



**Independent Communications Authority of South Africa**

<b>MINUTES OF AN ORDINARY COUNCIL MEETING</b>		
<b>Date</b>	<b>18 May 2021</b>	
<b>Time:</b>	<b>08:00</b>	
<b>Venue:</b>	<b>Microsoft Teams</b>	
<b>Present</b>	[REDACTED]	Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
<b>By Invitation</b>	[REDACTED]	CEO
	[REDACTED]	CFO
	[REDACTED]	CAE
	[REDACTED]	Corporate Secretary
	[REDACTED]	Secretariat Officer
	[REDACTED]	Secretariat Officer
<b>Partial Attendees</b>	[REDACTED]	Executive: LRCCC
	[REDACTED]	Executive: Corporate Services
	[REDACTED]	Senior Manager: Wholesale Services
	[REDACTED]	Regional Manager: Northern Cape
	[REDACTED]	Senior Manager: Type Approval
	[REDACTED]	Senior Manager: Com. & IR
	[REDACTED]	Senior Manager: Litigation, Contracts and Legal Services
<b>Apologies</b>		

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No.	Action Item	Person Responsible
1.	<p><b>Opening and apologies</b></p> <p>The Chairperson opened the meeting at 08:00 and welcomed all present.</p> <p><b>There were no apologies noted.</b></p>	<b>Chairperson</b>
2.	<p><b>Declaration of interest</b></p> <p>No conflict of interest was noted.</p>	<b>Council</b>
3.	<p><b>Ratification of the Agenda</b></p> <p>3.1 Under general: Allocation of Council Committees was added to the agenda as <b>Item 9.1</b>.</p> <p>3.2 Feedback on the meeting that was held with the Commission on the Remuneration of Public Office Bearers was under “Matters Arising”.</p> <p><b>The agenda was adopted with the above additions.</b></p>	<b>All</b>
4.	<p><b>Minutes of previous meetings:</b></p> <p><u>Minutes of 28 April 2021</u></p> <p>All inputs received from Council by email were incorporated.</p> <p><b>The minutes were adopted by Council.</b></p>	<b>Council</b>
4.1	<p><b>Minutes of previous meetings:</b></p> <p><u>Minutes of 05 May 2021</u></p> <p>4.2.1. Inputs and corrections from Council were incorporated.</p> <p>4.2.2. Page 11 below 8.8, the word “final” was replaced with “Draft”.</p>	<b>Council</b>

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No.	Action Item	Person Responsible
	<p><b>The minutes were adopted by Council.</b></p>	
<p><b>4.2</b></p>	<p><b>Matters Arising</b></p> <p>The Chief Executive Officer presented the item.</p> <p><b>An update on the Matters Arising was considered and noted by Council.</b></p>	<p><b>CEO</b></p>
<p><b>5.</b></p>	<p><b>International Engagements</b></p> <p>The Executive Corporate Services presented the item:</p> <p>This was a re-submission to request the nomination of Councillors to participate in various international engagements which are relevant to the work of the Authority.</p> <p><u>Comments</u></p> <p>5.1 Council requested that, there be a working relationship established with the Department of International Relations and Cooperation in order to track and participate in any engagements that are relevant to the mandate of ICASA.</p> <p>5.2 Council resolved to allocate Council Regulatory Projects to Councillors, prior to nominating relevant Council members to participate in various upcoming international engagements.</p> <p><b>It was resolved that secretariat will provide feedback to Corporate Services with regards to the nominations.</b></p>	<p><b>CEO/CS</b></p>
<p><b>6.</b></p>	<p><b>Licensing of IMT (Standing item)</b></p> <p>The Senior Manager: Litigation and Contracts provided a brief update that:</p> <p>6.1 The LRCCC, received a draft settlement agreement from MTN, on the Telkom litigation. The draft settlement agreement was projected to Council for noting.</p>	<p><b>CEO</b></p>

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No.	Action Item	Person Responsible
	<p>6.2 The technical aspect of the proposed settlement will be deliberated at the IMT Committee meeting and, a report will be provided to Council for consideration.</p> <p><u>Comments</u></p> <p>6.3 Council requested that, a write-up consolidating all the latest developments with regards to the settlement negotiations be presented at the next Council meeting.</p> <p>6.4 Council enquired if, Telkom was invited in writing to the settlement discussions, and if there was a response from Telkom.</p> <p>A written update will be provided in the next Council meeting.</p> <p><b>The update was noted by Council.</b></p>	
7.	<p><b>Establishment of a special committee to develop regulations on Rapid Deployment as required under Chapter 4 of the Electronic Communications Act, (Act No. 36 Of 2005)</b></p> <p><b>The item was tabled under Item 9.1. (Allocation of Committees).</b></p>	CEO/ E&T
8.	<p><b>AGA Council Committee Closeout Report FY 2020/2021</b></p> <p>The Regional Manager: Northern Cape presented the item:</p> <p>The purpose of the submission was to provide Council with an update on the activities as well as the developments around the Karoo Central Advantage Areas (KCAAA) for the 2020/2021 financial year.</p> <p>8.1 ICASA has a key mandate which amongst others, include routine spectrum monitoring, Radio Interference investigations and enforcement to ensure efficient spectrum utilisation and effective spectrum management.</p> <p>8.2 ICASA requires the necessary spectrum monitoring infrastructure within the Northern Cape Province, to detect emissions and to mitigate any Radio Frequency Interference (RFI) to the Square Kilometre Array (SKA) radio telescopes.</p>	Cllr [REDACTED]




