



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
Date	16 September 2021	
Time:	08:00	
Venue:	Microsoft Teams	
Present	[REDACTED]	Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
By Invitation	[REDACTED]	CEO
	[REDACTED]	CAE
	[REDACTED]	CFO
	[REDACTED]	Acting Corporate Secretary
	[REDACTED]	Secretariat Officer
	[REDACTED]	Secretariat Officer
Partial Attendees	[REDACTED]	Executive: Corporate Services
	[REDACTED]	Executive: Human Resources
	[REDACTED]	Acting Executive: Engineering and Technology
	[REDACTED]	Acting Executive: Licensing and Compliance
	[REDACTED]	Acting Executive: Legal, Risk & CCC
	[REDACTED]	Senior Manager: Litigation, Contracts & General Legal Support
	[REDACTED]	Information Security Officer: CS
Apologies		
	[REDACTED]	Member

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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>1.1 Councillor [REDACTED] was on leave.</p> <p>1.2 Councillor [REDACTED] requested to leave the meeting at 11:00 for an external presentation.</p> <p>The apology was noted.</p>	Chairperson
2.	<p>Ratification of the Agenda</p> <p>The agenda was ratified to include:</p> <p>2.1 Item 8.2 - Brief by CEO in relation to a recent incident within the Finance Division.</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 16 August 2021 were deferred to the next Council meeting.</p>	
5.	<p>Matters Arising</p> <p>The Matters Arising document was deferred to the next Council meeting.</p> <p>Furthermore, Council requested for the Matters Arising document to include the update on the re-advertisement of community radio stations advert.</p>	CEO

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No.	Action Item	Person Responsible
6.	<p>International Engagements (“Standing item”)</p> <p>The purpose of the submission was to request Council to note the list of meetings for the third quarter of 2021/22 financial year and provide a list of Councillors who will attend the meetings.</p> <p>The Executive: Corporate Services presented the item:</p> <p>6.1. As part of the international programme for the 2021/22 Financial Year, the Corporate Services: CIR Unit has identified key meetings taking place from October - December 2021 for attendance by Council.</p> <p>6.2. Below is a list of meetings identified for attendance by Council:</p> <p>6.1.1 IIC’s International Regulators Forum and Annual Conference - 04 – 07 October 2021;</p> <p>6.1.2 Digital Council Africa Annual CONEXT Conference - 18 – 22 October 2021; and</p> <p>6.1.3 46th WWRF Meeting - 01 – 03 December 2021.</p> <p>6.3 The below are other meetings, taking place from October – December 2021, that may be of interest to Council. These meetings are attended by the ICASA officials, but Councillors are requested to notify Corporate Services if they are interested in attending:</p> <p>6.3.1. ITU – R Working Party 5D (WP 5D) - IMT Systems - 04 – 15 October 2021;</p> <p>6.3.2. ITU-R Working Party 4A 4B and 4C - 20 Oct – 04 Nov 2021;</p> <p>6.3.3. CRASA 1st Executive Committee Meeting - 27 – 28 October 2021;</p> <p>6.3.4. ITU-T TSAG - 25 – 29 October 2021;</p> <p>6.3.5. Working Party 5A, 5B and 5C - 15 – 26 November 2021;</p> <p>6.3.6. 29th meeting of the Telecommunication Development Advisory Group (TDAG-21/2) - 08 – 12 November 2021;</p>	<p>CEO/Exec: CS</p>

No.	Action Item	Person Responsible
	<p>6.3.7. 2nd Preparatory Meeting for PP-22 - 24 – 25 November 2021;</p> <p>6.3.8. CRASA ERC - 08 December 2021; and</p> <p>6.3.9. 1st ITU Inter-regional Workshop on WRC-23 Preparation - 13 – 14 December 2021.</p> <p>Recommendation</p> <p>6.4 It was recommended that Council:</p> <p>6.4.1. Note the identified meetings for the third quarter of 2021/22;</p> <p>6.4.2. Note the letter of invitation from the Digital Council Africa and advise on the invitation to Cllr Lewis to speak;</p> <p>6.4.3. Advise on the participation at the IIC Communications Policy and Regulation Week and Annual Conference, and nominate panel speakers; and</p> <p>6.4.4. Nominate a Council attendee 46th WWRF Meeting.</p> <p>The following comment was made:</p> <p>6.5 Council requested that before the submission is tabled at Council, the Executive: Corporate Services must liaise with the Corporate Secretary in order to populate the names of Councillors to the relevant invitations based on the committees they are currently placed in.</p> <p>6.6 Once the submission has been amended, it will be circulated by e-mail for Council approval.</p> <p>Council resolved to approve for Cllr ██████ to speak at the Digital Council Africa; furthermore, Council resolved for the submission to be deferred subject to the comments made.</p>	
7.	<p>Licensing of IMT (“Standing Item”)</p> <p>The Chairperson provided a brief feedback to Council on the following:</p>	

