



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
Date	22 March 2022	
Time:	08:00	
Venue:	Microsoft Teams	
Present	██	Chairperson
	████████████████	Councillor
	████████████████████████████████████	Councillor
	████████████████████████████████████	Councillor
	██	Councillor
By Invitation	██	CEO
	████████████████████████████████████	CFO
	██	CAE
	██	Corporate Secretary
	██	Secretariat Officer
	██	Secretariat Officer
Partial Attendees	████████████████████████████████████	Executive: Corporate Services
	████████████████████████████████████	Executive: LRCCC
	████████████████████████████████████	CCC Coordinator
	██	SM: ICT Licensing Services
	████████████████████████████████████	Executive: Licensing and Compliance
	████████████████████████████████████	RF Specialist: Licensing
	████████████████████████████████████	Type Approval Specialist
	██	SM: Type Approval / Acting SM: Spectrum Licensing
	██	Manager Content Services: PRA
	████████████████████████████████████	CCC Assessor
	██	Radio Frequency Specialist
	████████████████████████████████████	SM: Market Regulation
	██	Manager Wholesale Services
	████████████████████████████████████	SM: Talent and Performance Management
Apologies		

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No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>1.1. The Chairperson opened the meeting at 08:00 and welcomed all present.</p> <p>1.2. [REDACTED]</p> <p>1.3. There were no apologies noted.</p> <p>1.4. Chairperson requested Councillors to block their calendars from Monday to Wednesday next week for APP matters.</p> <p>The opening and apologies were noted.</p>	Chairperson
2.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
3.	<p>Ratification of the Agenda</p> <p>The agenda was ratified as follows:</p> <p>3.1 Approval of Discussion Document on the Optimisation of the Frequency Modulation (FM) Sound Broadcasting for publication in the Government Gazette was deferred to the next meeting of Council.</p> <p>3.2 Mobile Broadband Inquiry was deferred to the next meeting (Council requested that the submission should factor the outcome of the Auction and what it means for the outcomes of the inquiry).</p> <p>3.3 The Matters Arising document was deferred to the next meeting of Council.</p>	All

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No.	Action Item	Person Responsible
	The agenda was ratified.	
4.1	<p>Minutes of Ordinary Council Meeting: 23 November 2021</p> <p>The minutes were adopted as presented.</p>	Council
4.2	<p>Minutes of Special Council Meeting: 26 November 2021</p> <p>The minutes were adopted as presented.</p>	Council
4.3	<p>Minutes of Special Council Meeting: 09 December 2021</p> <p>The minutes were adopted as presented.</p>	Council
5.	<p>Matters Arising</p> <p>The Matters Arising document was deferred to the next meeting of Council.</p>	CEO
6.	<p>International Engagements (Standing Item)</p> <p>The Executive: Corporate Services presented the two (2) submissions.</p> <p><u>11th CRASA Annual General Meeting</u></p> <p>6.1. The purpose of the submission was to request Council to note some of the issues of the 11th CRASA AGM to be held on the 31st of March to 01st of April 2022.</p> <p>6.2. The Communications Regulators' Association of Southern Africa will host its 11th Annual General Meeting (AGM). All the</p>	CEO / Exec: Corporate Services

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	<p>Specialised Committees attend the AGM. Councillor Yolisa Kedama is tasked with leading the ICASA delegation, with assistance from Councillor Luthando Mkumatela and ICASA Officials who participated in the various CRASA Committee.</p> <p>6.3. Prior to the AGM, the Executive Committee of CRASA receives consolidated reports from all the Specialised Committees for presentation and consideration by the AGM.</p> <p>6.4. ICASA will hold its preparatory meeting a week before the AGM takes place when all meeting documents are available. The meeting will work on the ICASA Position Paper for the AGM.</p> <p>6.5. It was recommended that Council note some of the issues of the 11th CRASA AGM to be held on the 31st of March and 01st of April 2022.</p> <p><u>Invitation to a bilateral meeting between ICASA and the office of the NBTC in Thailand</u></p> <p>6.6. The purpose of the submission was to request Council to consider and approve the request for a Bilateral engagement by means of a Memorandum of Understanding (MOU) from the National Broadcasting and Telecommunications Commission (NBTC), Thailand.</p> <p>6.7. ICASA received a letter from the NBTC requesting to engage in a bilateral meeting with the Authority. The NBTC is encouraged by the fact that both regulators share similar roles in the telecommunications and broadcasting regulatory space and is looking to share experiences, information, and knowledge in areas of common interest. The NBTC is proposing the signing of the MOU to be held virtually in July 2022.</p> <p><u>It was recommended that Council:</u></p>	

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No.	Action Item	Person Responsible
	<p>6.8. Note the letter from the NBTC.</p> <p>6.9. Approve the engagement between ICASA officials and the NBTC.</p> <p><u>The following comments were made:</u></p> <p>6.10. Council resolved that Management should prepare an MOU register for presentation at Council during the month of April 2022, which should highlight an overview in relation to MOUs. The register should highlight:</p> <p>6.10.1 The MOUs that are currently in a draft stage. 6.10.2 The relevant timelines in relation to the above.</p> <p>6.11. Council requested that the Authority should look into the background about the quality status standing regulation of the ICT sector in Thailand, for a fruitful discussions between the two regulators.</p> <p>6.12. Management informed Council that the resolutions of Council have been noted.</p> <p>6.13. Council resolved that the MOU with Thailand would be concluded during the requested MOU registers presentation.</p> <p>The submissions were noted by Council.</p>	
7.	<p>Licensing of IMT (Standing Item)</p> <p>7.1. Council was advised that the Authority was conducting the assignment round of the Auction on 22 March 2022, which was scheduled to begin at 09:30.</p> <p>7.2. The IMT Spectrum Licensing Committee (the "Committee") needs to issue the awards letters to be sent to the successful bidders. Once the letters have been sent out, the bidders will then pay the fees applicable.</p>	Cllr [REDACTED]

