



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
Date	15 June 2021	
Time:	08:00	
Venue:	Microsoft Teams	
Present	[REDACTED]	Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
By Invitation	[REDACTED]	CEO
	[REDACTED]	CAE
	[REDACTED]	CFO
	[REDACTED]	Corporate Secretary
	[REDACTED]	Secretariat Officer
	[REDACTED]	Secretariat Officer
Partial Attendees	[REDACTED]	Executive: Licensing
	[REDACTED]	Acting Executive: Legal, Risk & CCC
	[REDACTED]	Acting Executive: HR
	[REDACTED]	SM: Spectrum Licensing
	[REDACTED]	SM: ICT Licensing Services
	[REDACTED]	SM: Type approval and numbering
	[REDACTED]	Regions Operation Co-ordinator: Regions
Apologies	[REDACTED]	Member

No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Chairperson opened the meeting at 08:00 and welcomed all present.</p> <p>Apologies</p> <p>Councillor [REDACTED] had a family responsibility matter to attend to.</p> <p>The opening and apology were noted.</p>	Chairperson
2.	<p>Ratification of the Agenda</p> <p>Invitation to a Symposium on 5G and Big Data was added under Item 9.2</p>	Council
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
4.	<p>Minutes of Council</p>	Council
4.1	<p>Minutes of 20 May 2021 (Special Meeting of Council) minutes were approved, subject to the following inputs:</p> <ul style="list-style-type: none"> 4.1.1 Paragraph 4.7 - the reporting on the time was amended for purposes of consistency. 4.1.2 Paragraph 4.10.9.2 – grammatical amendments were done. 4.1.3 Paragraph 4.12.3 - management should note that the Chairperson of CAP, had enquired about the CAP submission not considered as it was received late. 4.1.4 The CEO, Company Secretary will engage with the Chairperson of CAP. 	
4.2	<p>Minutes of 28 May 2021 (Special Meeting of Council) minutes were approved, subject to the following inputs.</p>	

No.	Action Item	Person Responsible
	<p>4.2.1 Item 4 - the US format for reporting on financial figures will be used moving forward.</p> <p>4.2.2 Paragraph 4.5.3 – the financial year stated was amended to 2020/21.</p>	
5.	<p>Matters Arising</p> <p>The Matters Arising document was noted.</p>	CEO
6.	<p>International Engagements (“Standing item”)</p> <p>There was no update on International Engagements.</p>	
7.	<p>Licensing of IMT (“Standing Item”)</p> <p>Senior Counsel was briefed to draft an advisory memo on the competition aspects that were raised by Telkom. It was noted that the advisory memo will be submitted to the Authority for consideration.</p>	
8.	<p>Applications for the transfer of Neelana Communications (Pty) Ltd’s Individual Electronic Communications Service and Individual Electronic Communications Network Service licences to Gatsby Security SPV (Pty) Ltd and accompanying vetted Reasons Document</p> <p>The purpose of the submission was to recommend that Council approve the recommendation not to proceed with the consideration of the transfer applications of I-ECS and I-ECNS licences from Neelana Communications (Pty) Ltd (the Applicant) to Gatsby Security SPV (Pty) Ltd (the Transferee) as the applications before the Authority are incomplete.</p> <p>The Executive: Licensing presented the item:</p> <p>8.1 On 01 September 2020, the Authority received applications for the transfer of I-ECS and I-ECNS licences from the Applicant to the Transferee.</p> <p>8.2 On 19 November 2020, the CCA and Finance Divisions confirmed that the Applicant has submitted all outstanding</p>	CEO/ Licensing