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No.	Action Item	Person Responsible
	<p>7.1 The consent order that the Authority sought subsequent to the Council approval, was formally made a court order.</p> <p>7.2 The signed court order will be circulated to Councillors once received.</p> <p>7.3 A Briefing Memo will be submitted by Senior Council on Monday. The memo will explain the court order, and how the Authority needs to manage the spectrum auction process moving forward.</p>	
8.	<p>Classic FM Amendment Reasons Document</p> <p>The purpose of the submission was for Council to approve the vetted Reasons Document, and for the decision on the application for the amendment of the I-CSBS licence by Classic FM South Africa (Pty) Ltd, for publication on the Authority's website.</p> <p>The Acting Executive: Licensing and Compliance presented the item:</p> <p>8.1 On 23 February 2021, Council approved the Applicant's amendment application.</p> <p>8.2 The Reasons Document was sent to Legal, Risk and CCC ("LRCCC") Division for vetting on 30 June 2021.</p> <p>8.3 The vetted Reasons Document and confirmation of vetting were received from the Legal, Risk and CCC Division (LRCCC) on 19 July 2021, subject to comments being addressed by the Licensing Division. The Licensing and Compliance Division has subsequently addressed the comments from LRCCC Division.</p> <p>8.4 EXCO has duly approved the Reasons Document for tabling at Council.</p> <p>Recommendation to Council</p> <p>It was recommended that Council approves the vetted Reasons Document for publication on the Authority's website.</p> <p>Council resolved to approve the recommendation.</p>	<p>CEO/ Acting Exec: Licensing and Compliance</p>

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9.	<p>Classic FM Transfer Application</p> <p>The purpose of the submission was for Council to approve the vetted Reasons Document, for the decision on the application for the transfer of control of the Individual Commercial Sound Broadcasting Service (“I-CSBS”) licence by Classic FM South Africa (Pty) Ltd for publication on the Authority’s website.</p> <p>The Acting Executive: Licensing and Compliance presented the item:</p> <p>9.1 On 10 February 2021, Council approved the transfer of control of an I-CSBS licence to the new shareholders.</p> <p>9.2 The Reasons Document was sent to Legal, Risk and CCC (“LRCCC”) Division for vetting on 8 June 2021.</p> <p>9.3 The vetted Reasons Document and confirmation of vetting were received from the Legal, Risk and CCC Division (LRCCC) on 17 June 2021, subject to comments being addressed by the Licensing Division. The Licensing and Compliance Division has subsequently addressed the comments from LRCCC Division.</p> <p>9.4 EXCO/OPCO duly approved the vetted Reasons Document, for tabling at Council.</p> <p>Recommendation to Council</p> <p>It was recommended that Council approves the attached vetted Reasons Document for publication on the Authority’s website.</p> <p>The following comment was made:</p> <p>9.5 Council noted with concern the turnaround time between when the application was made, and when the application was presented to Council for approval.</p> <p>Council resolved to approve the recommendation.</p>	<p>CEO/Acting Exec: Licensing and Compliance</p>

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No.	Action Item	Person Responsible
10	<p>Publication of the list of Class Licences in Terms of Section 16(5) of the ECA and Unreserved Postal Services.</p> <p>The purpose of the submission was to advise Council of the requirements of section 16(5) of the Electronic Communications Act, 2005 (ECA), and recommend that Council approves the attached notice for publication in Government Gazette.</p> <p>The Acting Executive: Licensing and Compliance presented the item:</p> <p>10.1 In terms of section 16(5) of the ECA, the Authority must at least once annually update and publish the list of class licensees in the Gazette, indicating for each class:</p> <p>10.1.1 The names and contact details of all registered licensees;</p> <p>10.1.2 The nature of the services provided; and</p> <p>10.1.3 The applicable licence terms and conditions.</p> <p>10.2 There is no legislative requirement to publish a list of unreserved postal services (courier services). The Licensing and Compliance Division is of the view that it is in the public interest to also publish the list of courier services.</p> <p>10.3 On 30 August 2021, EXCO approved the submission for tabling at Council.</p> <p>Recommendation to Council</p> <p>It was recommended that Council approve the notice, for publication in Government Gazette.</p> <p>Council resolved to approve the recommendation.</p>	<p>CEO/Acting Exec: Licensing and Compliance</p>
11.	<p>Gauteng Province Mobile Data QoS report for publication</p> <p>The purpose of the submission was for Council to approve for publication, Engineering and Technology (E&T)'s Quality of Service (QoS) Monitoring report for mobile data services conducted during Q1 of 2021/22 in Gauteng Province (the "Report").</p>	<p>CEO/Acting Exec: Engineering and Technology</p>

