



Independent Communications Authority of South Africa

MINUTES OF A MEETING OF COUNCIL		
Date	18 July 2023	
Time:	09:00 – 14:00	
Venue:	Virtual- Microsoft Teams	
Present		
	██████████	Acting Chairperson
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
By Invitation		
	██████████	CEO
	██████████	Acting CFO
	██████████	Acting CAE
	██████████	Executive: LRCCC
	██████████	Corporate Secretary
	██████████	Secretariat Officer
	██████████	Secretariat Officer
Partial Attendees		
	██████████	Executive: Corporate Services
	██████████	Executive: Engineering and Technology
	██████████	Executive: Regions and Consumer Affairs
	██████████	RF Specialist: Licensing
	██████████	Manager: Broadcasting Frequency
	██████████	Manager: Communications & Reputational Management
	██████████	Senior Manager: Compliance: CCA
	██████████	SM: Social Policy for ICT Services

	██████████	Senior Manager: Type approval and numbering
Apologies	None	

No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>1.1. The Chairperson declared the meeting open at 09:00 and welcomed all present.</p> <p>The opening was noted.</p>	Chairperson
2.	<p>Ratification of agenda</p> <p>2.1. Item E6.2 (SMSPortal) of the agenda was moved to be item C1.2 of the agenda under Licensing and Compliance.</p> <p>2.2. Item 5 was deferred to the next Council meeting.</p> <p>2.3. Item 6 was deferred to the next Council meeting.</p> <p>2.4. Item 17.1 (Update regarding upcoming FISD Strategy) was added to the agenda under General.</p> <p>2.5. Item 17.2 (Concerns with the State of IT) was added to the agenda under General.</p> <p>The agenda was ratified with the above amendments.</p>	Council
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
4.	<p>Adoption of Minutes of Council</p>	Council
4.1.	<p>Minutes of Council: 18 May 2023</p> <p>The minutes were approved as presented.</p>	Council

No.	Action Item	Person Responsible
4.2.	Minutes of Council: 21 May 2023 The minutes were approved as presented.	Council
5.	Matters Arising Deferred to the next Council Meeting.	CEO
6.	International Engagements (“Standing Item”) Deferred to the next Council meeting.	CEO / Executive: Corporate Services
7.	Litigation Update (“Standing Item”) The Executive: LRCCC presented this item. <p>7.1. The Executive: LRCCC advised that, she would focus only on matters with a material change from the previous update provided to the Council. The Powerpoint presentation was circulated to Council with the meeting pack.</p> <p><u>Comments made:</u></p> <p>7.2. Council requested an update on the Telkom meeting that was held between the Acting Chairperson, CEO, and a delegation of Telkom Executives on 6 July 2023.</p> <p>7.3. Council was [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>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>7.4. Council requested an update regarding the processes for the appointment of the Authority's panel of attorneys. Council was informed that the contract with the panel of attorney's has expired.</p>	CEO / Executive: LRCCC