No.	Action Item	Person Responsible
	<p>8.3 ICASA signed a Memorandum of Agreement (MoA) with the Department of Science and Innovation (DSI) and the South African Radio Astronomy Observatory (SARAO) on 24 April 2018.</p> <p>8.4 The MoA provides a framework and mechanisms for cooperation between the parties and for the preservation, and protection of the declared KCAAA, in terms of the provisions of the Astronomy Geographic Advantage Act, 2007 (the AGA Act).</p> <p>8.5 The AGA Council Committee was established to provide amongst others, an oversight on all activities in the KCAAA in line with ICASA's mandate, and further advice and appraise Council on developments relating to the KCAAA.</p> <p>8.6 During the 2020/2021 Financial Year, the AGA Committee monitored an APP project from Engineering and Technology and activities from Licensing, to oversee the commissioning of a monitoring fixed site, and a licensing verification process respectively.</p> <p>8.7 The activities and projects completed are part of a process that falls within the Authority's purview, in ensuring that the SKA is protected and all operators within the declared areas are compliant with the prerequisite regulations, and continues to provide support to the Ministry of Science and Innovation on its endeavours to carry out the SKA project in South Africa.</p> <p>8.8 There was a request by MTN to the Authority and AMA, to consider the amendment of the previously published exemption list in the KCAA. The Minister of Science and Innovation (SI) wrote to the Authority requesting its concurrence on the revised exempted spectrum in the Karoo, which Council considered and approved in December 2020.</p> <p>8.9 The Minister (SI) published a revised exempted spectrum list to the public, for interested parties to make representations. The Committee is still awaiting the representations.</p>	

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No.	Action Item	Person Responsible
	<p><u>Comments</u></p> <p>Council requested that the Regional Manager join the Spectrum Resources Committee, to allow for an overlapping discussion when updating the National Radio Frequency plan.</p> <p><b>The submission was noted by Council.</b></p>	
9.	<p><b>Notice of Intention to Review the Pro-Competitive conditions imposed on relevant licensees in terms of the Call Termination Regulations, 2014</b></p> <p>The Senior Manager: Wholesale Services presented the item:</p> <p>The purpose of the submission was to request Council to approve:</p> <p>9.1 The publication of a Notice of Intention to review the pro-competitive conditions imposed on relevant licensees, in terms of the Call Termination Regulations of 2014 (the Regulations) in the Government Gazette; and</p> <p>9.2 The publication of a questionnaire or request for information from stakeholders, and market participants for publication on the Authority's website.</p> <p>9.3 Regulation 8 of the Regulations states that "<i>The Authority will review the markets for wholesale voice call termination services... not earlier than three (3) years from the date of the publication of these Regulations</i>".</p> <p>9.4 The first phase of the review process will entail the review of market determinations made in 2014, which will include the following phases: -</p> <p>9.4.1 Phase 1: Commencement of the Review, Request for Information and Stakeholder workshop;</p> <p>9.4.2 The publication of the questionnaire requesting information from licensees, in order to start the process to undertake the market review the market determinations made in 2014.</p>	Cllr <span style="background-color: black; color: black;">[REDACTED]</span>



No.	Action Item	Person Responsible
	<p>9.5 Following the publication of the questionnaire, a workshop will be held with stakeholders to discuss the review process, and questions of clarity on the questionnaire or request for information.</p> <p>9.6 Stakeholders will, still be given an opportunity to raise questions in writing and the Authority will respond in writing to those questions.</p> <p>9.7 Phase 2 will be the Publication of the Discussion Document, and Phase 3: will include the holding of Public hearings on the Discussion Document, while Phase 4: will be the Publication of Findings Document.</p> <p>9.8 Depending on the outcome of the review of market determinations, the second leg might include cost modelling of new termination rates, as well as an amendment of the 2014 Call Termination Regulations.</p> <p>9.9 In order to start the review process, the Committee developed a Notice of Intention to Commence the legal process of review of the pro-competitive conditions imposed on licensees in 2014, as well as the questionnaire or request for information.</p> <p><u>Comments and Inputs</u></p> <p>9.10 Council requested that the Committee look into zero rating its website in the instances where questionnaires are published on the website, to accommodate members of the public.</p> <p>9.11 The Committee indicated that the questionnaire will be intended for licensees and not ordinary members of the public, as the information being sought from the stakeholders is wholesale related information. The discussion document will be open for a review by members of the public.</p> <p><b>The submission was approved by Council.</b></p>	
10.	<b>Re-opening of submissions for written comments on the Draft Equipment Authorisation Regulations</b>	Cllr 