No.	Action Item	Person Responsible
	<p>The Acting Executive: Engineering and Technology presented the item:</p> <p>11.1 South Africa, like the rest of the world in recent years, has experienced an increased demand of mobile data services.</p> <p>11.2 The introduction of mobile devices, such as smartphones and tablets, as well as a range of internet-based applications that they support, has created significant demand for (and expectation of) high levels of quality of service by consumers of these mobile data services.</p> <p>11.3 Engineering & Technology Division sets out a revised 2021/22 annual target to conduct mobile voice services QoS monitoring by quarterly drive tests in the following provinces: Free State, Northern Cape, Eastern Cape, KwaZulu-Natal, Mpumalanga and Limpopo.</p> <p>11.4 The target includes Mobile Data services QoS monitoring for Northern Cape and Eastern Cape provinces. E&T has conducted additional Mobile Data services QoS Monitoring in the Gauteng Province during 2021/22 Q1.</p> <p>11.5 Currently, there are no regulations with targets for the mobile data services. The Authority relies on international guidelines and best practices to gauge the performance of the Mobile Network Operators.</p> <p>11.6 ICASA has conducted measurements in the Gauteng Province during the period of 17 May to 1 June 2021.</p> <p>11.7 The following areas were targeted: Meyerton/Three Rivers, Walkerville, Lenasia, Daveyton and Faerie Glen.</p> <p>11.8 The measurements were conducted by E&T together with the Gauteng Region as part of skills transfer between these two Divisions.</p> <p>11.9 The four main Key Performance Indicators (KPIs) measured, outlined in detail in the Report, were 3G Preferred Mode (Area Based Results), 3G Preferred Mode (Overall Results), 4G Preferred Mode (Area Based Results), 4G Preferred Mode (Overall Results).</p>	

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	<p>11.10 An overview of the results in the tested areas indicate that the end-users are more likely to experience the highest data speeds on MTN's 4G network when downloading or uploading a file from or to the internet using HTTP, followed by Vodacom.</p> <p>11.12 In terms of overall results for 3G preferred mode, MTN leads in 3G HTTP download and Telkom leads in FTP download throughput. Vodacom leads in FTP upload throughput and the lowest overall Latency.</p> <p>11.13 In terms of overall results for 4G preferred mode, MTN leads in 4G HTTP download throughput and FTP upload throughput. Vodacom leads in FTP download throughput and lowest overall Latency.</p> <p>Recommendation to Council</p> <p>It was recommended that Council approve the Gauteng Province Mobile Data QoS report for publication.</p> <p>The following comments was made:</p> <p>11.14 Council enquired on whether the Authority was able to assess if the mobile data quality of service has improved compared to the previous assessment report, taking into consideration the allocation of temporary spectrum during this assessment period.</p> <p>11.15 Council requested for the reference to nomadic data use to be removed from the report.</p> <p>11.16 Clarity was sought on the whether the Authority subscribes to the www.sobasa.org.za website that is referenced in the report.</p> <p>11.17 Only Vodacom made commitments to improve their service within certain timelines, Council recommended moving forward the report needs to ensure that all the service providers commit to improve their services within certain standard timelines.</p> <p>Council resolved to approve the recommendation.</p>	