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	<p>7.3. The Committee will conduct a proper calculation on the 700MHz and 800MHz bands.</p> <p>7.4. The Committee needs to finalise the draft licences to be issued, bearing in mind the social obligations that need to be incorporated.</p> <p>7.5. The Committee is in the process of drafting a comprehensive conclusive report which will be submitted to Council.</p> <p><u>The following comments were made:</u></p> <p>7.6. Council applauded the team on the work done.</p> <p>7.7. Council resolved that the Committee should prepare a process mapping slide, which should be shared with Secretariat and further disseminated to the SteerCo. The presentation should give a global map of the processes of the Authority.</p> <p>7.8. The Committee informed Council that the letters to be issued on 22 March 2022, are for successful bidders, stating the assignment and location within the band and the commitment of the bidders.</p> <p>7.9. Council resolved that following the current administrative step, the Authority should arrange a session of gratitude for the Committee.</p> <p>The update was noted by Council.</p>	
8.	<p>Recommendation by Complaints and Compliance Committee to Council in the matter between CCA Broadcasting Compliance and ESAT TV (Pty) Ltd.</p> <p>The CCC Coordinator presented the submission.</p> <p>8.1. The purpose of the submission was to table the recommendation of the Complaints and Compliance</p>	Cllr [REDACTED]

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No.	Action Item	Person Responsible
	<p>Committee (“CCC”) in the matter between CCA Broadcasting Compliance (“Complainant”) and E.sat TV (“Respondent”).</p> <p>8.2. On 07 September 2020, the Broadcasting Compliance Unit of the Compliance & Consumer Affairs (“CCA”) lodged a complaint with the CCC against E.sat TV for the following allegations of contravention:</p> <p>8.2.1 That the Respondent has contravened Regulation 5(1) of the Standard Terms and Conditions for Individual Electronic Communications Services Regulations of 2010, as amended (“the Regulations”).</p> <p>8.2.2 The Complainant alleged that the Respondent was granted its Commercial Subscription TV Broadcasting Service Licence on 21 July 2009 and has to date failed to commence operations.</p> <p>8.2.3 That the Respondent has contravened Regulation 5(4) of the Regulations. Regulation 5(4) states that: “Where a Licensee fails to adhere to the extension, this will constitute non-compliance and will be referred to the CCC to take a decision on cancelling the Licence in terms of section 14 of the Act and section 17D of the ICASA Act”.</p> <p>8.2.4 The Complainant alleges that the Respondent failed to commence operations in terms of the extension which it was granted by the Authority. The extension expired on 04 October 2013.</p> <p>8.3. The hearing of the CCC to hear oral arguments from the parties was held on 11 November 2021. The matter was initially set down for hearing on 22 April 2021. However, the parties requested postponement of the hearing to allow for a Settlement Agreement process and it was granted by the CCC.</p> <p><u>Recommendation to Council:</u></p> <p>8.4. The CCC recommends the following order:</p>	

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No.	Action Item	Person Responsible
	<p>(a) A desist order; and (b) That the settlement agreement between CCA and E.sat TV (Pty) Ltd, marked "X" (E.sat) and dated 15 November 2021, be made an order of Council to the parties.</p> <p>The submission was approved by Council.</p>	
9.	<p>Recommendation by CCC to Council in the matter between Ndiitwani Mutangwa and Vhembe FM</p> <p>The CCC Coordinator presented the submission.</p> <p>9.1. The purpose of this memo is to table the recommendation of the CCC in the matter between Mr. Ndiitwani Mutangwa and Vhembe FM.</p> <p>9.2. On 18 June 2021, [REDACTED] ("the Complainant") lodged a complaint with the CCC for investigation in terms of section 17B(a) of the Independent Communications Authority of South Africa ("ICASA") Act No. 13 of 2000.</p> <p>9.3. [REDACTED] alleged that Vhembe FM has contravened Regulation 3(1)–3(2), 11(2) – 11(3), 12(2) and 14(1) of the Regulations regarding the Code of Conduct for Broadcasting Service Licensees issued in terms of Section 54 of the Electronic Communications Act No. 36 of 2005 ("The Code of Conduct").</p> <p>9.4. Violence and Hate speech- Regulation 3(1): -</p> <p>9.4.1 [REDACTED] alleged that during a radio interview broadcast by Vhembe FM on 12 May 2021 between 11h00 and 12h00, [REDACTED] (the presenter) and three residents of the Dzingahe village ([REDACTED] and [REDACTED]) uttered hate speech remarks on-air criticizing the community leadership, wrongfully alleging that stands were being sold to the people for R15 000 to R50 000 and that community funds were being loaned to some community members.</p>	Cllr [REDACTED]


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	<p>9.4.2 [REDACTED] a alleged that [REDACTED] and Ms [REDACTED] broadcast views promoting violence against him during the radio broadcast by stating that “Civic and Village Council members demanded sexual favours from the community members before they could assist them with service delivery.”</p> <p>9.4.3 [REDACTED] a alleged that Vhembe FM allowed the hosts to make untruthful remarks without consideration of his privacy, dignity and reputation.</p> <p>9.4.4 Furthermore, [REDACTED] alleged that Vhembe FM failed to afford the Dzingahe leadership a right of reply, thereby contravening Regulation 11(2) – 11(3) and 12(2).</p> <p>9.5. At the hearing on 21 October 2021, Mr [REDACTED] [REDACTED] as director of the Board, represented Vhembe FM. [REDACTED] from the Compliance and Consumer Division at ICASA presented the historical background at the hearing.</p> <p>9.6. The CCC noted the concerns regarding the faction fights among key players within the station that were raised. Mr Maluleke stated that Vhembe FM did not deliberately tarnish the names of leadership on the show broadcast and that the contentious topic of service delivery from Eskom spurred the debate.</p> <p>9.7. The CCC recommends that the following order be issued by Council of ICASA to direct Vhembe FM as follows:</p> <p>9.7.1 To desist from further contravening Regulation 14(1) of the Code of Conduct.</p> <p>9.7.2 Vhembe FM is directed to take the following remedial steps:</p> <p>9.7.2.1 Issue an apology to the Complainant and that such apology be broadcast once just before the introduction of any regular/popular live show. During the same broadcast, Vhembe FM is directed</p>	