No.	Action Item	Person Responsible
	<p>The contract is currently being renewed on a month-to-month basis.</p> <p>7.5. Council noted with concern that it has been six months since the expiry of the contracts and still, the panel of attorneys has not been appointed. Council queried whether the delays won't lead to adverse AG findings. Council was advised that the Authority was instructed by the National Treasury to re-advertise. Further, there are contracts in place, albeit these are on a month-to-month basis.</p> <p>Council noted the litigation update.</p>	
8.	<p>Licensing of IMT ("Standing Item")</p> <p>Cllr Sithole and Manager: Broadcasting Frequency presented the submission.</p> <p>8.1. The purpose of the submission dated 18 July 2023 was to provide an update in relation to the IMT 2nd Phase Spectrum Licensing.</p> <p><u>Comments made:</u></p> <p>8.2. Council started by commending the Committee for the work done to date. Council queried whether a map is available with the geographic locations of the clinics, traditional offices etc to be connected. Council was of the view that there are likely a number of schools the department does not know about which are already connected (themselves) and therefore that, there needs to be a way of dealing with instances where schools and libraries are already connected and don't intend taking up any of the connections pursuant to the social obligations.</p> <p>8.3. Council queried whether it is the duty of the Authority to identify the public institutions. Council was informed that there is a Steering Committee which sits at DCDT, which is providing the Authority with the data.</p> <p>8.4. Council was advised that the Authority has not done a study to determine which schools are</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p>connected from the data received from DCDT. Data was requested from the network providers to list which schools they have already connected, and where these are located.</p> <p>8.5. Council sought clarity on whether it was possible to get the original map of the geographical locations.</p> <p>8.6. Council sought clarity on whether it was possible to get an independent evaluation of the process and progress. Council was informed that this input will be conveyed to the Committee for consideration.</p> <p>8.7. Council expressed that network operators should show keen interest in connecting unconnected schools, hospitals, libraries etc. Network operators should be held accountable, and to start implementing the obligations. Council was informed that the Committee has included the date of implementation as of (01 April 2024), and network operators have been informed that they will be monitored every six months.</p> <p>Council noted the update.</p>	
9.	<p>MTN Application for a Satellite-to-Phone RF Spectrum Trial Licence</p> <p>Senior Managers: Compliance, Type approval and numbering divisions</p> <p>presented the submission:</p> <p>9.1. The purpose of the submission dated 30 June 2023 was to recommend that Council approves the application submitted by Mobile Telephone Networks (MTN) for a Proof of Concept (PoC) Satellite-to-Phone in the 800 MHz band Radio Frequency Spectrum Trial Licence for a period not exceeding three (3) months.</p> <p><u>Recommendation to Council:</u></p>	<p>Executive: Licensing and Compliance</p>

No.	Action Item	Person Responsible
	<p>9.2. It was recommended that Council approves the Licensee's Application for a period not exceeding three (3) months.</p> <p><u>Comments made:</u></p> <p>9.2. Council expressed that issue of cross-border needed to be looked at, due to the testing being conducted close to the Lesotho border.</p> <p><u>Resolutions by Council:</u></p> <p>9.3. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
10.	<p>Establishment of an ADR Committee</p> <p>The Executive: Regions and Complaints presented the submission:</p> <p>10.1. The purpose of the submission dated 27 June 2023 was to request Council to approve the establishment of an Alternative Dispute Resolution (ADR) Committee and the terms of reference of the ADR Committee.</p> <p><u>Recommendation to Council:</u></p> <p>10.2. It was recommended that Council approve the request for the establishment of the ADR Committee together with the Terms of Reference which will be applicable to the Committee.</p> <p><u>Comments made:</u></p> <p>10.3. Council sought clarity on whether the recommendation is for the establishment or re-establishment of the ADR Committee. Council was informed that this needs to be confirmed. The submission and terms of reference will be amended to state that this Committee is being retabled, should it be verified that the Committee was previously established.</p>	<p>CEO / Executive: Regions</p>

No.	Action Item	Person Responsible
	<p>10.4. Council sought clarity on why the Committee needs a deputy project leader and suggested that a legal specialist be a standing member of the Committee. Council was informed that the terms of reference will be amended, so to include a legal specialist as a standing member.</p> <p>10.5. Councillor Lewis will share his inputs on the terms of reference with the Committee.</p> <p><u>Resolutions by Council:</u></p> <p>10.6. Council resolved to approve the submission, subject to the implementation of the above-mentioned inputs.</p> <p>The submission was approved.</p>	
11.	<p>Consultation with the DoJ & CD in relation to the Regulation of Interception of Communications and Provision of Communication-related information Act (Act No. 70 of 2002)</p> <p>Cllr ██████ presented the submission:</p> <p>11.1. The purpose of the submission dated 28 June 2023 was to request Council to approve:</p> <p>11.1.1. The consultation with the Department: Justice and Constitutional Development (DoJ & CD) in relation to the Regulation of Interception of Communications and Provision of Communication-related information Act, Act No. 70 of 2002 ("RICA"), and</p> <p>11.1.2. The Terms of Reference ("TOR") which aims to establish a Memorandum of Understanding ("MOU") between the Authority and DoJ for a collaborative regulatory framework.</p> <p><u>Recommendation to Council:</u></p> <p>11.2. It was recommended that Council approves:</p>	Cllr ██████