No.	Action Item	Person Responsible
	<p>documents and complied with the General Licence Fees Regulations for the related period.</p> <p>8.3 The Applicant was also requested to submit a Business Plan, Consumer Analysis Reports, and a detailed Independent Competition Analysis Report.</p> <p>8.4 The Applicant has not submitted the Transferee's Business Plan, Competition Analysis and Consumer Analysis Reports, despite the Authority's insistent request, for it to make an informed decision.</p> <p>8.5 As a result of not submitting the abovementioned documents, the Licensing Division was unable to proceed with the consideration of the licence transfer applications by the Applicant.</p> <p><u>Recommendation</u></p> <p>It was recommended that Council approve that the division should not proceed with the consideration of the applications, as these are incomplete, in that the applicant has failed to submit the Transferee's Business Plan, Competition Analysis and Consumer Interest Reports for the Licensing Division to make a conclusive assessment. It is further recommended that Council approves the vetted Reasons Documents on the Authority's decision.</p> <p>The following comments were made:</p> <p>8.7 Clarity was sought on the type of merger the Applicant has with Cell-C, and whether other transferees also submitted Competition Analysis Reports.</p> <p>8.8 The Reasons Document needs to address the issue of the confidential financing transaction related to the recapitalisation of Cell-C by the Transferee.</p> <p>8.9 Council requested clarity on whether Licensing Division will continue with the application, should all the requested documents be submitted.</p> <p>The recommendation was approved.</p>	

No.	Action Item	Person Responsible
9.	<p data-bbox="264 304 1238 376">STATUS UPDATE ON PROCUREMENT OF MULTIMODULAR COMPLIANCE SYSTEM</p> <p data-bbox="264 416 940 450">The Chief Executive Officer presented the item:</p> <p data-bbox="264 524 1246 712">The purpose of the submission w [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p data-bbox="264 745 1246 898">9.1 [REDACTED] [REDACTED] [REDACTED]</p> <p data-bbox="264 931 1246 1189">9.2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p data-bbox="264 1223 1246 1480">9.3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p data-bbox="264 1559 1246 1984">9.4 [REDACTED] a [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	

No.	Action Item	Person Responsible
9.5	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>9.5.1 Module 1: [REDACTED]</p> <p>9.5.2 Module 2: [REDACTED]</p> <p>9.5.3 Module 3: [REDACTED]</p> <p>Module 3:</p> <p>9.5.3.1 [REDACTED]</p> <p>[REDACTED]</p> <p>9.5.3.2 [REDACTED]</p> <p>[REDACTED]</p> <p>9.5.4 [REDACTED]</p> <p>[REDACTED]</p>	
9.6	<p>In summary the procurement process unfolded as follows:</p> <p>9.6.1 [REDACTED]</p> <p>9.6.2 [REDACTED]</p> <p>[REDACTED]</p> <p>9.6.3 [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>9.6.4 [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	
9.7	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	

No.	Action Item	Person Responsible
	[Redacted]	
9.8	[Redacted]	
9.8.1	[Redacted]	
9.8.2	[Redacted]	
9.8.3	[Redacted]	
9.9	[Redacted]	
9.9.1	[Redacted]	
9.9.2	[Redacted]	
9.9.3	[Redacted]	
9.10	[Redacted]	

No.	Action Item	Person Responsible
	<p>[REDACTED]</p> <p>Recommendation to Council</p> <p>It is recommended that Council:</p> <p>9.11 [REDACTED]</p> <p>9.12 [REDACTED] and</p> <p>9.13 [REDACTED]</p> <p>The following comment was made:</p> <p>9.14 [REDACTED]</p> <p>9.15 [REDACTED]</p> <p>9.16 [REDACTED]</p> <p>9.17 [REDACTED]</p> <p>The recommendation was noted; approval was granted by Council.</p>	
10	<p>Automated Spectrum Management System status update.</p> <p>The purpose of the presentation was to apprise Council on the progress of the ASMS project.</p>	<p>CEO/ Licensing</p>

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No.	Action Item	Person Responsible
	<p>The Executive Licensing presented the item:</p> <p>10.1 ICASA procured an automated software-based spectrum management system (ASMS) that is customised for licensing, type approval and overall spectrum management functions.</p> <p>10.2 To achieve successful integration between the modules, all spectrum management data that ICASA currently has at its disposal, needed to be consolidated through a data clean-up process, and imported into the database of the automated spectrum management system.</p> <p>10.3 GEW Technologies was appointed to deliver a fully customised, implemented and commissioned ASMS. The contract period was for 36 months effective from March 2016 to February 2019, at an overall cost of R 19,566,903.</p> <p>10.4 On 1 April 2019, ICASA and GEW could not agree on the delivery of the system based on unsuccessful end-to-end processing of activities for the Radio Comms Module caused by data integrity issues. The Broadcasting Module was also not approved to move to production, based on system efficiency challenges.</p> <p>10.5 GEW was requested to resolve all major issues hindering the system from going to production by 31 July 2019.</p> <p>10.6 The system acceptance process and documentation were completed on 21 November 2019. As a result, a new contract was signed with GEW for maintenance and support with effect from 04 March 2020.</p> <p>10.7 An implementation Committee was established to ensure that the system was integrated within the Authority, and to look into the following;</p> <p>10.7.1 Roles and responsibility of the review;</p> <p>10.7.2 Review system rights and access, including operations at regions;</p> <p>10.7.3 Review system delegation framework, (Approval/Processing/Allocations);</p> <p>10.7.4 Review job activities (job description vs system activities);</p> <p>10.7.5 Module operations;</p> <p>10.7.6 Issues tracker;</p> <p>10.7.7 ASMS training;</p> <p>10.7.8 Regions integration;</p>	