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	<p>to distance itself from the utterances of its guests concerning the Complainant made on 12 May 2021 during a talk show on 'lack of service delivery'.</p> <p>9.7.2.2 The broadcast in paragraphs 4.1.2.1. above be made within 14 days after ICASA has published its findings.</p> <p><u>The following comments were made by Council</u></p> <p>9.8. Council expressed concern over the interpretation of the recommendation and the implementation of the recommendation. Council was of the view that one broadcast would not be sufficient.</p> <p>9.9. Council expressed that the submission was not clear as to which recommendation was upheld, and which was not upheld.</p> <p>9.10. The Committee informed Council that the relief that the Complainant was seeking an apology and the complainant will take part in choosing the program that will broadcast the apology.</p> <p>9.11. Council resolved to amend the order to read as follows:</p> <p>"Issue and apology to the complainant and that such apology be broadcast once a day, just before the introduction of any popular live show that airs between 7am and 9am, and this should be done for three consecutive days. The apology airing dates will be concluded after consultation with the complainant"</p> <p>The submission was approved by Council.</p>	
10.	<p>Recommendation by CCC to Council in the matter between Primedia (Pty) Ltd Versus Pretoria FM and its seven affiliate radio stations (Radio Dagbreek, Radio Kransberg, Radio Magaliesberg, Radio Naboom, Radio Tafelkop, Radio Wolkberg, And Radio Ysterburg)</p> <p>The CCC Council member presented the presentation.</p>	<p>Cllr [REDACTED]</p> <p></p>



No.	Action Item	Person Responsible
	<p>10.1. The purpose of this submission was to table the recommendations of the CCC in the matter between Primedia and Pretoria FM together with its seven (7) affiliate radio stations.</p> <p>10.2. On 31 May 2021, Primedia lodged the afore-mentioned matter for investigation by the CCC in terms of Section 17B(a) of the ICASA Act.</p> <p>10.3. The charges levelled against Pretoria FM and its seven (7) affiliate radio stations are as follows: -</p> <p>10.3.1 Clause 10(2) of the Community Broadcasting Service Regulations provides that “programme syndication or network and programme sharing shall not exceed twenty percent (20%) of the community broadcasting licensee’s programming. The allegation is that Pretoria FM, Radio Dagbreek, Radio Kransberg, Radio Magaliesberg, Radio Naboom, Radio Tafelkop, Radio Wolkberg, and Radio Ysterberg do not comply with the prohibition against programme sharing/networking.</p> <p>10.3.2 Clause 4(9) of the ICT Covid-19 Regulations provides that “Programme syndication must not exceed forty five percent (45%) per week of a broadcasting service licensee’s programming.” The allegation is that Pretoria FM has been programming sharing/or networking and/or programme syndicating hundred percent (100%) (above the specified limits) of its programming to its seven affiliate stations, since at least 2015.</p> <p>10.3.3 The allegation is that Pretoria FM’s broadcast coverage area is not limited to the greater Pretoria and its immediate surrounding areas within the City of Tshwane Metropolitan Municipality in the Gauteng province as set in its licence. The licensee’s coverage area has been greatly extended as a result of broadcasting its programming on all of the transmitters licensed to its seven affiliate stations.</p> <p>10.4. The CCC heard arguments from both parties on 23 September 2021. Primedia argued that Pretoria FM’s</p>	<p style="text-align: right;">KM</p>



No.	Action Item	Person Responsible
	<p>admission that it is essentially broadcasting 100% of the same programming, is a replication of its own service, over all of its affiliate radio stations.</p> <p>10.5. ICASA issued different licences for each of the affiliate radio stations and each with their own spectrum licence. According to Primedia the issuing of these licences to each affiliate radio station is a clear indication that they are separately licenced services and not one licensee as stated by Pretoria FM.</p> <p>10.6. Pretoria FM made an unequivocal admission that they are broadcasting 100% of the same content with its affiliate radio stations. Pretoria FM stated that it is undisputed that ICASA issued different licences for its affiliate radio stations, however, there are similarities in all these licences.</p> <p>10.7. Firstly, Pretoria FM is reflected as the licensee in all the other licences. Secondly, the community to be served by the licensee is defined in all the licences under clause 4 of each licence, which is to provide services to a Boere Afrikaner community of interest residing within the geographic areas specified on each licence. Therefore, there is one licensee being Pretoria FM and it is licensed to broadcast to seven (7) different areas.</p> <p><u>Recommendation to Council:</u></p> <p>10.8. The CCC's finding is that the complaint is not upheld, therefore no order is advised to Council.</p> <p><u>The following comment was made:</u></p> <p>10.9. Council expressed the view that when a complaint is not upheld by the CCC, the recommendation by the CCC should be to request Council to approve the recommendation of no order being granted. Council requested that in future that order should have that reflection.</p> <p>10.10. Council resolved to approve that the complaint in the matter is not upheld.</p>	<p style="text-align: right;">KM</p>



No.	Action Item	Person Responsible
	<p>The submission was approved by Council.</p>	
<p>11.</p>	<p>Recommendation by CCC to Council in the matters between:</p> <p>(1) Kagiso Media (Pty) Ltd and Classic FM SA (Pty) Ltd</p> <p>(2) Primedia (Pty) Ltd and Classic FM SA</p> <p>The CCC Council member presented the submission.</p> <p>11.1. The purpose of this submission was to table the recommendations of the CCC in the matters between Kagiso Media, Primedia (Complainants) against Classic FM (Respondent to Council).</p> <p>11.2. On 6 July 2021 and 31 August 2021, Primedia and Kagiso Media lodged similar complaints against Classic FM respectively, with the CCC for investigation in terms of section 17B(a) of the ICASA Act.</p> <p>11.3. The Complainants allege that Classic FM has contravened Clause 1 and 5 of the Schedule of its Individual Broadcasting Service Licence, Regulation 11(3) of the 2010 Regulations Regarding Standard Terms and Conditions for Individual Licences (as amended) and sections 5(12) and 10 of the Electronic Communications Act No. 36 of 2005 which provides as follows:</p> <p>11.3.1 Clause 1 of the Schedule to the Licence: - "Name of Station-Classic FM 1027." The Complainants allege that Classic FM unilaterally and unlawfully changed the name of its station, from Classic FM 1027 to Hot FM 1027 without following the prescribed procedure.</p> <p>11.3.2 Clause 5 of the Schedule to the Licence: - "Format- The Licensee shall provide 50% Classical Music and 50% Old Skool and R&B Music."</p> <p>11.4. The CCC heard the first matter, Kagiso v Classic FM on 18 November 2021 while the second matter, Primedia v Classic FM, was heard on 19 November 2021. In both matters the facts as well as the issues to be determined were identical. The submissions by the parties' counsel overlapped, which</p>	<p>Cllr [REDACTED]</p> <p style="text-align: right;">KM</p>