No.	Action Item	Person Responsible
	<p>11.2.1. The consultation process with the DoJ & CD in relation to the Regulation of Interception of Communications and Provision of Communication-related information Act, Act No. 70 of 2002 ("RICA"), and</p> <p>11.2.2. The establishment of Terms of Reference ("TOR") by the Authority and the DoJ & CD which aims to establish a Memorandum of Understanding ("MOU") between the Authority and DoJ & CD.</p> <p><u>Comments made:</u></p> <p>11.3. Council sought clarity on how the Authority manages numbering, when it does not have the data on how many numbers are unregistered. Council was informed that the responsibilities of the Authority are to manage the numbering plan, ensure sufficient allocation and management of numbers. Control measures have been put in place for licensees on an annual and during the application phase to provide an audit of the usage of numbers they are allocated.</p> <p>11.4. Council sought clarity on how the Authority will benefit from the MOU. Council was informed that the Authority does not regulate the numbers of subscribers, the MOU will resolve this as it will provide the Authority with the RICA data base. Currently there is no alignment between the registered sim cards, and the numbers issued by the Authority. Access to the data base will assist the Authority to develop strategies to manage the mandate of the Authority and DoJ & CD in relation to issues related to numbers.</p> <p>11.5. Council suggested that based on the concerns noted i.e., cyber-crime, the Authority should consider doing research and find ways to combat this.</p>	

No.	Action Item	Person Responsible
	Council resolved to approve the recommendation.	
12.	<p>Approval of the Publication of the Notice to Source Additional Information from Certain Stakeholders</p> <p>Cllr [REDACTED] chaired the tabling of this submission.</p> <p>Cllr [REDACTED] and Manager: Wholesale Services presented the submission:</p> <p>12.1. The purpose of the submission dated 05 July 2023 was to request Council to approve the following:</p> <p>12.1.1. Publication of the notice in the Government Gazette requesting additional information from certain stakeholders.</p> <p>12.1.2. Publication of the attached questionnaires or request for information on the Authority's website.</p> <p><u>Recommendation to Council:</u></p> <p>12.2. It was recommended that Council approves the following:</p> <p>12.2.1. Publication of the attached notice in the Government Gazette requesting additional information from certain stakeholders.</p> <p>12.2.2. Publication of the attached questionnaires or request for information on the Authority's website.</p> <p><u>Comments made:</u></p> <p>12.3. Council suggested that the media statement should indicate that the annexures will be sent to the broadcasters, or whether they will be published on the website.</p> <p>12.4. Council sought clarity on whether the responses to the three (3) questionnaires are restricted to</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p>entities who responded to round one (1), or other entities who did not respond to round (1). Council was informed that the questionnaires are targeted at the stakeholders who responded in round (1), but should other stakeholders want to respond, they are allowed to. This will be highlighted in the media statement.</p> <p>12.5. Councillor [REDACTED] will share his inputs on the questionnaires with the Committee.</p> <p><u>Resolutions by Council:</u></p> <p>12.6. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
13.	<p>Progress Report on the Hybrid Model Benchmark Study</p> <p>The Executive: Corporate Services presented the submission:</p> <p>13.1. The purpose of the submission dated 14 July 2023 was to provide Council with a progress report on the hybrid working model benchmark study.</p> <p><u>Recommendation to Council:</u></p> <p>13.2. It was recommended that Council takes note of the report and approves the following:</p> <p>13.2.1. The [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>13.2.2. Council to consider [REDACTED] [REDACTED]</p> <p>13.2.2.1. ICASA employees [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	<p>CEO / Executive: Corporate Services</p>