No.	Action Item	Person Responsible
	<p>10.7.9 Communications plan; and 10.7.10 System closures.</p> <p>10.8 The following modules are currently using the system:</p> <p>10.8.1 Broadcasting; 10.8.2 Spectrum Licensing Pre-assigned; 10.8.3 Radiocommunications Spectrum Licensing (WRAP); and 10.8.4 Type Approval.</p> <p>10.9 The system is currently in the maintenance and support phase, and an issues tracker is being further customised by the Committee and GEW.</p> <p>10.10 It was noted that all old data systems have been closed, and that a submission that will update Council on the impact/outputs of the ASMS within the Authority will be tabled soon.</p> <p>10.11 The allocation of laptops to staff is under way, and the system will be loaded to the laptops.</p> <p>10.12 A contract for Silver Peaks bandwidth optimisation solution was concluded, and, as a result, bandwidth optimisation has been implemented in eight Regional offices.</p> <p>Recommendation to Council</p> <p>It is recommended that Council notes the status of the ASMS project.</p> <p>The following comment was made:</p> <p>Council requested a live demonstration of the system to be presented, so as to show how the system works.</p> <p>The recommendation was noted by Council.</p>	
11	<p>Briefing on pending applications for Radio Frequency Spectrum Assignments in the 3600 – 3800 MHz band</p> <p>The purpose of the submission was to brief Council of the outcomes of the consideration of applications received by the Authority for assignments of RFS in the 3.7 GHz band prior to the publication of the Moratorium of applications in the band.</p>	CEO/ Licensing

No.	Action Item	Person Responsible
	<p>The CEO / Executive: Licensing / SM: Spectrum Licensing presented the item.</p> <p>11.1 On 25 May 2018, the Authority published the National Radio Frequency Plan 2018 (NRFP 2018) (Government Gazette No 41650 of 2018) wherein the 3600 – 3800 MHz band (3.7 GHz band) has been allocated as follows:</p> <p>11.1.1 Fixed Satellite Service (FSS) and Fixed Services Point to Point (FS PtP) - Co-Primary basis; and</p> <p>11.1.2 Broadband Fixed Wireless (BFWA) service - Secondary, coordinated and non-interference basis.</p> <p>11.2 An RFS licence in the 3.7 GHz band was officially allocated to Rain Networks (Pty) Ltd (RAIN), having been assigned 80 MHz of bandwidth RFS in 3.7 GHz Band on a national basis to provide BFWA services.</p> <p>11.3 The RFS licence in the 3.7 GHz band was issued on 25 July 2018. The licence was granted on a secondary, coordinated and non-interference basis in line with the NRFP 2018. The RFS licence in the band was granted and issued through the standard application procedure stipulated in regulation 15 of the Radio Frequency Spectrum Regulations (RFSR) 2015.</p> <p>11.4 As a result of the Authority consistently receiving complaints of harmful interference emanating from BFWA system into the FSS (Space-to-Earth), the Authority has investigated radio frequency interference complaints received from Globe-cast, Telkom, Sentech, and Liquid Telecom in the band spanning from 3400 to 4200 MHz (inclusive of the 3.7 GHz band).</p> <p>11.5 The following applications were received for the RFS Assignments in the 3.7 GHz Band:</p> <p>11.5.1 MTN (Pty) Ltd - (80 MHz) - national - 16 May 2019;</p> <p>11.5.2 Marion Technology (Pty) Ltd - (50 MHz) polygon area Limpopo – 23 May 2019;</p> <p>11.5.3 Vodacom (Pty) Ltd – (100 MHz or 60 MHz) - national – 04 October 2019;</p>	