No.	Action Item	Person Responsible
	<p>necessitated the combination of the two proceedings in one judgment.</p> <p><u>The following recommendation was made to Council:</u></p> <p>11.5. The CCC recommends that the following order be issued by Council of ICASA to direct Classic FM as follows:</p> <p>11.5.1 To desist from any further contravention of the Act, the Regulations and its licence terms and conditions, relating to the change of name of the station and the format obligations.</p> <p>11.5.2 Classic FM to take the following remedial step:</p> <p>11.5.2.1 Within 7 days after ICASA has published its findings, apply for a licence amendment to ICASA in the prescribed form with a view to changing the name of the station.</p> <p>11.5.2.2 Classic to pay a fine in the amount of R25 000 of which R10 000 would be payable immediately and the balance suspended for 24 months on condition that there is no repeated non-compliance during the period of suspension.</p> <p><u>The following comments were made:</u></p> <p>11.6. Management requested clarity on whether the CCC judgment states that when a Licensee changes its name, the process should be done through an application to amend a license. Management requested the distinguishing factor used by the CCC.</p> <p>11.7. The CCC held that a change for a licensee requires a notification, and further that a change of the name of the station requires an amendment of a license as it involves members of the public.</p> <p>The submission was approved by Council.</p>	

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No.	Action Item	Person Responsible
12.	<p>Recommendation by CCC to Council in the matter between Avhaphani Nemakhavhani and Choice FM</p> <p>The CCC Council member presented the submission.</p> <p>12.1. The purpose of this submission was to table the recommendation of the CCC in the matter between Avhaphani Nemakhavhani and Choice FM.</p> <p>12.2. On 29 March 2021, the Complainant (Mr. Avhaphani Nemakhavhani) lodged the above-mentioned matter to the CCC for investigation in terms of section 17B(a) of the ICASA Act No.13 of 2000.</p> <p>12.3. The charges levelled against Choice FM are outlined as follows: -</p> <p>12.3.1 Schedule 1, regulation 10A(7)(d) of the Standard Terms and Conditions Regulations for Class Licences, as amended states that; "The Board of Directors/ Trustees and Station Management must not occupy dual roles with regard to being managers/presenters at the radio station". The Complainant alleged that Mr. Shonisani Muleya is occupying dual roles as a presenter, part of the management and Trustee of Choice FM.</p> <p>12.3.2 Regulation 13(1), (2) and (5) of the Community Broadcasting Services Regulations read with Schedule 1, Regulation 10A(7)(a) and (b) of the Standard Terms and Conditions Regulations for Class Licences as amended states that; (a) "A Licensee must be owned by Community members with the Board of Directors as custodian of the License".</p> <p>12.3.3 The Complainant alleged that Choice FM is not owned by Thulamela Community members. (b) "A Licensee must encourage the community members within its coverage area to participate in ownership, management of television station or radio station". The Complainant alleged that the Board of Trustees for Choice FM do not allow the community members to participate in the affairs of Choice FM.</p>	<p>Cllr [REDACTED]</p> <p style="text-align: right;">KM</p>



No.	Action Item	Person Responsible
	<p>12.3.4 The Complainant alleged that Choice FM does not broadcast local originating programmes, within its coverage area. Choice FM is dependent on programming by Energy FM for news bulletins, current affairs, sports programmes and breakfast shows.</p> <p>12.3.5 The Complainant alleged that Choice FM does not have policies dealing with mechanisms for community participation, programming format and language policy.</p> <p>12.3.6 The Complainant alleged that the radio station does not have programming committees, which enable community members to participate in the programming of Choice FM.</p> <p>12.4. The CCC heard oral arguments from both parties on 6 October 2021.</p> <p>12.5. The CCC made the following finding:</p> <p>12.5.1 That the charge in respect of schedule 1 Regulation 10A (7)(d) of the Regulations on Standard Terms and Conditions for Class Licences as amended on 30 March 2016, is upheld.</p> <p>12.5.2 That the charge in respect of regulation 13(1), (2) and 5 of the Community Broadcasting Services Regulations read with Schedule 1 regulation 10(A)(7)(a) and (b) of the Standard Terms and Conditions Regulations for Class Licences as amended, is upheld.</p> <p>12.5.3 That the charge in respect of regulation 10(1) of the Community Broadcasting Services Regulations of 2019 - Complaint is not upheld.</p> <p>12.5.4 That the charge in respect of regulation 10(3) of the Community Broadcasting Services Regulations of 2019 - Complaint is upheld.</p>	



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No.	Action Item	Person Responsible
	<p>12.5.5 That the charge in respect of regulation 13 (3) and 4 of the Community Broadcasting Services Regulations - Complaint is upheld.</p> <p><u>The CCC's recommendation to Council</u></p> <p>12.6. The CCC recommends Council issues the following order in terms of section 17E (2) of the ICASA Act No. 13 of 2000:</p> <p>12.6.1 The Licensee is directed to desist from any further contravention of the above-mentioned Regulations; and</p> <p>12.6.2 The Licensee is directed to take the following remedial action:</p> <p>12.6.2.1 Convene an Annual General Meeting (AGM) at which an election of members of the Board shall take place, within forty-five (45) days after ICASA has published its Finding and Order;</p> <p>12.6.2.2 Give notice to the public of the AGM concerned by announcing the venue, date and time of the AGM on air, once at the end of news bulletins, daily, one week before the date of the meeting.</p> <p>12.6.2.3 The Licensee is directed to pay as a fine an amount of R15000 in respect of the non-compliance mentioned in paragraph 4.2.1 above. Such fine to be paid within 30 days after ICASA has published its decision.</p> <p><u>The following comments were made:</u></p> <p>12.7. Council expressed concern if the AGMs on their own would solve the problems, like the absence of the relevant policy and the absence of the programming committees.</p> <p>12.8. CCC informed Council that the comments made were noted. The CCC members further explained that the rationale behind making an order for an AGM was to enable the station</p>	