No.	Action Item	Person Responsible
	<p>[REDACTED]</p> <p>13.2.2.2. Council [REDACTED]</p> <p><u>Comments made:</u></p> <p>13.3. Council expressed [REDACTED]</p> <p>13.4. Council c [REDACTED]</p> <p>Council resolved to give the Hybrid Working Model Committee until end of September to finalise on the report and bring it to Council for a final determination.</p>	
14.	<p>Unsatisfactory Performance of Council Committees</p> <p>The Senior Manager: SPM presented the submission:</p> <p>14.1. The purpose of the submission dated 13 July 2023 was to present EXCO's interventions to address the unsatisfactory performance of Council Committees.</p> <p><u>Recommendation to Council:</u></p> <p>14.2. Based on the status quo analysis findings, EXCO recommends that Council approves the following interventions which EXCO aims to implement:</p> <p>14.2.1. EXCO will ensure that all Council Committees have relevant human resources in terms of skill types at their inception. To avert a situation experienced in the 5G Council Committee; two relevant officials PRA and SPM have since been allocated to the Committee.</p> <p>14.2.2. The amended Council Committee Members KPA.</p>	<p>CEO / Senior Manager: SPM</p>

No.	Action Item	Person Responsible
	<p>14.2.3. Continuous monitoring of all members of the Council Committees, including the Executives, to ascertain that roles as spelt out in the ICASA Project Management Methodology/Guidelines of February 2020 are executed.</p> <p>14.2.4. The standardised Council Committees Terms of Reference.</p> <p><u>Comments made:</u></p> <p>14.3. Council requested that the KPA format be amended, the measurements need to be clear.</p> <p>14.4. Council sought assistance from Executives regarding the challenges (non-attendance by Committee members) experienced in Council Committees. Council also highlighted the issue of lack of participation of members, when attending Council Committee meetings.</p> <p>14.5. Council sought clarity on whether the challenges raised by project leaders of Council Committee members not doing quality work due to use of consultants, resulting in a risk of subversion of ICASA's independence. Also, the challenge of lack of confidence of Council Committee members, how can this be dealt with.</p> <p>14.6. Council expressed that focus should not be on the unsatisfactory performance of Council Committees, the focus should be on the measures to improve on the performance of Council Committees.</p> <p>14.7. Council suggested that a KPA of Committee members volunteering to take on extra work, be included. A measurement of five (5) will be achieved when a Committee member has taken two (2) or more extra tasks.</p> <p>14.8. Council suggested that attendance of Council Committee meetings should be added as a KPA.</p>	

No.	Action Item	Person Responsible
	<p>14.9. Council suggested that it could be made mandatory for consultants procured by a Council Committee, to render at least one (1) training session for the Council Committee members, as part of their project plan.</p> <p>14.10. Council noted with concern that the issue of performance management is a widespread throughout the organisation. Council acknowledged employees who go the extra mile in their respective positions.</p> <p>14.11. Council expressed that the wording of the submission and the presentation needs to be amended, at its current format implies that the Authority is dysfunctional/ no work is being done.</p> <p>14.12. Council sought clarity on slide four (4) of the presentation, which states that almost all Council Committees are lacking 5G competencies. Council was informed that a finding that a Committee was lacking in terms of the relevance skills, was identified, and then subsequent to that the required skills were provided to the Committee.</p> <p>14.13. Council expressed that it is the responsibility of Executives to ensure that staff members who are participating in Council Committees, are truly participating fully. Should staff members not fully participate in the Council Committees they are assigned to, Councillors should communicate this to the CEO.</p> <p><u>Resolutions by Council:</u></p> <p>14.14. Council resolved to give time the CEO and Executives to amend and implement the KPA for Council Committee participation.</p> <p>14.15. Council resolved that the KPA needs to be clear to avoid ambiguity.</p> <p>14.16. Council resolved that there is a need for staff members to be workshopped on the PMS.</p>	