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No.	Action Item	Person Responsible
	<p>The Senior Manager: Type Approval presented the item.</p> <p>The purpose of the submission was to request Council to approve the opening up of another round of submissions of written comments, on the Draft Equipment Authorisation Regulations (Draft Regulations), for publication in the Government Gazette.</p> <p>10.1 On 31 March 2021, the Technical Equipment and Standards Council Committee (the Committee), published the Draft Regulations in the Government Gazette.</p> <p>10.2 The Draft Regulations have been developed to support the Conformity Assessment Framework for Equipment Authorisation, which provides the regulatory framework.</p> <p>10.3 On 10 May 2021, the Committee received a request from stakeholders to extend the deadline for submissions by two (2) weeks.</p> <p>10.4 On 13 May 2021, the Committee met to deliberate on the merits of request for extension, and subsequently recommended that the submission date be extended to 31 May 2021, as the extension will not have an impact on the current project plan.</p> <p><u>Comments and Inputs</u></p> <p>10.5 Council enquired if the Department of Trade Industry and Competition (DTIC) has been consulted, and further if the Regulations will cater for equipment that does not have the Authority's sticker in terms of equipment authorisation.</p> <p>10.6 The Committee indicated that the notification was given to the World Trade Organization (WTO), and it will trigger members like the DTIC and any other members that fall under the DTIC.</p> <p><b>The submission was approved by Council.</b></p>	

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No.	Action Item	Person Responsible
11.	<p><b>Request for Council to approve updated Finance Policies</b></p> <p>The Chief Financial Officer presented the item.</p> <p>The purpose of the submission was to request Council to approve the updated finance policies and procedures, to bring them in line with National Treasury regulations and best practice.</p> <p>11.1 The Finance Division is required to review all finance policies and procedures after every three (3) years, to ensure that adequate safeguards are in place in performing various finance related functions. The policies are updated to bring them in line with the latest National Treasury requirements.</p> <p>11.2 There were no material changes on the Petty Cash Policy and Procedures, Inventory Management Procedures policy, Related Party Policy and the Subsequent Events Policy therefore, the policies were not submitted to Legal for Vetting.</p> <p>11.3 <u>Petty Cash Policy and Procedures</u></p> <p>The following changes were made in the policy:</p> <ul style="list-style-type: none"> <li>13.1.1 Paragraph 3.2.1.1 – removed reference to ICASA Protective Security Policy;</li> <li>13.1.2 Paragraph 4.1.8.1 – inclusion of a float amount for Nelspruit, Mafikeng, Kimberly, Polokwane Regional Offices;</li> <li>13.1.3 Paragraph 4.1.8.2 – removal of maximum amount for Regional Offices; and</li> <li>13.1.4 Paragraph 4.2.4 – clarification of limitation in line with the revised Treasury Instruction No 3 of 2017-18.</li> </ul> <p>11.4 <u>Investment Policy</u></p> <p>The following changes were made in the policy:</p>	CEO/ CFO



No.	Action Item	Person Responsible
	<p>11.4.1 Paragraph 2.3 – inclusion of the Risk and Compliance Management Specialist and Manager: Cost Modelling: PRA in the Investment Committee; and</p> <p>11.4.2 AGSA policy received during the benchmark study.</p> <p>11.5 <u>Inventory Management Procedures</u></p> <p>The following changes were made in the policy:</p> <p>11.5.1 Normal annual review;</p> <p>11.5.2 Paragraph 2.2.2, the section requesting suppliers' quotations to be listed on the Authority's financial systems should be deleted; and</p> <p>11.5.3 Clause 2.5.4 to be combined with 2.5.5, as they both define the role of Internal Auditors in the policy.</p> <p>11.6 <u>Budget Policy</u></p> <p>The following changes were made in the policy:</p> <p>11.6.1 Paragraph 1.1 – date changed to March;</p> <p>11.6.2 Paragraph 2.3 – Budget Process updated;</p> <p>11.6.3 Paragraph 2.3.3(d) – date changed to March;</p> <p>11.6.4 Paragraph 7.1.1.10 – Instruction No. 12 of 2020/2021 on Retention of Surpluses was updated;</p>	