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No.	Action Item	Person Responsible
	<p>to host the AGM and elect a board of directors through the AGM, and further to establish the necessary committees.</p> <p>The submission was approved by Council.</p>	
13.	<p>Report regarding the licensing process for Digital Community Television Broadcasting Services and Radio Frequency Spectrum Licences on MUX 1 frequencies</p> <p>The Project Leader presented the submission.</p> <p>13.1. The purpose of this submission was to apprise Council on the licensing process for the Digital Community Television Broadcasting Services ("D-CTBS") and Radio Frequency Spectrum ("RFS") licences on MUX 1 frequencies and the interventions undertaken by the Committee after the high levels of non-compliance by the Applicants during this licensing process, and to recommend that Council approves the submission by the Committee.</p> <p>13.2. On 12 March 2020, the Authority published an ITP-R for D-CTBS and RFS licences. The closing date for the submission of applications was on 15 January 2021. By the closing date of 15 January 2021, the Authority had received forty-two (42) applications.</p> <p>13.3. All forty-two (42) applications have been disqualified from proceeding to Phase 2 of the licensing process due to non-compliance. In the DTT Committee's assessment, these applications have failed to comply with the procedural aspects as contained in the ITP-R. The defects included one or a combination of the following:</p> <p>13.3.1 no submission of tax clearance certificate;</p> <p>13.3.2 NPO not registered/ or not in existence for 2 years at the time of application as provided for in the ITP-R;</p> <p>13.3.3 no declaration of interest submitted;</p>	<p>Cllr</p> <p></p> <p></p>



No.	Action Item	Person Responsible
	<p>13.3.4 Form B not completed/submitted as required;</p> <p>13.3.5 Schedule I (RFS application) not completed/submitted as required;</p> <p>13.3.6 need support and demand not demonstrated;</p> <p>13.3.7 51% quorum for AGM's not complied with;</p> <p>13.3.8 no membership and appeal mechanism provision in case membership is rejected;</p> <p>13.3.9 no founding documents; and</p> <p>13.3.10 no letter of support from signal distributor.</p> <p>13.4. Based on the receipt of non-competent applications, the Committee resolved to conduct a workshop on 8 December 2021, to determine what the challenges have been, over and above what the Committee has found during the analysis of applications. Over one hundred and fifty (150) people attended the workshop</p> <p><u>Recommendation to Council</u></p> <p>13.5. It was recommended that Council approves the report regarding the licensing process for DTT Community TV on MUX 1 Frequencies.</p> <p><u>The following comments were made:</u></p> <p>13.6. Council inquired what the APP target was.</p> <p>13.7. The Committee informed Council that the APP target is a 100% report regarding the licensing process in terms of DTT Community on MUX1.</p> <p>13.8. Council inquired if the Authority would meet the APP target.</p>	<p style="text-align: right;">KM</p>



No.	Action Item	Person Responsible
	<p>13.9. The Committee informed Council that if the report is approved, then the Committee would have met the APP target.</p> <p>13.10. Council requested that there should be more concrete steps, detailing a way forward, and that the Authority should establish a way forward to ensure that the applicants are kept up to date with every step. Council further recommended that the Authority should establish a hand-holding process to ensure that the process is successful in its next iteration.</p> <p>13.11. Council resolved that the submission should be tabled for further deliberation in April 2022.</p> <p>The submission was approved by Council.</p>	
14.	<p>Equipment Authorisation Regulations</p> <p>The Project Leader presented the submission.</p> <p>14.1. The purpose of this submission was to request Council to approve the Equipment Authorisation Regulations and the Reasons Document for publication in the Government Gazette.</p> <p>14.2. The process of developing Equipment Authorisation Regulations takes place against the backdrop of the Authority's Regulatory Position on Equipment Exemptions (Government Gazette No. 40733, 30 March 2017) that it will develop a regulatory framework that will incorporate the exemption of equipment, and the Conformity Assessment Framework for Equipment Authorisation ("Conformity Assessment Framework", Government Gazette No. 43047, 25 February 2020).</p> <p>14.3. On 31 March 2021, the Authority published Draft Equipment Authorisation Regulations ("Draft Regulations") in Government Gazette No. 44371, soliciting inputs from the stakeholders and the general public.</p> <p>14.4. The Authority received thirty-five (35) written submissions by the stipulated deadline, and therefore decided to hold public hearings.</p>	<p>Cllr </p> <p><i>Kim</i></p>



No.	Action Item	Person Responsible
	<p>14.5. Twenty-one (21) stakeholders, who had made written submissions, participated and made oral representations in the public hearings that were held from 25 to 27 August 2021.</p> <p>14.6. Follow-up information was solicited and received from four (4) stakeholders. The Regulations were then developed to support and implement the Conformity Assessment Framework, which provides the regulatory framework.</p> <p>14.7. On 11 February 2022, the Committee received the vetted Regulations from LRCCC with comments and proposals for the Committee consideration, and the Committee attuned the Regulations, integrating most of the suggestions made by LRCCC.</p> <p><u>Recommendation to Council</u></p> <p>14.8. The Committee requests Council approval of the Equipment Authorisation Regulations and the accompanying Reasons Document for publication in the Government Gazette.</p> <p>The submission was approved by Council.</p>	
15.	<p>Request for Approval of Final Regulations and Reasons Document on Mobile Broadband Services Inquiry</p> <p>The submission was deferred to next Monday Council meeting for Committee to factor / align with developments in relation to the spectrum auction.</p>	Cllr [REDACTED]
16.	<p>Final Regulations and Reasons Document on the review of Must Carry Regulations for approval and publication</p> <p>The Committee Chairperson presented the submission.</p> <p>16.1. The purpose of this submission was to request the Council to approve the following documents for publication in the government gazette:</p> <p>16.1.1 Final Must Carry Amendment Regulations, 2022; and</p>	<p>Cllr [REDACTED]</p> <p><i>[Handwritten signature]</i></p>



No.	Action Item	Person Responsible
	<p>16.1.2 Reasons Document on Must Carry Amendment Regulations, 2022.</p> <p>16.2. The Must Carry Regulations Committee initiated the process of reviewing the Regulations on Must Carry obligations published in Government Gazette No 31500 of 10 October 2008 in line with section 60(3) of the ECA.</p> <p>16.3. The Committee published the Discussion Document on 13 December 2019 in Government Gazette 42902 and received two (2) submissions on the Discussion Document.</p> <p>16.4. The Committee published the Draft Regulations, notice in terms of section 4C (6) of the ICASA Act and the Explanatory Memorandum in Government Gazette 44338 of 26 March 2021 and received four (4) written submissions from stakeholders, who also made representations at the public hearings. The Committee have finalised the regulations and would like to publish the final Regulations.</p> <p>16.5. It was recommended that Council approve the following documents for publication in the Government Gazette:</p> <p>16.5.1 Final Must Carry Amendment Regulations, 2022; and</p> <p>16.5.2 Reasons Document on the Must Carry Amendment Regulations, 2022.</p> <p><u>The following comments were made:</u></p> <p>16.6. Council resolved to defer the decision to next week to make a decision with an overarching view of submissions.</p> <p>The was deferred and the submission is to be re-tabled at Council next week to avoid making decision in a disjointed manner.</p>	

