>4.8. Council resolved that, should the legal opinion (to be tabled on the 17th of May 2023) highlight substantive differences, only then will Council consider other avenues.</p>	

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	<p>4.9. Council was unanimous that the deadline put by the DCDT of the 17th May 2023 for the submission of the Councillors' performance contracts to the Minister, cannot be met. The Corporate Secretary and Executive: LRCC will draft a letter, requesting a meeting (workshop) with the Minister, so as to go through the PMS and the assessment together with the Minister, with the aim to reach consensus.</p> <p>4.10. Council resolved that a special Council meeting be scheduled for the 17th May 2023 for the legal opinion to be tabled, and for Councillors to make inputs on the draft letter to the Minister. Council further requested that the legal opinion be circulated today.</p> <p>4.11. Council resolved that a Council session needed to be organised for purposes of ensuring that Councillors are in agreement with what will be presented to the Minister at the proposed meeting.</p>	
5.	<p>UPDATED – Proposed Council Committee Allocations List</p> <p>5.1. The purpose of this item was for Council to consider the updated proposed Committee allocations list, which sought to ensure that Council Committees are equitably allocated to Councillors following the end of the 2022/23 financial year.</p> <p><u>Comments made:</u></p> <p>5.2. Council expressed that the total numbers, on page 9 of Committees allocated to Councillors, needed to be checked and validated.</p> <p>5.3. Council sought clarity on whether the Processes and Procedures Regulations, Disaster Management Task Team, and the Amendment of Standard Terms and Conditions Regulations Council Committees had finalised their projects</p>	Council

No.	Action Item	Person Responsible
	<p>during the 22/23 FY. Council was informed that the Council Committees under the heading “Projects done or coming to an end”, have been finalised and closed. Council was further informed that, despite the end of the Electricity National State of Disaster, the Disaster Management Task Team still has tasks to do, and it was therefore advisable that the Task Team should not be dissolved.</p> <p><u>Resolutions by Council:</u></p> <p>5.4. Council resolved that Council Committees should not have more than two (2) Councillors in them.</p> <p>5.5. Council requested the Corporate Secretary to thoroughly check the list and to validate the totals, and then to circulate the list for approval by round robin.</p>	
6.	<p>Closure</p> <p>The Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 15.03am.</p>	Council

Signed:  _____

Date: 20-06-2023 _____

Yolisa Kedama

(Acting Chairperson)