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No.	Action Item	Person Responsible
	<p>11.5.4 Realtime Communications (Pty) Ltd - (80 MHz) - national permanent only urban cities/towns - 4 February 2020;</p> <p>11.5.5 One Telecom (Pty) LTD) - (60 MHz) Polygons - 6 October 2020;</p> <p>11.5.6 Rain Networks (Pty) Ltd – (20 MHz) – national – 08 May 2020;</p> <p>11.5.7 Mthinte Communications (Pty) Ltd (100 MHz) – national – 14 October 2020; and</p> <p>11.5.8 Comsol Networks (Pty) Ltd (60 MHz) - national - 21 December 2020.</p> <p>11.6 It was noted that the Authority had issued a moratorium, placing restrictions on the licensing of specific RFS band(s). The moratorium did not apply to pending applications received by the Authority prior to the publication of the notice of Moratorium in the Government Gazette.</p> <p>11.7 Prior to the issuance of the moratorium, eight (8) applicants had applied for the RFS assignments ranging from 50 to 100 MHz. There was 120 MHz RFS available for assignments in the band.</p> <p>11.8 Five (5) of the applications received were from entities that could be classified as Small and Medium Enterprises (SMEs), and three (3) applications were from major operators.</p> <p>11.9 Due to the remaining RFS in the 3.7 GHz band being insufficient to accommodate all the applicants' requests, a decision was taken to accommodate the SMEs. The SMEs were accommodated in the following:</p> <p>11.9.1 Marion Technologies (Pty) Ltd was granted a licence to share 20 MHz out of 80 MHz of spectrum assigned to RAIN, and to share 40 MHz out of 60 MHz spectrum assigned to One Telecom (Pty) Ltd in Limpopo on a coordinated basis.</p> <p>11.9.2 Realtime Communications (Pty) Ltd was granted an RFS licence to share 20 MHz out of 80 MHz of spectrum assigned to RAIN, and to share 40 MHz out of 60 MHz spectrum assigned to One Telecom (Pty) Ltd in urban and rural cities on a coordinated basis.</p>	


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No.	Action Item	Person Responsible
	<p>11.9.3 Mthinte Communications (Pty) Ltd was granted an RFS licence to share 20 MHz out of 80 MHz of spectrum assigned to RAIN, and to share 40 MHz out of 60 MHz spectrum assigned to One Telecom (Pty) Ltd on a national and on a coordinated basis.</p> <p>11.9.4 Comsol Networks (Pty) Ltd was assigned 60 MHz of spectrum on a national basis. The assignment is based on the motivation, business plan and the likelihood that the RFS will be utilised.</p> <p>11.10 On 28 April 2021, decision letters were sent to the five (5) applicants (SMEs), granting them RFS licences, subject to payment of the requisite RFS licence fees within thirty (30) working days from receipt of invoices.</p> <p>11.11 To date Comsol Networks (Pty) Ltd and One Telecom (Pty) LTD) have made payments of the requisite RFS licence fees, and subsequently been issued with their RFS licences.</p> <p>Recommendation to Council</p> <p>It was recommended that Council notes the RFS assigned to the 3.7 GHz band subject to the payment of RFS licence fees within thirty (30) working days from receipt of invoices.</p> <p>The following comments were made:</p> <p>11.12 Council was concerned that it was not informed of the insufficient available bandwidth issue, and that spectrum demand in the band exceeded supply, as set out in the High Demand Radio Frequency Spectrum Licensing Framework Regulations of 2010, before the submission was processed further.</p> <p>11.13 Council should have been consulted on the policy stance to prioritise SMEs.</p> <p>11.14 The band sharing aspect should have been brought to the attention of Council for consideration and approval.</p> <p>11.15 A letter stipulating that Council approval should be obtained for the assignment of the spectrum, and that it remains the applicants' responsibility to ensure that cases of interference are resolved accordingly will be sent to the applicants.</p>	