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No.	Action Item	Person Responsible
17.	<p>Final amendment Regulations and Reasons Document in respect of the 2010 regulations governing aspects of the procedures of the Complaints and Compliance Committee of ICASA</p> <p>17.1. The purpose of this submission was to request Council to approve the vetted 2022 Final Amendment Regulations and Reasons Document on the CCC Regulations for publication in the Government Gazette.</p> <p>17.2. The Authority is empowered, under section 4 of the Electronic Communications Act No. 36 of 2005 ("the ECA"), read together with sections 4 (3)(j) and 17C (5) of the Independent Communications Authority of South Africa Act 13 of 2000 ("ICASA Act"), to enact the CCC Regulations.</p> <p>17.3. The CCC Regulations, are aimed at providing details of the procedures to be followed when the CCC executes its mandate in accordance with section 17B of the ICASA Act which is to investigate, to hear if appropriate and make findings on:</p> <ul style="list-style-type: none"> (i) all matters referred to it by the Authority; (ii) complaints received by it; and (iii) allegations of non-compliance with this Act or the underlying statutes received by it. <p>17.4. In terms of the Authority's Annual Performance Plan (APP) for 2021/22, Council must approve the Amended CCC Regulations by 31 March 2022.</p> <p>17.5. On 26 November 2021, the Authority published the Draft Amendment Regulations Governing Aspects of the Procedures of the CCC of the ICASA ("Draft Regulations"), in Government Gazette No. 45553 (General Notice No. 689 of 2021).</p>	<p>Cllr [REDACTED]</p> <p style="text-align: right;">KM</p>



No.	Action Item	Person Responsible
	<p>17.6. Interested parties were invited to submit written representations to the Authority within thirty (30) working days subsequent to the publication thereof. On 3 December 2021, the Authority informed the Minister of Communications and Digital Technologies of the published draft regulations and invited the Ministry to make comments.</p> <p>17.7. The initial closing date for written submissions was 10 January 2022. However, on 3 December 2021, the Authority received a request for extension from one of the stakeholders. On 15 December 2021, the Authority granted an extension of the closing date for public submissions on the Draft Regulations to 20 January 2022.</p> <p>17.8. By the closing date, the Authority received seven (7) written submissions from stakeholders. Five (5) stakeholders indicated their expression of interest in making oral representations at the public hearings. All written representations received from the public hearings, during the above process were made available on the Authority's website.</p> <p>17.9. The Authority conducted public hearings on 14 February 2022. All interested parties except the CCC and CAP, who submitted written representations on the Draft Regulations, participated in the public hearings. At the public hearings, two (2) stakeholders indicated that supplementary written submissions to address various issues arising from their respective presentations would be filed with the Authority on 21 February 2022.</p> <p>17.10. The Committee specifically amended the following regulations and sub-regulations in the Draft Regulations:</p> <p>(a) Deleted sub-regulation (c) in the CCC Regulations under the heading "Purpose of the Regulations".</p>	

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No.	Action Item	Person Responsible
	<p>(b) Regulation 1 – Grammatical edification of the definition of “CCC Assessor”. Amended the reference to the word “majority” to “minimum” in the definition of “quorum”.</p> <p>(c) Regulation 4A (2) and (3) – The Committee amended these subregulations relating to withdrawals and settlement agreements.</p> <p>(d) Regulation 5A (2) – The Committee amended the requirement from “an application for approval by the CCC Chairperson of witnesses” to “the notification and provision of the list of witnesses to the Co-ordinator.”</p> <p>(e) Regulation 7(1A) – Amended “Any interested person” to “Either party”.</p> <p>(f) Schedule – The Committee effected minor grammatical changes.</p> <p><u>Recommendation to Council</u></p> <p>17.11. It was recommended that Council approves the vetted Final Amendment CCC Regulations and Reasons Document, for publication in the Government Gazette.</p> <p><u>The following comments were made:</u></p> <p>17.12. Council inquired how the issue of the alternate Chairperson was resolved.</p> <p>17.13. The Committee informed Council that a legal opinion was sought and further that the Legal division worked with the committee. The provision of the alternate Chairperson was removed from the final regulations.</p> <p>The submission was approved by Council</p>	
18.	Notice regarding the Radio Frequency Spectrum assignment plans for International Mobile Telecommunications	Cllr 

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No.	Action Item	Person Responsible
	<p>The Project Leader presented the submission.</p> <p>18.1. The purpose of this submission was to request Council to:</p> <p>18.1.1 Note the Summary Report on the Analysis of the Stakeholder Feedback on the ten (10) International Mobile Telecommunications bands in response to the “Notice regarding the findings of its inquiry (Government Gazette No 45247 of 30 September 2021), the Authority’s position, and the invitation for comments on the draft Implementation of the Radio Frequency Migration Plan and of the International Mobile Telecommunications (IMT) Roadmap” (Government Gazette No 45690, 24 December 2021); and</p> <p>18.1.2 Approve the following Ten (10) Draft Radio Frequency Spectrum Assignment Plans (RFSAPs) for International Mobile Telecommunications (IMT) Systems for public consultation.</p> <p>18.1.2.1 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 450 MHz to 470 MHz for public consultation;</p> <p>18.1.2.2. Draft Radio Frequency Spectrum Assignment Plan for the frequency band 703 to 733 MHz and 758 to 788 MHz for public consultation;</p> <p>18.1.2.3 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 733 MHz to 758 MHz for public consultation;</p> <p>18.1.2.4 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 791 to 821 MHz and 832 to 862 MHz for public;</p> <p>18.1.2.5 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 825 MHz to 830 MHz and 870 MHz to 875 MHz for public consultation;</p>	<p style="text-align: right;">KM</p>