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No.	Action Item	Person Responsible
12	<p>ITP-R Committee submission</p> <p>The purpose of the submission was to request Council to approve the vetted draft Reasons Document, in respect of the applications received in response to the Invitation to Pre-Register ("ITP-R") for Class (Community) Sound Broadcasting Service ("CSBS") and Radio Frequency Spectrum ("RFS") Licences, for publication on the Authority's website</p> <p>Cllr Mkumatela/ Senior Manager: ICT Licensing Services presented the item:</p> <p>12.1 On 12 November 2019, the Authority published the ITP-R for CSBS and RFS Licences. Due to the COVID-19 pandemic the closing date was extended to 30 June 2020.</p> <p>12.2 In March 2021, Council approved the Committee's recommendations, and on 31 March 2021 the Authority sent decision letters in respect of phase one, to all one hundred and forty (140) applicants who had responded to the ITP-R.</p> <p>12.3 On 06 August 2021, the Committee sent the draft Reasons Document to Legal Risk and Complaints and Compliance Committee (LRCCC) for vetting. The vetted Reasons Document was received from LRCCC on 30 August 2021. The LRCCC Division advised the Committee to consider and address the minor comments on the draft Reasons Document.</p> <p>12.4 The Committee has subsequently addressed the comments from LRCCC Division and recommends that Council approves the vetted Reasons Document for publication on the Authority's website.</p> <p>Recommendation</p> <p>It was recommended that Council approves the vetted Reasons Document, for publication on the Authority's website.</p> <p>Council resolved to approve the recommendation.</p>	<p>Cllr</p> <p></p>

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No.	Action Item	Person Responsible
13	<p>Cyber Security Awareness Training</p> <p>The purpose of the submission was to request Council approval to do a presentation on Cyber Security Awareness Training at the next Council meeting.</p> <p>The Executive: Corporate Service/ Information Security Officer: CS presented the item:</p> <p>13.1 As with any organisation, ICASA faces the risk of cyber security attacks.</p> <p>13.2 The cybercrime space has seen a rise in attacks as many organisations moving to the online way of doing business and a growing base of users connected to Internet platforms.</p> <p>13.3 Cyber attackers have also evolved their techniques, from traditional methods to using social engineering techniques. This has necessitated the need to raise the awareness of users within ICASA.</p> <p>13.4 The training session will target Council, EXCO and all employees.</p> <p>Recommendation</p> <p>It was recommended that Council approve the request to do a presentation on Cyber Security Awareness Training at the Council meeting.</p> <p>Following comments were made:</p> <p>13.5 Corporate Services needs to circulate information regarding cybersecurity more frequently.</p> <p>13.6 Employees need to be alerted promptly when a potential cyber-attack is being detected.</p> <p>13.7 Council sought an update on the cybersecurity training that will be facilitated by the Department of Communication and Digital Technology.</p> <p>Council resolved to approve the recommendation</p>	<p>CEO/Exec: CS</p>

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No.	Action Item	Person Responsible
14	<p data-bbox="256 398 1257 439">Mandate to negotiate 2021/22 cost of living adjustment</p> <p data-bbox="256 510 1257 698">The purpose of the submission [REDACTED]</p> <p data-bbox="256 770 1257 801">The Executive: HR presented the item:</p> <p data-bbox="256 878 1257 1025">14.1 [REDACTED]</p> <p data-bbox="256 1061 1257 1169">14.2 [REDACTED]</p> <p data-bbox="256 1205 1257 1361">14.3 [REDACTED]</p> <p data-bbox="256 1397 1257 1617">14.4 [REDACTED]</p> <p data-bbox="256 1653 1257 1729">14.5 [REDACTED]</p> <p data-bbox="368 1765 810 1796">14.5.1 [REDACTED]</p> <p data-bbox="368 1832 928 1863">14.5.2 [REDACTED]</p> <p data-bbox="368 1899 1040 1930">14.5.3 [REDACTED]</p> <p data-bbox="368 1975 1257 2049">14.5.4 [REDACTED]</p>	<p data-bbox="1257 398 1495 474">CEO/Exec: HR</p>

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No.	Action Item	Person Responsible
	14.5.5 [Redacted]	
	14.5.6 [Redacted] and	
	14.5.7 [Redacted]	
	14.6 [Redacted]	
	14.6.1 Scenario One	
	14.6.1.1 [Redacted]	
	14.6.1.2 [Redacted]	
	14.6.1.3 [Redacted]	
	14.6.1.4 [Redacted] and	
	14.6.1.5 [Redacted]	
	14.6.1.6 [Redacted]	
	14.6.1.7 [Redacted]	

No.	Action Item	Person Responsible
	14.6.2 Scenario Two	
	14.6.2.1 [Redacted]	
	14.6.2.2 [Redacted]	
	14.6.2.3 [Redacted]	
	14.6.2.4 [Redacted] and	
	14.6.2.5 [Redacted]	
	14.6.2.6 [Redacted]	
	14.6.2.7 [Redacted]	
	14.6.2.8 [Redacted]	
	14.6.2.9 [Redacted]	