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No.	Action Item	Person Responsible
	<p>11.16 Guidelines for spectrum sharing need to be drafted and shared with applicants</p> <p>The recommendation was noted by Council.</p>	
12	<p>Change and update of ICASA Licensee Information - Dimension Data (Pty) Ltd.</p> <p>The purpose of the submission was to advise Council of notices by Dimension Data (Pty) Ltd, requesting the Authority to effect changes to its licence and to request Council to approve the submission.</p> <p>The CEO/Executive: Licensing presented the item.</p> <p>12.1 On 15 January 2009, the Authority granted and issued Dimension Data (Pty) Ltd with Individual Electronic Communications Network Service (I-ECNS) and Individual Electronic Communications Service (I-ECS) licences with licence numbers 0209/IECNS/JAN/09 and 0209/IECS/JAN/09, respectively.</p> <p>12.2 On 13 September 2018, the Authority received a notice from Dimension Data (Pty) Ltd (Notification 1), advising the Authority of changes with respect to its shareholding change and contact details.</p> <p>12.3 Dimension Data (Pty) Ltd was requested to submit correct documents, as the documents they had submitted contained certain inconsistencies.</p> <p>12.4 During the clarity seeking and information gathering process, which was concluded in November 2019, the Authority received additional notifications, one on 30 August 2019, (Notification 2) for change of information and another notification on 07 November 2019 (Notification 3).</p> <p>12.5 The timelines relating to the finalisation of the submission were adversely impacted by the existing backlog in relation to notifications. However, the Compliance Department has developed a plan to address the backlog to avoid delays going forward.</p> <p>Recommendation</p>	CEO/ CCA

No.	Action Item	Person Responsible
	<p>It was recommended that Council note the notifications and approve the updating of Dimension Data's licences.</p> <p>Council resolved to approve the recommendation.</p>	
13	<p>Rejection of First Rand Bank Ltd ("FRB") Notice to renew Class Electronic Communication Services licence.</p> <p>The purpose of the submission was to request Council to approve the recommendation that First Rand Bank "FRB" be provided with a period of 60 days to continue providing services to its customers whilst making arrangements to either apply for a new licence, or to apply for a licence transfer.</p> <p>CEO / Regions Operation Co-ordinator presented the item.</p> <p>13.1 First Rand Bank Limited (FRB) submitted a notice to renew its class Electronic Communications Service (ECS) licence on 3 September 2020. The class ECS licence was due to expire on 22 September 2020, which deemed it as a late renewal notice.</p> <p>13.2 Regions sought a legal opinion on the matter after FRB had inquired on the implications of the late filing.</p> <p>13.3 On 19 April 2021, the Authority received a letter from FRBs representative, Ellipsis, requesting that the Authority revisit its decision, and condone the late filing of the notice to renew the licence, and approve the renewal of the CECS licence of their client.</p> <p>13.4 A letter has been drafted in response to the letter from Ellipsis on behalf of their client, wherein the Authority reiterates its position that it does not have discretion to afford their client an opportunity to renew a licence due to their client having failed to meet the legislative requirement set out in section 19 (2) of the Electronic Communications Act, 2005, as amended ("ECA").</p> <p>Recommendation</p> <p>13.5 It is recommended that the Council approve that FRB be allowed a period of 60 days to enable it to either apply for a new licence, or to apply for a licence transfer.</p>	CEO/Regions

No.	Action Item	Person Responsible
	<p>13.6 Should FRB elect not to exercise the aforementioned options; the 60 days' period will still afford FRB's clients with an option to seek alternatives with respect to receiving similar services from other licensees.</p> <p>Following comments were made:</p> <p>13.7 Clarity was sought on why FRB had to apply for a licence transfer.</p> <p>13.8 Council sought clarity on who is responsible for making the licensee aware of their non-compliance.</p> <p>13.9 The recommendation to allow a period of 60 days to enable FRB to either apply for a new Licence, or to apply for a Licence transfer, will not set a good precedent.</p> <p>13.10 Going forward, Form 7 might need to be amended, so as to address the issue of late renewals of licences.</p> <p>13.11 Council was concerned over the impact the refusal to approve the recommendation might have on the public.</p> <p>13.12 Council requested that an urgent meeting (within the next 7 days) be convened between the Authority and relevant officials from FRB, so as to make FRB aware of the imminent decision that the Authority might take as a result of their non-compliance. The meeting is aimed at reaching a mutual understanding with FRB in line with relevant regulations.</p> <p>Council resolved to defer the recommendation, pending the outcomes of the requested meeting.</p>	
14	<p>Recommendation by CCC to Council in the matter between Compliance and Consumer Affairs Division of ICASA and Close TV Broadcasting Network Holdings (Pty) Ltd</p> <p>The purpose of the submission was to table the recommendation of the CCC in the matter between CCA and Close TV.</p> <p>Cllr Qocha presented the item:</p> <p>14.1 On 29 October 2020, CCA of ICASA referred a complaint to the CCC for investigation in terms of Section 17B(a) of the Independent Communications Authority of South Africa ("ICASA") Act No 13 of 2000.</p>	Cllr 