No.	Action Item	Person Responsible
	<p>18.1.2.6 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 880 MHz to 915 MHz and 925 MHz to 960 MHz for public consultation;</p> <p>18.1.2.7 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 1452 MHz to 1492 MHz for public consultation;</p> <p>18.1.2.8 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 2300 MHz to 2400 MHz for public consultation;</p> <p>18.1.2.9 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 3300 MHz to 3400 MHz for public consultation; and</p> <p>18.1.2.10 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 3400 MHz to 3600 MHz for public consultation.</p> <p>18.2. The Authority is in the process of developing implementation plans for the Radio Frequency Migration Plan 2013 and 2019, as well the implementations plan of the IMT Roadmap 2014 and 2019, and the development of the respective consequential Radio Frequency Spectrum Assignment Plans (“RFSAPs”).</p> <p>18.3. The notice regarding the Draft RFSAPs of IMT Systems for Public consultation is aimed at achieving a two hundred and fifteen percent (215%) increase of the available high-demand spectrum for licensing through a competitive process in terms of section 31(3)(a) of the ECA, by the Financial Year 2024/2025.</p> <p>18.4. The assignment of spectrum must be on a technology and service neutral basis in terms of section 2(c) of the ECA, to encourage mobile operators to re-farm their spectrum assignments in order to keep pace with technology generations and developments.</p>	<p style="text-align: right;">KM</p>





No.	Action Item	Person Responsible
	<p>18.5. The IMT Roadmap includes all the frequency bands allocated to mobile services and identified for the deployment of all generations of technologies, which are assigned on a technology-neutral basis.</p> <p>18.6. The Structure of the Radio Frequency Spectrum Assignment Plans is in accordance with the Regulation 3 of the Radio Frequency Spectrum Regulations 2013 and the Radio Frequency Migration Regulation 2013. The Radio Frequency Spectrum Assignment Plan provides for the rules for services operating in the frequency bands.</p> <p><u>Recommendation to Council</u></p> <p>18.7. Council was requested to:</p> <p style="padding-left: 40px;">18.7.1 Note the Summary Report on the Analysis of the Stakeholder Feedback on the ten (10) International Mobile Telecommunications in response to the “Notice regarding the findings of its inquiry (Government Gazette No 45247 of 30 September 2021), the Authority’s position and the invitation for comments on the draft Implementation of the Radio Frequency Migration Plan and of the International Mobile Telecommunications (IMT) Roadmap”, published on 24 December 2021; and</p> <p style="padding-left: 40px;">18.7.2 Approve the following Ten (10) Draft Radio Frequency Spectrum Assignment Plans (RFSAPs) for International Mobile Telecommunications (IMT) Systems to be gazetted for public consultation.</p> <p><u>The following comment was made:</u></p> <p>18.8. Council requested that the Committee go through the submission, and effect amendments on the documents before publishing.</p> <p>The submission was approved by Council.</p>	<p style="text-align: right; font-size: 2em; font-family: cursive;">KM</p>



No.	Action Item	Person Responsible
19.	<p>Review of the CCC Terms of Reference</p> <p>The CCC Coordinator presented the submission.</p> <p>19.1. The purpose of this submission was to request Council to approve the draft reviewed CCC Terms of Reference (TOR).</p> <p>19.2. The terms of reference are aimed at describing the purpose, structure of the CCC, responsibilities, and duties of the CCC in executing its mandate in accordance with section 17B of the ICASA.</p> <p>19.3. The CCC is established in terms of section 17A of the ICASA Act which provides that, "the Authority must establish a Complaints and Compliance Committee which consists of not more than seven (7) members, appointed for a three-year (3) term of office which is renewable for one additional term only, one of whom must be a councillor."</p> <p>19.4. The CCC is mandated in terms of section 17B of the ICASA Act, which provides that the CCC:</p> <p>(a) must investigate, hear if appropriate and make findings on:</p> <p>(i) all matters referred to it by the Authority;</p> <p>(ii) complaints received by it; and</p> <p>(iii) allegations of non-compliance with this Act or the underlying statutes received by it.</p> <p>19.5. The current process which the Authority is undergoing to amend the Regulations Governing the Aspects of the Procedures of the Complaints and Compliance Committee of ICASA, has necessitated the need to review the CCC terms of reference to be aligned with the CCC Regulations and also to comply with the Auditor General of South Africa ("AGSA")'s notice dated 31 January 2022, that the terms of reference of the CCC require updating.</p> <p>19.6. The following provisions have been amended and replaced as follows:</p>	<p>Cllr [REDACTED]</p> <p>KM</p>



No.	Action Item	Person Responsible
	<p>19.6.1 'An acting Chairperson must be a committee member appointed by the Committee, to act in any instance where the Chairperson is not available for more than three (3) consecutive days to perform all the functions of the Chairperson'. This provision has been deleted in the terms of reference in accordance with the amendment made in the CCC Regulations currently undergoing an amendment process. This deletion is in accordance with the legal opinion sought by the Authority in this regard, which provides that the Authority does not have legislative powers to appoint an acting CCC Chairperson in an instance where the CCC Chairperson is not available to perform the functions and duties of the Chairperson.</p> <p>19.6.2 The terms of reference shall be reviewed annually and amended as required, subject to the approval of Council. The Terms of Reference have been changed to reflect that the review or amendment period will be three (3) years, to be aligned with the ICASA's Policy and Procedure Review Framework, which requires all policies to be reviewed no later than three (3) years, taking into account any changes in the legislation or exceptional circumstances that necessitate a review. The 2017 Terms of Reference indicated that the TOR will be reviewed annually.</p> <p><u>Recommendation to Council</u></p> <p>19.7. The CCC recommends that Council approves the CCC terms of reference as vetted by the LRCCC Division.</p> <p>The submission was approved by Council.</p>	
20.	<p>Call Termination Findings Document</p> <p>The Project Leader presented the submission.</p> <p>20.1. The purpose of the submission was to request Council to approve the Findings Document on the review of the 2014</p>	<p>Cllr </p> <p></p>