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No.	Action Item	Person Responsible
	14.6.2.10 [Redacted]	
	14.6.2.11 [Redacted]	
	14.6.3 Scenario Three	
	14.6.3.1 [Redacted]	
	14.6.3.2 [Redacted]	
	14.6.3.3 [Redacted]	
	14.6.3.4 [Redacted]	
	14.6.3.5 [Redacted]	
	14.6.3.6 [Redacted]	
	14.6.3.7 [Redacted]	

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No.	Action Item	Person Responsible
	<p>14.6.3.8 [REDACTED]</p> <p>14.6.3.9 [REDACTED]</p> <p>14.6.3.10 [REDACTED]</p> <p>14.6.3.11 [REDACTED]</p> <p>Recommendation to Council</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>Following comments were made:</p> <p>14.7 [REDACTED]</p> <p>14.8 [REDACTED]</p> <p>14.9 [REDACTED]</p> <p>14.10 [REDACTED]</p> <p>14.11 [REDACTED]</p>	

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No.	Action Item	Person Responsible
	<p>14.12 [REDACTED]</p> <p>Council resolved to approve the mandate to engage Unions on [REDACTED]</p>	
15	<p>Mandate to negotiate 2021/22 cost of living adjustment for Executives</p> <p>The purpose of the submission was to request Council to consider and approve the proposed 2021/22 Cost of Living Adjustment for Executives.</p> <p>The Executive: HR presented the item:</p> <p>15.1. [REDACTED]</p> <p>15.2. [REDACTED]</p> <p>15.3. [REDACTED]</p> <p>15.4. Cost of living adjustment proposed scenarios:</p> <p>15.4.1. Scenario One</p> <p>15.4.1.1. [REDACTED]</p> <p>15.4.1.2. [REDACTED]</p>	CEO/Exec: HR

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No.	Action Item	Person Responsible
	15.4.1.3. [REDACTED]	
	15.4.1.4. [REDACTED]	
	15.4.1.5. [REDACTED]	
	15.4.1.6. [REDACTED]	
	15.4.2 Scenario Two	
	15.4.2.1. [REDACTED]	
	15.4.2.2. [REDACTED]	
	15.4.2.3. [REDACTED]	
	15.4.2.4. [REDACTED]	
	15.4.2.5. [REDACTED]	
	15.4.2.6. [REDACTED]	
	15.4.3 Scenario Three	
	15.4.3.1. [REDACTED]	

No.	Action Item	Person Responsible
	<p style="text-align: center;">15.4.3.2. [REDACTED] [REDACTED] [REDACTED]</p> <p style="text-align: center;">15.4.3.3. [REDACTED] [REDACTED]</p> <p>Recommendation to Council</p> <p>[REDACTED] [REDACTED]</p> <p>Following comments were made:</p> <p>15.5 [REDACTED] [REDACTED] [REDACTED]</p> <p>15.6 [REDACTED] [REDACTED] [REDACTED]</p> <p>15.7 [REDACTED] [REDACTED] [REDACTED]</p> <p>Council resolved to defer the submission in order to reflect further on it once the COLA negotiations with Unions are finalised.</p>	
16	<p>Appointment of CAP Chairperson</p> <p>The purpose of the submission was to request Council approval for the appointment of the Chairperson of the Consumer Advisory Panel (CAP), for Mr [REDACTED] or Mr [REDACTED] to the same position, should Mr [REDACTED] decline the offer effective from the 15th of September 2021 until the 05th of May 2022.</p> <p>The Executive: HR presented the item:</p> <p>16.1 The position of the CAP Chairperson became vacant due to the contract of the previous incumbent, Ms [REDACTED] coming to an end on 30 July 2021.</p>	<p>CEO/Exec: HR</p>