No.	Action Item	Person Responsible
	<p>14.2 The CCA alleged that Close TV has contravened Regulation 5(1) and 5(3) of Schedule 1 (Individual Broadcasting Services licences) of the Standard Terms and Conditions Regulations for Individual Licences 2010 (as amended in 2016), in that Close TV has failed to commence operations to date.</p> <p>14.3 On 19 March 2015, the Authority had issued Close TV with an Individual Commercial Subscription Broadcasting Service Licence. Close TV was licensed to provide a multi-channel television subscription broadcasting service aimed at the general public and niche markets. The primary target market was to be lesbian, gay, bisexual and transgender (LGBT) persons.</p> <p>14.4 The CCA argued that six (6) years have elapsed since Close TV was issued with a Subscription Broadcasting Service licence in 2015. Close TV has failed to commence its operations or to make an application to the Authority for an extended commencement period.</p> <p>14.5 It was noted that Close TV had taken significant steps to demonstrate that it is currently active, and has progressed to a point where it is almost ready to commence its operations. The CCC noted Close TV's genuine intention to commence operations insofar as investing time and financial resources to redress the contravention.</p> <p>Recommendation to Council</p> <p>14.6 In terms of Section 17E2(c), the CCC recommends that the following order be issued by Council of ICASA:</p> <p>14.6.1 Directs the licensee to desist from any further contravention in terms of section 17E(2)(a) of the ICASA Act.</p> <p>14.6.2 That Close TV takes the following remedial action:</p> <p>14.6.2.1 Within 21 days, from the date ICASA publishes its judgment, Close TV is to submit an application to Council of ICASA, for an extended commencement period.</p>	

No.	Action Item	Person Responsible
	<p style="text-align: center;">14.6.2.2</p> <p>Within 90 Calendar days from the date the application for extension of operations as mentioned in (a) above is granted, Close TV is to submit to Council of ICASA a comprehensive plan of action setting out, amongst others, operations plan, and mode of implementation, as well as deadlines.</p> <p>14.7 The CCC makes the following recommendation to the Council of ICASA, that Council investigate the issue of delays by CCA to refer non-compliance, with a view to identifying the cause thereof, and putting in place measures to prevent such delays in the future.</p> <p>Following comment was made:</p> <p>What are the legalities that permit for the recommended extension, considering what is stipulated in Regulation 5(1) and 5(3) of Schedule 1 (Individual Broadcasting Services licences) of the Standard Terms and Conditions Regulations for Individual Licences 2010?</p> <p>Council was advised that it can extend the commencement period subject to an application by licensee.</p> <p>Council resolved to approve the recommendation.</p>	
15	<p>Awareness and implementation of the Code 116 for Child Help Line Services</p> <p>The purpose of the submission was to brief Council on the implementation of the Child Helpline Code 116, and to obtain approval from Council to support the Ministry of Communications and Digital Technologies and Childline SA in the launch of the code set to kick off on 8 June 2021.</p> <p>The Cllr ██████████ presented the item:</p>	Cllr ██████████