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	<p>11.6.5 Paragraph 7.1.1.10 – date changed to November;</p> <p>11.6.6 Paragraph 7.1.5.3 – was updated to include the wording that reads, “BC should review budgetary performance on a quarterly basis, in line with the performance indicators and strategic objectives in the APP, and make recommendations to EXCO and Council as appropriate”;</p> <p>11.6.7 Annexure A – No changes on the Budget Movements Control Form (Virement Template);</p> <p>11.6.8 Annexure B – dates updated on the Budget Review timelines;</p> <p>11.6.9 Annexure C- Terms of Reference;</p> <p>11.6.10 Paragraph 3.3 – was updated;</p> <p>11.6.11 Paragraph 4.1 – was updated;</p> <p>11.6.12 Paragraph 4.1.4 and 4.1.6 – was updated;</p> <p>11.6.13 Paragraph 4.3 – was updated;</p> <p>11.6.14 Paragraph 5.4.1 to 5.4.9 – was updated;</p> <p>11.6.15 Paragraph 6.1.1 – was updated;</p> <p>11.6.16 Paragraph 7.1 to 7.5 – was updated to be in line with the Terms of Reference;</p> <p>11.6.17 Paragraph 7.7.3 – was updated; and</p> <p>11.6.18 Paragraph 7.9.2 (iii) – was updated to include, “making recommendations for EXCO / Council consideration on any matter relating to the funding of the Authority”.</p> <p>11.7 <u>Subsequent Events Policy</u> A normal annual review was made and there were no changes.</p> <p>11.8 <u>Related Party Policy</u> The following changes were made in the policy:</p> <p>11.8.1 Paragraph 7.2 - reference to a list of policies was updated;</p>	

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No.	Action Item	Person Responsible
	<p>11.8.2 Annexure A – Financial Disclosure Form was replaced with the one reviewed by Risk and Compliance; and</p> <p>11.8.3 Annexure B – Financial Disclosure Framework was replaced with the one reviewed by Risk and Compliance.</p> <p><u>Comments and Inputs</u></p> <p>11.9 With regards to the Travel Policy, Council enquired that, in reference to the Covid-19 pandemic, if travelling employees got stuck in another country by testing positive for Covid-19, whether the service provider will pay for the period of the quarantine, and if the payment of the Covid-19 test required for international travel will be covered in the policy.</p> <p>11.10 Management proposed that the issue related to Covid-19 be excluded from the policy, and that internal mechanisms such as claims procedures will be utilised.</p> <p><b>The submission was approved by Council.</b></p>	
12.	<p><b>Interim Financial statements for Q3 of 2020-21 FY</b></p> <p>The Chief Financial Officer presented the item:</p> <p>The purpose of the submission was to request Council to note the Interim Financial Statements for the period ended 31 December 2020.</p> <p>12.1 The Authority is required to prepare annual financial statements to be submitted to the Auditor General of South Africa (AGSA) and National Treasury (NT) by 31 May 2021, in terms of section 40(1) (b), (c) of the Public Finance Management Act.</p> <p>12.2 The Authority confirms the management assertions of completeness and accuracy with regard to the transactions accounted for in the Interim Financial Statements.</p>	CEO/CFO

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No.	Action Item	Person Responsible
12.3	The [REDACTED]	
12.4	[REDACTED]	
12.5	The [REDACTED]	
12.6	The Interim Financial Statements were reviewed by Internal Audit, [REDACTED] 12.6.1 Note 8 - [REDACTED] 12.6.2 Note 15 - [REDACTED] 12.6.3 The [REDACTED]	



No.	Action Item	Person Responsible
	<p>12.6.4 Notes [Redacted]</p> <p>12.7 A Year End Plan [Redacted]</p> <p><u>Comments</u></p> <p>12.8 Council enquired if [Redacted]</p> <p>12.9 Management indicated that the [Redacted]</p> <p>12.10 Council requested [Redacted]</p> <p><b>The submission was noted by Council.</b></p>	