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No.	Action Item	Person Responsible
	<p>16.2 A memo was submitted to Council, on 31 August 2021, recommending that Council appoints a Consumer Advisory Panel (CAP) Chairperson from the remaining ten (10) CAP Members for a period of three (3) years.</p> <p>16.3 Council resolved that a summary, including the requested additional information, of the ten (10) panel members be sent to the Chairperson of ICASA, Councillor [REDACTED] and Councillor [REDACTED] for their review and recommendation.</p> <p>16.4 Subsequent, the Chairperson of ICASA and Councillor [REDACTED] recommended that Mr [REDACTED] be appointed as the Chairperson of CAP, or Mr [REDACTED] to the same position, should Mr [REDACTED] decline the offer.</p> <p>16.5 The CAP chairperson will be remunerated as determined by Council from time to time, in accordance with the General Notice: Amendment Regulations on the Establishment of the Consumer Advisory Panel published in the Government Gazette No. 40725 of 28 March 2017.</p> <p>Recommendation</p> <p>It was recommended that approval be granted for the appointment of the Chairperson of the Consumer Advisory Panel (CAP), effective from the 15th of September 2021 until 31st of May 2022, for:</p> <p>16.6 Mr [REDACTED] or</p> <p>16.7 Mr [REDACTED] to the same position, under similar conditions, should Mr [REDACTED] decline the offer.</p> <p>Following comments were made:</p> <p>16.8 A recruitment drive for CAP Chairperson and Committee members will take place in May 2022, this will enable the terms of all members of CAP to align.</p> <p>16.9 The appointment of the Chairperson of the Consumer Advisory Panel (CAP), is effective from the 16th September 2021.</p> <p>Council resolved to approve the recommendation</p>	

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No.	Action Item	Person Responsible
17	<p>Approve the update of bank signatories</p> <p>The purpose of the submission was to request Council to approve the update of bank signatories.</p> <p>The CFO presented the item:</p> <p>17.1 Since the new CFO has been appointed, [REDACTED]</p> <p>17.2 [REDACTED]</p> <p>17.2.1 Mr. [REDACTED] (Manager: Management Accounts);</p> <p>17.2.2 Mr. [REDACTED] (Financial Specialist);</p> <p>17.2.3 Ms. [REDACTED] (Chief Financial Officer);</p> <p>17.2.3 Mr. [REDACTED] (Chief Executive Officer).</p> <p>Recommendation</p> <p>It was recommended that Council approve the update of bank signatories.</p> <p>Following comments were made:</p> <p>17.3 Clarity was sought on the order of the signatories.</p> <p>Council resolved to approve the recommendation.</p>	CEO/CFO
18	<p>Draft NIP 2050 Comments</p> <p>The purpose of the submission was to request Council to approve the ICASA comments on the Draft National Infrastructure Plans 2050 ("draft NIP 2050").</p> <p>The Acting Executive: LR&CCC presented:</p>	CEO/Acting Exec: LR&CCC

No.	Action Item	Person Responsible
	<p>18.1 On 10 August 2021, the Department of Public Works and Infrastructure (“DPWI”) published the draft NIP 2050 in the in the Government Gazette.</p> <p>18.2 The aim of the draft NIP 2050 is the following:</p> <p>18.2.1 Promote dynamism in infrastructure delivery and address institutional blockages and weaknesses that hinder success over the longer term;</p> <p>18.2.2 Guide the way to building stronger institutions that can deliver on infrastructure related aspirations of the National Development Plan (“NDP”).</p> <p>18.3 The draft NIP 2050 also seeks to identify the most critical network infrastructure sectors, being: energy, freight, transport, water and digital communications.</p> <p>18.4 Submissions of the Draft NIP 2050 comments should reach the DPWI on or before 17 September 2021.</p> <p>18.5 The Legal, Risk & CCC, working together with: Engineering & Technology; Licensing and Compliance; and Policy Research & Analysis divisions, have considered the draft NIP 2050, and prepared the attached comments for Council’s consideration.</p> <p>Recommendation</p> <p>It was recommended that Council considers and approves the Authority’s comments on the draft NIP 2050 for submission to DPWI.</p> <p>Following comments were made:</p> <p>18.6 The Authority’s comments on the draft NIP 2050 needs to note the Rapid Deployment project under way, and also how the Authority aims to coordinate the Rapid Deployment of infrastructure in South Africa.</p> <p>18.7 The NIP lacks the necessary actionable steps to be taken to achieve the main aim.</p> <p>18.8 Cllr [REDACTED] will circulate further inputs on the submission to the Acting Executive: LR&CCC.</p>	