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No.	Action Item	Person Responsible
	<p>15.1 On 15 April 2020, the Authority published an amendment of the Numbering Plan Regulations in Government Gazette No 43230 (the Regulations). The Regulations mandated the use of the short code 116 for Child Helpline Services.</p> <p>15.2 In addition, the Regulations were also amended with the insertion of sub-regulation 17(6), which requires that within nine (9) months from the date of the publication of the short code 116, this would be the exclusive number for Child Helpline Services.</p> <p>15.3 The Regulations came into effect in July 2020, and, in terms of the provisions of the Regulations, the toll-free number has been phased out and should no longer be in use.</p> <p>15.4 Post implementation of the Regulations, Childline SA requested for an additional extension to which the designated Committee, namely the Number Portability Review Committee (the Committee), advised that it could not advance the request.</p> <p>15.5 However, the Committee instead sought and agreed to support Childline SA in terms of its communication and awareness strategy, that was previously shared with the Authority, to support the full implementation of the Regulations.</p> <p>Recommendations</p> <p>15.6 It was recommended that Council:</p> <p>15.6.1 Note the implementation of the code 116;</p> <p>15.6.2 Delegate a member of Council to represent ICASA at the official launch of the code on 8 June 2021; and</p> <p>15.6.3 Approve the initiatives, driven from the divisional level, to get the message out to the public and to licensees on the launch, awareness and implementation of the code.</p> <p>Council resolved to approve the recommendation.</p>	
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No.	Action Item	Person Responsible
	<p>Notice of public hearings on the review of the 1999 Independent Broadcasting Authority (Advertising, Infomercials and Programme Sponsorship) Regulations Discussion Document for approval and publication</p> <p>The purpose of the submission was to request Council to approve the Notice to hold public hearings on the Review of the Independent Broadcasting Authority (IBA) (Advertising, Infomercials and Programme Sponsorship) Regulations, 1999, Discussion Document for publication in the Government Gazette. The public hearings will be held on 14 July 2021.</p> <p>Cllr [REDACTED] presented the item:</p> <p>16.1 The Review of the Advertising, Infomercials and Programme Sponsorship Regulations Committee is in the process of reviewing the IBA (Advertising, Infomercials and Programme Sponsorship) Regulations, 1999, published in Government Gazette No 6487 of 01 April 1999.</p> <p>16.2 The Authority published the Discussion Document on the Review of the Independent Broadcasting Authority (Advertising, Infomercials and Programme Sponsorship) Regulations, 1999, in Government Gazette No 44333 of 26 March 2021. The closing date for written submissions was 07 June 2021.</p> <p>16.3 The Authority received seven (7) written submissions from stakeholders: namely, eMedia Investments, MultiChoice, Media Monitoring Africa, NAB, Outsurance, SABC and SASFED. Four (4) stakeholders indicated that they are interested in making oral presentations at the public hearings.</p> <p>Recommendations</p> <p>16.4 It is recommended that Council approve the Notice to hold public hearings on the Review of the IBA (Advertising, Infomercials and Programme Sponsorship) Regulations Discussion Document, for publication in the Government Gazette.</p> <p>Council resolved to approve the recommendation.</p>	<p>Cllr [REDACTED]</p>
17	Human Resources Policies	CEO/ HR

No.	Action Item	Person Responsible
	<p>The purpose of the submission was to request the Council to approve the following Human Resources policies: Training and Development Policy; Probation Policy; and Overtime Policy.</p> <p>The Acting HR Executive presented the item:</p> <p>17.1 Training and Development Policy</p> <p>17.1.1 The purpose of the Training and Development Policy is to contextualise, facilitate and govern a learning framework to ensure that all ICASA employees have the applicable competencies, capabilities and experience required to sustain high performance and enable the Authority to fulfil its mandate.</p> <p>17.1.2 The Training and Development Policy was approved by Council on 13 April 2016. The Policy and Procedure Framework specifies that all policies within ICASA should be reviewed every three (3) years.</p> <p>17.1.3 The Policy was consulted with the Trade Union, Management Forum, reviewed by Internal Audit, vetted by Legal, Risk and CCC, and discussed with EXCO/OPCO, to which the inputs received were duly incorporated into the updated version of this policy.</p> <p>17.1.4 The policy was tabled to HR & REMCO, which recommended that the policy to be tabled to Council for approval.</p> <p>17.1.5 The definitions of employee, Individual Development Plan, MICT SETA, EEC were amended.</p> <p>17.1.6 Clause 2 – Policy Principles was amended to include an aspect regarding the “Utilising appropriate accredited service providers, as per the Supply Chain Management Policy and National Treasury Instruction Notes”.</p> <p>17.1.7 Clause 3.3.2 was amended to refer to the annual training plan, instead of the HR calendar.</p> <p>17.1.8 Clause 3.7 was amended to focus not only on the developmental gaps, but also future career aspirations of employees.</p>	