No.	Action Item	Person Responsible
13.	<p><b>Cell C Payment Plan – Spectrum Licence Fees</b></p> <p>The Chief Financial Officer presented the item:</p> <p>The purpose of the submission was to request Council to approve the request by Cell C Limited (Cell C), for a payment plan in regard to Spectrum Licence Fees (SLF) for 2021/2022FY.</p> <p>13.1 On 15 March 2021, the Authority received correspondence from Cell C requesting that the Authority approve a payment plan for its SLF for the 2021/2021FY.</p> <p>13.2 Cell C submitted that the request is necessitated by the unforeseen circumstances beyond its control, and the negative impact of COVID-19 pandemic and the persistent severe liquidity constraints.</p> <p>13.3 In the 2020/21FY, Cell C was allowed to pay an amount of R59, 194 million in six (6) equal tranches commencing from 30 June 2020, 31 July 2020, 31 August 2020, 30 September 2020, 31 October 2020 and 30 November 2020. The agreement was adhered to including payment of interest.</p> <p>13.4 Regulation 17(5) read with regulation 42 of the Radio Frequency Spectrum Regulations, published in Gazette No. 38641, provides that <i>“All payments relating to the usage of radio frequency spectrum are payable annually on or before the due date, except those mentioned in sub regulation (4).”</i></p> <p>13.5 Regulation 42(5) provides that <i>“Any person who contravenes regulation 17(5) is liable to payment of interest on the outstanding amount at the interest rate provided for in terms of section 80 of the PFMA.”</i></p> <p>13.6 Further, section 2.7 of the Authority’s approved Administered Revenue Management policy of 12 December 2014, provides that: <i>“interest will be charged on all the late payments at the applicable interest rate determined by the Minister of Finance in terms of section 80 of the PFMA.”</i></p>	CEO/CFO



No.	Action Item	Person Responsible
	<p>13.7 Based on the reasons advanced by Cell C, the Finance Division recommends that the payment plan be implemented as follows; payment of R61 029 522 in six (6) equal tranches commencing on 31 March 2021 (R10 171 587), 30 April 2021 (R10 171 587), 31 May 2021 (R10 171 587), 30 June 2021 (R10 171 587) 31 July 2021 (R10 171 587) and 31 August 2021 (R10 171 587). It has to be noted that Cell has made its first instalment on 31 March 2021 of R10 171 587.</p> <p>13.8 The indicative interest payable by Cell C totalling R891 47731, will be paid as follows: 30 April 2021 (R292 607), 31 May 2021 (R241 888), 30 June 2021 (R175 564) 31 July 2021 (R120 944) and 31 August 2021(R60 472).</p> <p><b>The submission was approved by Council.</b></p>	
14.	<p><b>Update on ICASA Litigation Matters - Q4 2020/21 Financial Year</b></p> <p>The Executive Legal Risk and CCC presented the item:</p> <p>The purpose of the submission was to apprise Council of the litigation matters managed by the LRCCC in which the Authority has actively been involved in for the period ending 31 March 2021 (Q4 2020/21 financial year).</p> <p>14.1 During the fourth quarter, the Authority received two (2) review applications relating to the IMT licensing process from e.tv and MTN (Pty) Ltd (MTN). The e.tv application was a joinder to the Telkom SA SOC Ltd (Telkom) application that was launched against the Authority during Q3.</p> <p>14.2 As at 31 March 2021, the total number of litigation matters opposed by the Authority was Seventeen (17). Twelve (12) of these matters are review applications, three (3) labour related matters, one (1) contractual matter and one (1) matter for the recovery of funds.</p> <p>14.3 There were five (5) matters set down for hearing in the High Court and one matter, Impact Radio 103 FM which was set</p>	CEO/ ELRCCC

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No.	Action Item	Person Responsible
	<p>down for hearing on 15 February 2021, then postponed by agreement between the parties. It is worth noting that out of the four (4) hearings held, two (2) involved Telkom as highlighted herein below:</p> <p>14.4.1 On 2 February 2021, in the Telkom versus Chairperson of CCC and Chairperson of ICASA, the parties agreed to a consent Court Order in terms of which the CCC directive was reviewed and set aside and directing technical experts of Telkom and Vodacom to conduct a joint inspection in loco, and to prepare a joint report on technical requirements for submission to the CCC to adjudicate any dispute arising in regard to the report.</p> <p>14.4.2 In the urgent application filed by Telkom and e.tv, versus ICASA and Others. Judgment was granted in favour of Telkom, and ICASA is liable for the costs of opposing the application.</p> <p>14.4.3 There is one Labour Court matter involving a former employee which was heard on 10 February 2021, whereby judgment has been received.</p> <p>14.4.4 On the review application by Primedia (Pty) Ltd versus ICASA, judgment was reserved.</p> <p>14.4.5 On 19 March 2021 the Supreme Court of Appeal dismissed Telkom's petition for leave to appeal, with costs on the basis that the application lacked prospects of success and lacked compelling reasons for the appeal to be heard.</p> <p>14.4.6 There is currently one (1) active litigation matter involving a contractual dispute. This matter concerns the discrepancy on the contract price as the supplier alleges that the amount is R321,519.30 and the Authority appointed the supplier based on</p>	