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No.	Action Item	Person Responsible
	<p>18.9 Council requested that caution be used in the comments, especially comments regarding mobile operators. The Authority must not come across as defending mobile operators.</p> <p>Council resolved for the submission to be circulated to Councillors to make further inputs, and approval.</p>	
<p>19</p>	<p>WOWtv review application</p> <p>The purpose of the submission was to apprise Council of the Review Application, and recommend that Council should approve that the Review Application be opposed and the LRCCC Division to proceed and brief external attorneys to attend to all court processes linked to or incidental to the opposition of the review application.</p> <p>The Acting Executive: LR&CCC/ Senior Manager: Litigation, Contracts & General Legal Support presented the item:</p> <p>19.1 WoWtv seeks to establish grounds for the condonation of the Review Application under s9(1)(b) of PAJA as the application has been brought outside of the 180-day time period prescribed by PAJA, citing amongst the reasons for delay, financial difficulties in preceding years.</p> <p>19.2 To this end, it appears that WoWtv has relied solely on their financial impediments as basis to justify their failure to adhere to the 180-day time bar.</p> <p>19.3 Even if financial difficulties was recognised as a ground for the court to condone non-adherence with the 180 days' time bar, WoWtv does not advance any evidence for the period of five (5) years between when the date when written reasons were provided (i.e. 14 June 2016), and the date of the Review Application (i.e. 5 July 2021). Their justification cannot therefore be reasonable.</p> <p>19.4 WoWtv seeks to challenge the impugned decision of the Authority by relying on s6(2)(a)(i) of PAJA on the basis that the Authority acted outside its authority, by failing to adhere to prescripts of the Subscription Broadcasting Services Regulations, 2006 ("the Regulations") when it made a decision after the expiration of the 60-day period in circumstances where it had not sought to make a public</p>	<p>CEO/Acting Exec: LR&CCC</p>

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No.	Action Item	Person Responsible
	<p>consultation inquiry under s4B of the ICASA Amendment Act.</p> <p>19.5 The reasons advanced by WoWtv in requesting the court's condonation for WoWtv's failure to submit their review application within the 180 days' time bar, appears unreasonable.</p> <p>19.6 The LRCCC Division is of the view that it is unlikely for the court to establish that condonation will be in the interests of justice. The Authority has a very strong case based on procedural grounds.</p> <p>19.7 The LRCCC Division is further of the view that, as a result of not conducting an inquiry in terms of section 4B of the ICASA Act, the decision of the Authority could be rendered unlawful.</p> <p>Recommendation</p> <p>It was recommended that Council:</p> <p>19.8 Notes WoWtv's Review Application; and</p> <p>19.9 Approves that WoWtv's Review Application be opposed, and that the LRCCC Division should proceed to brief external attorneys who will attend to all court processes linked to or incidental to the opposition of the review application.</p> <p>Council resolved to approve the recommendation.</p>	
20	<p>Risk and Compliance Management Plan 2021-22</p> <p>The submission was deferred to the next Council meeting.</p>	<p>CEO/Acting Exec: LR&CCC</p>
21	<p>Progress Report on the Review of Policies</p> <p>The submission was deferred to the next Council meeting.</p>	<p>CEO/Acting Exec: LR&CCC</p>
22	<p>Quarter 1 Progress Report & Assurance provided on the performance contracting process.</p>	<p>CAE</p>

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	<p>The purpose of the submission was to apprise Council of Internal Audit's Quarter 1 progress report and assurance results for the performance contracting process.</p> <p>The CAE presented the item:</p> <p>22.1 Five (5) assurance reviews, one (1) consulting review, and one (1) ad hoc review were completed this quarter.</p> <p>22.2 A performance of 31.3% was achieved, against the quarterly target of 30%.</p> <p>22.3 A total of seventy-six (76) findings were reported, two (2) were assessed as high risk, fifty-two (52) were assessed as cautionary risk, and twenty-two (22) were assessed as medium risk.</p> <p>22.4 The following assurance reviews were finalized:</p> <p>22.4.1 Performance information (PI – Q4) – the report was concluded and presented in quarter four (4);</p> <p>22.4.2 Annual Performance Review (APR) - the report was concluded and presented in quarter four (4);</p> <p>22.4.3 Annual Financial Statements Quality Assurance Review (AFSR) - the report was concluded and presented in quarter four (4);</p> <p>22.4.4 Occupational Health and Safety – concluded;</p> <p>22.4.5 AGSA Direct Assistance for Asset and employee verification - 2020/2021 – concluded.</p> <p>22.5 The Crisis Committee addressed five of the six previously reported OHS findings, while one (1), which is (16.67%), is still in progress (fire suppression system within the IT server room which was yet to be tested for integrity).</p> <p>22.6 The following findings were reported in the review of the National Radio Frequency Band project:</p> <p>22.6.1 Efforts to embed project management processes and ascertain uniformity are ongoing;</p>	