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	<p>17.1.9 Clause 3.3 of Annexures A – Training and Development Procedures was amended to clarify how training and development within ICASA are funded, as per the current practice.</p> <p>17.1.10 Clause 4 of Annexures A – Training and Development Procedures was amended by adding a section stating that all service providers will be required to submit evaluation sheets of the training session, and that the evaluation sheet will be kept for record purposes and to decide whether to use the service provider for future training allocations.</p> <p>17.2 Probation Policy</p> <p>17.2.1 The purpose of the Probation Policy is to provide ICASA with the application of minimum requirements when reviewing, and evaluating work suitability of a probationer, as well as seeking to establish guidelines to both line managers and their employees, in order to actively promote communication and ongoing feedback during the probation period.</p> <p>17.2.2 The Probation Policy was approved by Council on 31 March 2015. The Policy and Procedure Framework specifies that all policies within ICASA should be reviewed every three (3) years.</p> <p>17.2.3 The policy was updated in consultation with the Trade Union, Management Forum, reviewed by Internal Audit, vetted by Legal, Risk and CCC, and discussed with EXCO/OPCO, to which the inputs received were duly incorporated into the updated version of this policy (where applicable).</p> <p>17.2.4 Clause 3.6.2. was added to the policy to highlight what process is to be followed in the event of terminating an employee due to them not meeting the satisfactory performance after the probation period.</p> <p>17.3 Overtime Policy</p> <p>17.3.1 The purpose of the Policy is to define the terms and conditions applicable to the payment for overtime to qualifying employees, and the management of overtime within the organisation, in line with the</p>	

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	<p>prescripts of the Basic Conditions of Employment Act, either through overtime remuneration or time off.</p> <p>17.3.2 The Overtime Policy was approved by Council on 02 December 2014. The Policy and Procedure Framework specifies that all policies within ICASA should be reviewed every three (3) years.</p> <p>17.3.3 The policy was updated in consultation with the Trade Union, Management Forum, reviewed by Internal Audit, vetted by Legal, Risk and CCC, and discussed with EXCO/OPCO, after which the inputs received were duly incorporated into the updated version of this policy (where applicable).</p> <p>17.3.4 Clause 1.5 was amended to align the scope to the prescripts of the BCEA when it comes to overtime, as well as the comments received from EXCO in terms of those employees earning more than the Earnings Threshold.</p> <p>17.3.5 Clause 3.2.2.5 was added to the policy, so as to explain how overtime work in hours equates to days off.</p> <p>Following comments were made:</p> <p>17.4 Clarity was sought on how the Training and Development Policy caters for Councillors.</p> <p>17.5 Improvements in the processing of training applications for international training by employees must take place.</p> <p>The recommendation was approved.</p>	
18	<p>Council submission on the judgment delivered in PRIMEDIA Review Application.</p> <p>The submission had already been approved via Round Robin Resolution.</p>	CEO/LRCCC
19	<p>General</p> <p>A Performance Management workshop with the Minister has been scheduled for the 17/06/21</p>	

No.	Action Item	Person Responsible
20	Invitations	
21	<p>The Network of Women for WTDC (NoW4WTDC)</p> <p>The invitation was a request for participant(s) to take part in the event that will have a discussion on diverse perspectives that can help build the capacity of potential women leaders in National Regulatory Agencies, ICT policy agencies, and in the industry in general.</p> <p><u>Resolution</u></p> <p>Council resolved that all female Councillors should attend the event.</p>	
22	<p>Invitation to a Symposium on 5G and Big Data</p> <p>The invite requested for one (1) of the Councillors to take part in an International Symposium on 5G and Driving the Benefits of Big Data, hosted by International Institute of Communications.</p> <p><u>Resolution</u></p> <p>Council resolved that Cllr [REDACTED] attends the symposium.</p> <p>The invitation was noted by Council.</p>	
23	<p>Closure</p> <p>The Chairperson thanked all present at the meeting and closed the meeting at 12:06</p>	Chairperson
24	Date of next meeting: TBA	Secretariat

Signed: [REDACTED]

(Chairperson)

Date: 30 / 07 / 2021