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No.	Action Item	Person Responsible
	<p>the quoted price of R96, 238.60 which amount included set-up and twelve months' rentals.</p> <p>14.4.7 The recovery of funds matter involving the former CEO who, according to the Public Protector's report committed some financial irregularities, and which stipulates remedial action including, amongst others, that the Chairperson of ICASA institutes civil proceedings against the former CEO.</p> <p>14.4.8 The Authority currently has nineteen (19) inactive matters. Most of these matters, have come to a stand-still when the applicants realized that their cases lacked prospects of success.</p> <p>14.4.9 The total budget for external legal fees in relation to the Financial Year 2020/21 is R12,305,000. The legal fees expended as of 31 March 2021 was R8,9 million. This expenditure excludes outstanding invoices for services already rendered but not yet paid. The LRCCC Division is of the view that the remaining amount is adequate to settle all legal costs for the 2020/21 financial year.</p> <p><u>Comments and inputs</u></p> <p>14.4 Council requested clarity on whether or not, the position that the Authority has taken on the Telkom matter, and in relation to its position at the Competition Tribunal proceedings, will have an any impact on current IMT licensing case.</p> <p>14.5 Management indicated that the Competition Tribunal proceedings are to determine if, the transactions between Vodacom and Rain constitute a notifiable merger and has no bearing on the Telkom matter.</p> <p><b>Council resolved to note the submission.</b></p>	



No.	Action Item	Person Responsible
15.	<p><b>Comments by the Independent Communications Authority of South Africa on the draft National Policy on Data and Cloud, 2021</b></p> <p>The Executive Legal Risk and CCC presented the item.</p> <p>The purpose of the submission was to advise Council of the Draft National Policy on Data and Cloud, 2021 (the Proposed Policy) published in Government Gazette 44398 on 1 April 2021 and to recommend comments to be made by ICASA on same.</p> <p>15.1 Subsequent to the publication of the Proposed Policy direction in the Government Gazette, a Task Team was assembled with representatives from the Legal, Engineering and Policy and Research Divisions within the Authority.</p> <p>15.2 The Authority notes that the purpose of the Proposed Policy is to enable South Africans to realise the socio-economic value of data through the alignment of existing policies, legislation and regulations. Further, the Proposed Policy endeavours to establish conducive and enabling environment for the data ecosystem to thrive.</p> <p>15.3 This is in light of the use of data and its storage being pivotal to the digital economy and vital for promoting the adoption of Fourth Industrial Revolution (“4IR”) in South Africa, to grow the economy. The Proposed Policy recognises a need for South Africa to invest in broadband and data centre infrastructure, which includes ensuring that there is cloud computing capacity to ensure that South Africa can participate in the digital economy and e-commerce.</p> <p>15.4 The Proposed Policy appears to be geared towards inclusivity by creating an open-source framework that ensures optimal and wide participation in a digital economy rather than closed and exclusive systems. Furthermore, it is noted that the Proposed Policy recognises the shortcomings of existing policies and legislation aimed at facilitating a data driven economy, and to provide guidance or apposition on data storage, ownership, use and analytics. Thus, the Proposed Policy will assist in filling this gap by advancing one</p>	CEO/ ELRCCC



No.	Action Item	Person Responsible
	<p>of the national agendas identified in the National Development Plan 2030, which is to foster economic growth and increase investment.</p> <p><u>Comments</u></p> <p>Council requested that paragraph 10.7.4 in the draft policy which speaks to sector specific regulations and the role for ICASA, be addressed as the wording used in the policy is not clear and understandable.</p> <p><b>The submission was approved by Council.</b></p>	
16.	<p><b>Update on the Court ruling in relation to MTN's Rule 30A application to compel the release of Council audio recordings.</b></p> <p>The Executive Legal Risk and CCC presented the item.</p> <p>The purpose of the Submission was to apprise Council of the order handed down by the High Court, Gauteng Division, Pretoria (the High Court) on 16 April 2021, in relation to MTNs Rule 30A interlocutory application:</p> <p>16.1 The Rule 30A Application to compel the Authority to release the audio recordings was heard by the High Court, Gauteng, Pretoria on 14 April 2021 before judge [REDACTED]. The court delivered an interim order on 16 April 2021, and reserved judgment.</p> <p>16.2 The LRCCC Division notes that to date, at least three (3) other parties in separate court matters, have demanded to be furnished with audio recordings of the Council meetings during which their matters were discussed, namely: Postnet; Telkom and e.tv.</p> <p>16.3 On 16 April 2021, judge [REDACTED] ruled as follows:</p> <p>16.3.1 That the Authority and MTN enter into an appropriate confidentiality undertaking, the process be limited to selected MTN officials who</p>	CEO/ ELRCCC