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	<p>22.6.2 The project charter did not include roles and responsibilities of the project manager, assumptions and constraints;</p> <p>22.6.3 The project change control process, quality, communication and stakeholder management plans are yet to be developed.</p> <p>22.7 Review of the proposal to waive the performance management process:</p> <p>22.7.1 The Performance Management policy provides for all employees enter into performance contracts, and for the same to be reviewed annually. The proposal to waive the 2020/21 performance management process will therefore amount to non-compliance with the policy, especially given that “No deviations to this policy and procedures are permitted”.</p> <p>22.7.2 The root cause for the failure to contract as at April 2020 has not been furnished, and it is still prudent for the root cause to be identified and addressed to avoid recurrence.</p> <p>22.7.3 The performance assessments seem to be aligned to only the financial benefits , and neglect the identification of performance gaps and areas of improvements.</p> <p>22.7.4 Council cannot approve the waiver based on the reasons of employees not having adequate equipment to work remotely for the major part of the year. The identified challenges do not align with the Annual Report, which indicates that the Covid-19 Interventions Report has been implemented. This nullified the reasons provided.</p> <p>22.7.5 HR needs to determine if there is potential of fruitless and wasteful expenditure, as a result the request to waive.</p>	

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	<p>Recommendation</p> <p>It was recommended that Council should not approve the submission tabled on the 31st August 2021 for the proposal to waive the 2020/21 performance management process.</p> <p>Following comments were made:</p> <p>22.8 Council sought clarity on the role of the CAE moving forward in finding a resolution to the proposal to waive the 2020/21 performance management process.</p> <p>Council resolved the note the submission.</p>	
23	General	
23.1	<p>Updated assessment conducted by the Crisis Management Committee</p> <p>The purpose of the submission was to present to Council the updated assessment conducted by the Crisis Management Committee (“the Committee/CMC”) of the national risk adjusted strategy.</p> <p>The Risk and Compliance Management Specialist presented the item:</p> <p>23.1.1 In June 2021, Council approved the temporary closure of the ICASA premises on the advice of the Committee. The closure was in response to the rapid rise of new COVID-19 cases that prompted Cabinet to place the country on Adjusted Alert Level 3.</p> <p>23.1.2 Currently all indications are that most part of the county are moving past the peak of the third wave, albeit certain parts of the Country, including the Northern Cape, Western Cape and the Free State are reported to have continued to record a relatively high number of infections as a proportion of the population in those provinces.</p> <p>23.1.3 At an organisational perspective, the rate of infections has subsided significantly in recent weeks compared to the peak</p>	CEO

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	<p>of the third wave where a large number of cases were being reported in quick succession.</p> <p>23.1.4 However, despite the rate on infections decreasing and the relatively low positivity rates, it is worth noting that the risk of infections outside of the premises nonetheless remains prevalent.</p> <p>23.1.5 The Committee has taken cognisance of the fact that the COVID-19 vaccines have been made available to everyone.</p> <p>23.1.6 However, the Authority has not taken a decision to make vaccination compulsory, and the Committee is currently assessing the Authority's options in this regard.</p> <p>23.1.7 The Committee is not at this point in possession of data on the vaccination drive within the organisation. However, HR will be obtaining that information through a survey to all employees, and this data will be presented to Council upon conclusion of this process.</p> <p>Recommendation</p> <p>It was recommended that Council approves the reopening of the ICASA premises considering the relatively lower risk and rate of infections experienced under Adjusted Alert Level 2, effective from 27 September 2021.</p> <p>This date would afford employees and the organisation the remainder of the week from the date of the decision by Council to prepare for the reopening. The reopening must be on a rotational basis and subject to the health and safety measures that the organisation had put in place in the past, to ensure that the risk of COVID-19 infections on the premises is manageable.</p> <p>Following comments were made:</p> <p>23.1.8 Council requested for an anonymous survey to be conducted on the number of employees who have vaccinated.</p> <p>23.1.9 Council noted the issue of poor network connectivity at the office.</p>	

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	Council resolved to approve the recommendation.	
23.2	<p>Brief in relation to a recent incident at the Finance Division</p> <p>Council was notified on another incidence of fraud in the Finance division.</p> <p>A person impersonated one of the Authority's suppliers and sent an email indicating that their banking details have changed. The payment was processed and paid into the bank account. The matter was brought to the attention of the Authority when the supplier enquired about outstanding invoices.</p> <p>An investigation is under way, and Council will be briefed further.</p>	CEO
24	<p>Closure</p> <p>The Chairperson thanked all present at the meeting and closed the meeting at 12:18pm.</p>	Chairperson
25	Date of next meeting: TBA	Secretariat

Signed:  _____

(Chairperson)

Date: 25 October 2021