No.	Action Item	Person Responsible
	<p>14.17. Council resolved to approve recommendation 14.2.1, 14.2.3, and 14.2.4, subject to the amendment of 14.2.4.</p> <p>The submission was approved, subject to the above-mentioned inputs being implemented.</p>	
15.	<p>SANDF Legal Opinion</p> <p>The Executive: Legal and CCC and Senior Manager: Legal (Regulatory Support & Legislative Drafting) presented the submission:</p> <p>15.1. The purpose of the submission dated 23 June 2023 was for Council to consider and approve the recommendation proposed by the Legal, Risk & CCC Division ("LRCCC") regarding the outstanding funds owed by South African National Defence Force ("SANDF").</p> <p><u>Recommendation to Council:</u></p> <p>15.2. The LRCCC recommends as follows:</p> <p>15.2.1. That Council consider and approve this submission and proceed by meeting with the SANDF as requested in order to finalize the payment of the outstanding invoice.</p> <p>15.2.2. Where there is no meeting of minds in that the SANDF contests to paying the invoice, the Authority should then approach the Minister of Communications and Digital Technologies for engagement with the Minister of Defence.</p> <p><u>Comments made:</u></p> <p>15.3. Council opined that no significant progress has been made from 2014 until now.</p>	<p>CEO / Executive: Legal and CCC</p>

No.	Action Item	Person Responsible
	<p>15.4. Council requested a timeline of how much and when the different payments were made by SANDF.</p> <p>15.5. Council sought clarity on whether there is any written acknowledged by SANDF to owing R█ █ to the Authority. Council was informed that no acknowledgement of debt has been furnished to the Authority.</p> <p>15.6. Council sought clarity on whether SANDF is a Licensee. Council was informed that from 01 April 2012 to 31 March 2020 SANDF was not a licensee, the CCC would not have jurisdiction over the matter. The Licensing and Compliance division did not issue a license to SANDF due to the o outstanding fees.</p> <p><u>Resolutions by Council:</u></p> <p>15.7. Council resolve that should the meeting with SANDF not be successful, the matter will be escalated to the Minister.</p> <p>Council resolved to approve the submission.</p>	
16.	<p>SMS Portal Legal Opinion</p> <p>The Senior Manager: Legal (Regulatory Support & Legislative Drafting) and the Senior Manager: Compliance: CCA presented the submission:</p> <p>16.1. The purpose of the submission dated 03 July 2023 was to request Council to:</p> <p>16.1.1. █ █ █ █ █ █ █</p> <p>16.1.2. █ █ █ █ █ █ █ █ █</p>	<p>CEO / Executive: Legal and CCC</p>

No.	Action Item	Person Responsible
	<p>applying section 13 (1) of the Electronic Communications Act, 2005 ("the ECA").</p> <p><u>Recommendation to Council:</u></p> <p>16.2. It was our recommendation as per the attached legal opinion, that:</p> <p>16.2.1 Council [REDACTED]</p> <p>16.2.2 The [REDACTED]</p> <p><u>Comments made:</u></p> <p>16.3. Council queried if this is not the same matter that's currently enrolled in the courts, [REDACTED] provided an update on under the Litigation Update item.</p> <p>16.4. Council was [REDACTED]</p> <p>16.5. Council sought more [REDACTED]</p> <p>16.6. Council was advised [REDACTED]</p>	

Commented [NPS1]: ??????

No.	Action Item	Person Responsible
	<p style="text-align: center;">██ ██</p> <p>Council resolved to approve the recommendation.</p>	
17.	General	
17.1	<p>FISD Strategy</p> <p>17.1.1 Acting Chairperson advised Council of the FISD Strategy to be held next Tuesday in Cape Town. On 24 and 25 July 2023, which she will be attending. Councillors were requested to provide the Acting Chairperson with inputs (if any) of burning issues of high priority and critical matters that she can take with her to the FISD Strategy session. Councillors may share their thoughts by email or text.</p>	Acting Chairperson
17.2	<p>Concerns regarding the State of IT</p> <p>17.1.2 Council sought clarity on the measures that are in place to improve the current state of IT at ICASA. Council was informed that the network line has been upgraded, the issue of the lack of connectivity for employees who were attending ITU in Geneva was isolated and is being resolved. Furthermore, Council was informed that the appointment of the CIO is being finalised.</p> <p>17.1.3 Council was informed that Executive: HR is finalising a submission on the issue of the written representations made by the two (2) ITRC members, which will also request approval for the commencement of the recruitment process in relation to ITRC member vacancies.</p>	Cllr ██████████
18.	<p>Closure</p> <p>The Acting Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 14:23.</p>	Acting Chairperson

Signed: ██████████
Yolisa Kedama
(Acting Chairperson)

Date: 20-08-2023