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	<p>are in a position to give instructions to its legal representatives, and to selected officials of the Authority and its legal representatives, to give unrestricted sight of the complete transcript of the Council meeting of 3 September 2019; and audio recording of the meeting, in order to enable MTN to make appropriate decisions concerning the supplementation of its founding papers and amendment of the notice of motion where applicable; and</p> <p>16.3.2 Further, that the Authority pay the legal costs of MTN's Rule 30A Application on an attorney and client scale which costs will include costs of two counsels where employed.</p> <p>16.4 In the circumstances that ICASA was to apply for leave to appeal, it would have to demonstrate why an appropriate confidentiality regime could not address its concerns. This is likely to be difficult because the Court did not prescribe the terms of the confidentiality regime – the Court left it to ICASA and MTN to formulate a suitable confidentiality regime</p> <p><u>Comments and Inputs</u></p> <p>16.5 Council asked if the non- disclosure agreement would be shared with Council prior to being sent to MTN and further requested that immunity to councillors on their personal capacity be part of the agreement.</p> <p>16.6 Council further expressed that the granting of meeting recordings to every party that requested them, would end up impacting on the robust discussions that Council has during its deliberations. Council asked the legal department if there were any prospects of appealing the judgement.</p> <p>16.7 Management indicated that, If Council was of the view that an appeal was an appropriate step, it could be applied for once</p>	



No.	Action Item	Person Responsible
	<p>the judgment has been released. The Authority would have to apply for condonation of the late filing of the leave to appeal. The prospects have been advanced by Senior Counsel that it would be difficult for the Authority to demonstrate why a confidentiality regime would not be appropriate to address the concerns of Council.</p> <p>16.8 Council took a decision to wait until the judgment is handed down and then explore available options based on the reasons for judgment.</p> <p><b>The submission was noted by Council.</b></p>	
17.	<p><b>Internal Audit report on the Once Off Gratuity Payment for 2019/2020</b></p> <p>The Chief Audit Executive presented the item:</p> <p>The objective [REDACTED]</p> <p>17.1 Following the Council [REDACTED]</p> <p>17.1.1 [REDACTED]</p> <p>and</p> <p>17.1.2 The [REDACTED]</p>	CEO/CAE



No.	Action Item	Person Responsible
	<p><u>Resolution</u></p> <p>17.2 Council resolved [REDACTED]</p> <p>17.3 [REDACTED]</p> <p><b>The submission was approved by Council.</b></p>	
18.	<p><b>Capacity Building Programme for Employment Promotion Online webinar series 500 Days of Economic Policy Action: A Short-Term Policy Action Agenda for South Africa</b></p> <p>The Corporate Secretary presented the invitation.</p> <p>The invite was a request for [REDACTED] to present at the CBPEP Online webinar series 500 Days of Economic Policy Action: A Short-Term Policy Action Agenda for South Africa, on 3 June 2021, in his personal capacity.</p> <p><u>Resolution</u></p> <p>Council resolved that Cllr [REDACTED] attend the webinar, and further interact with the PRA division and prepare a presentation with thoughts from an ICASA point of view and share the presentation for comments.</p> <p><b>The invitation was noted by Council.</b></p>	Corporate Secretary
19.	<p><b>Invitation to Speak at the 2021 Dynamic Spectrum Alliance Virtual Global Summit</b></p> <p>The invite was a request for Councillor [REDACTED] to speak at the Dynamic Spectrum Alliance Global Summit being held virtually June 8-10, 2021.</p> <p>The DSA Global Summit is the premier global event bringing together leading regulators, spectrum authorities, industry experts and</p>	Cllr [REDACTED]

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No.	Action Item	Person Responsible
	<p>academics to discuss the opportunities and challenges with enabling spectrum sharing through the use of dynamic access technologies.</p> <p><u>Resolution</u></p> <p>Council resolved that Cllr ██████ attend the summit.</p> <p><b>The invitation was noted by Council.</b></p>	
20.	<p><b>General- Council Committee allocations</b></p> <p>The following Council Committees were allocated to the various Councillors as follows:</p> <p><u>Committees under Policy Research and Analysis:</u></p> <p>20.1 Draft regulations on Subscription Television Broadcasting market: The Chairperson is Cllr ██████ and the Deputy Chairperson is Cllr ██████</p> <p>20.2 Review the Must Carry Regulations: The Chairperson is Cllr ██████ and the Deputy Chairperson is Cllr ██████</p> <p>20.3 Review of the 2018 Call Termination Regulations: The Chairperson is Cllr ██████ and the Deputy Chairperson is Cllr ██████</p> <p>20.4 Signal Distribution Market Review: The Chairperson is Cllr ██████ and the Deputy Chairperson is Cllr ██████</p> <p>20.5 Review of the Regulations on Pricing of Reserved Postal Services: The Chairperson is Cllr ██████ and the Deputy Chairperson is Cllr ██████</p> <p>20.6 Review of Customer Care Standards for the postal sector: The Chairperson is Cllr ██████ and the Deputy Chairperson is Cllr ██████</p> <p>20.7 Discussion documents on Regulation relating to the Definition of Advertising and the regulation of Infomercials and Programme Sponsorship in Respect of Broadcasting</p>	Council





No.	Action Item	Person Responsible
	<p>Activities developed: The Chairperson is Cllr [REDACTED] and the deputy Chairperson is Cllr [REDACTED]</p> <p>20.8 Number of findings documents on the mobile broadband services market published: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]</p> <p><u>Committees under Licensing</u></p> <p>20.9 The amendment of the Standard Terms and Conditions Regulations for Class Licences (the project has been completed however, the committee is in the process of writing a report that will result in Council winding up the Committee): The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]</p> <p>20.10 Licencing an Individual Electronic Communications Network Service and Radio Frequency spectrum Licences for the purposes of providing Wireless Open Access network (WOAN): The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]</p> <p>20.11 Amendment of the Processes and Procedures Regulations for Class Licences (the project has been completed, however the committee is in the process of writing a report that will result in Council winding up the Committee): The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]</p> <p>20.12 Amendment of the Standard Terms and Conditions Regulations for Individual Licences: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]</p> <p>20.13 Amendment of the Processes and Procedures Regulations for Individual Licences: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]</p>	

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No.	Action Item	Person Responsible
20.14	The Licencing of Community Sound Broadcasting Services: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]	
20.15	Licensing of Digital Community Television Broadcasting services on MUX 1: The Chairperson of the Committee is Cllr [REDACTED] The deputy Chairperson is Cllr [REDACTED]	
20.16	Licencing of Commercial Sound broadcasting services in the Northern Cape: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]	
20.17	Licencing of the International Telecommunication Mobile Radio Frequency Spectrum bands (i.e. IMT700, IMT800, IMT2600 and IMT3500) for the provision of Broadband Wireless Access Services for urban and rural areas: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]	
20.18	Renewal of Individual Broadcasting Service and Radio Frequency Spectrum licences: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]	
20.19	Development of Equipment Authorisation Regulations: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]	
20.20	Committee on Review of Obligations: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]	
20.21	The review of the Numbering Resources: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]	
20.22	Development of Regulations on Limitation of Ownership and Control and Equity Ownership by Historically Disadvantaged Groups (the project has been completed however, the committee is in the process of writing a report that will result	



No.	Action Item	Person Responsible
	<p>in Council winding up the Committee): The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]</p> <p><u>Compliance Committee</u></p> <p>The monitoring coverage of local government Elections by broadcasting licensees: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]</p> <p><u>Engineering and Technology Council Committees</u></p> <p>20.23 Review of the Billing (regulation 8) and Quality of Service (QoS) regulations (regulation 9) of the End-User and Subscriber Service Charter Regulations (EUSSCR): The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]</p> <p>20.24 Standards Liaison Committee (SLC): The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]</p> <p>20.25 Development of the Rapid Deployment of Electronic Communications Facilities Regulations: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]</p> <p>20.26 Development of Discussion document on the Optimisation of the Frequency Modulation Sound Broadcasting: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]</p> <p>20.27 Development of recommendations towards enabling South Africa's uptake of 5G technologies: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is Cllr [REDACTED]</p> <p>20.28 Revision of the ICASA Migration Plan: The Chairperson is Cllr [REDACTED] and the deputy Chairperson is Cllr [REDACTED]</p> <p>20.29 Review and update of the National Radio Frequency Plan (NRFP) following WRC-19 outcomes to include provisions in</p>	



No.	Action Item	Person Responsible
	<p>the latest edition of ITU Radio Regulations: The Chairperson is Cllr [REDACTED] and the Deputy Chairperson is [REDACTED]</p> <p><u>The Committees of the Authority</u></p> <p>20.30 REMCO was allocated Cllr [REDACTED] and Cllr [REDACTED]</p> <p>20.31 AREDC was allocated Cllr [REDACTED] and Cllr [REDACTED]</p> <p>20.32 ITRC was allocated Cllr [REDACTED] and Cllr [REDACTED]</p> <p>20.33 CCC was allocated Cllr [REDACTED] and Cllr [REDACTED]</p> <p>20.34 CAP was allocated Cllr [REDACTED] and Cllr [REDACTED]</p>	
21.	<p><b>Closure</b></p> <p>The Chairperson thanked all who were present at the meeting and closed it at 13:46pm.</p>	Council
22.	Date of next meeting: TBA	Secretariat

  
Chairperson

30/07/2021