No.	Action Item	Person Responsible
	<p>pro-competitive remedies imposed on licensees in terms of the Call Termination Regulations, 2014 (“the Regulations”) for publication in the Government Gazette.</p> <p>20.2. On 28 May 2021, the Authority published a questionnaire on its website and a notice of intention to review the pro-competitive conditions imposed on licensees in terms of the Call Termination Regulations, 2014 (“the 2014 Regulations”).</p> <p>20.3. Following the publication of the notice and the questionnaire, the Authority held a virtual stakeholder workshop on 11 June 2021. The purpose of the workshop was to discuss questions of clarity on the process and the questionnaire.</p> <p>20.4. On 21 June 2021, the Authority received written questions of clarity from Vodacom, Cell C, MTN, Telkom and Switchtel. The Authority published the briefing note with consolidated responses to the questions of clarity.</p> <p>20.5. On 5 November 2021, the Authority published the Discussion Document (Government Gazette No. 45426) setting out its preliminary views with regard to the review of the 2014 pro-competitive conditions.</p> <p>20.6. The Authority rejected requests for extension of the forty-five working days submission deadline of responses to the Discussion Document from Vodacom, Telkom and SACF.</p> <p>20.7. The Authority held virtual hearings on the Discussion Document on 7 February 2022. The Authority received written responses from Vodacom, Cell C, Telkom and Switch Telecom responses to the questions raised by the Authority during the public hearings held on 7 February 2022.</p> <p><u>Recommendation to Council</u></p> <p>20.8. It was recommended that Council approve the attached Findings Document on the review of the 2014 pro-competitive remedies imposed on licensees in terms of the</p>	

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No.	Action Item	Person Responsible
	<p>Call Termination Regulations, 2014 (“the Regulations”) for publication in the Government Gazette.</p> <p><u>The following comments were made:</u></p> <p>20.9. Council inquired about the impact of the Auction outcome on the understanding of a market. Council further inquired about the co-relation of the Call Termination Committee and the Mobile Broadband Services.</p> <p>20.10. The Committee informed Council that the only impact in terms of the Auction will be a growth in data, which was addressed by the Committee. The impact of OTT on wholesale call Termination would not be significant. There is correlation between the MBI and the Call Termination as MBI deals with data and the growth in data will result in lower cost of Call Termination.</p> <p>The submission was approved by Council.</p>	
21.	<p>Amendment of Sentech SOC Ltd Universal Service and Access Obligations</p> <p>The Project Leader presented the submission.</p> <p>21.1 To request Council to note and approve the Amendment of Universal Service and Access Licence Obligations (“USAOs”) for Sentech SOC Limited (“Sentech”) and publication thereof in the Government Gazette.</p> <p>21.2 On 30 November 2004, Sentech was granted and issued a licence to provide Multimedia Services, to enable it to provide the licensed services. In terms of its USAOs, Sentech was required to provide Internet access to 1500 (one thousand and five hundred) rural public schools.</p> <p>21.3 In 2016, The Universal Service and Access Obligations (USAO) Project Committee was constituted to amend the USAOs. Sentech was subsequently consulted on new Universal Service and Access Licence obligations.</p>	Cllr [REDACTED]



No.	Action Item	Person Responsible
	<p>21.4 Thereafter the Department of Higher Education & Training (the “Department”) then requested the Authority to provide connectivity to Community Education and Training Colleges (“CETs”) and Community Learning Centres (“CLCs”) instead of TVETs because the Department had already provided connectivity to most TVETs through Sector Education Training Authorities (“SETAs”).</p> <p>21.5 On 19 January 2022, the Authority published the Draft Amendment of USAOs for Sentech SOC Limited in Government Gazette No 45774. The Authority received two (02) formal submissions from the stakeholders, viz from Nedbank Limited and Rain Network.</p> <p>21.6 Nedbank sought clarity on the reference to “licensee” and whether this was a tendering process. The Committee wrote back, explaining that the reference to “Licensee” was to SENTECH, and that any tendering process associated with the imposed USAOs will only be handled by and is the sole responsibility of Sentech.</p> <p>21.7 Rain Networks sought clarity on the necessity of having to submit a Service Level Agreement between the Licensee (Rain Networks) and Sentech. The Committee wrote back, explaining the importance of concluding a Service Level Agreement between Rain Networks and Sentech, and explaining the process that must be followed. Rain Networks accepted the explanation and committed to conclude the relevant Service Level Agreement with Sentech.</p> <p><u>Recommendation to Council</u></p> <p>21.8 It was recommended that:</p> <p>21.8.1 Council notes and approves the Amendment of Universal Service and Access Licence Obligations for Sentech SOC Limited for publication; and</p> <p>21.8.2 The Chairperson signs off the General Notice: Amendment of Universal Service and Access Licence Obligations for Sentech SOC Limited for publication in the Government Gazette.</p>	<p style="text-align: right;">KM</p>



No.	Action Item	Person Responsible
	<p>The submission was approved by Council.</p>	
<p>22.</p>	<p>Draft EUSSC Amendment Regulations</p> <p>The Project Leader presented the submission.</p> <p>22.1 The purpose of this submission was to submit to Council the End-user and Subscriber Service Charter Amendment Regulations Applicable to the ECN and ECNS Licensees, 2022 and Reasons Document.</p> <p>22.2 The Authority has decided to amend the End-user and Subscriber Service Charter Amendment Regulations applicable to the ECN and ECNS Licensees, 2016 published in Government Gazette No 39898 (Notice No 189).</p> <p>22.3 The amendment aims to strengthen provision of quality of service for electronic communications services through setting out minimum standards to protect and promote the interests of customers. The amendment will also enable the Authority to monitor and enforce compliance with the customer care standards provided.</p> <p>22.4 The proposed amendment will achieve the above by providing clarity and consistency of usage of terms, and by aligning regulations to the related customer protection legislation and to current practices, clarifying roles and processes in customer complaints resolution.</p> <p>22.5 The proposed amendment will serve to protect consumers from losing unused data balances, voice minutes and SMSs without leaving it to licensees to prescribe their own terms and conditions, which may be unfair to the consumers.</p> <p><u>Recommendation to Council</u></p> <p>22.6 It was recommended that Council approve the attached for publication in the Government Gazette.</p>	<p>Cllr </p>

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No.	Action Item	Person Responsible
	<p>The submission was approved by Council.</p>	
<p>23.</p>	<p>Records Management Policy</p> <p>The Executive: Corporate Services presented the item.</p> <p>23.1 The purpose of the submission is to request Council to:</p> <p style="padding-left: 40px;">23.1.1 Review and approve the Records Management Policy.</p> <p style="padding-left: 40px;">23.1.2 Rescind the Records Retention and Disposal Policy of 2016 as it has been incorporated in the reviewed Records Management policy.</p> <p>23.2 The Records Management Policy is due for review, as stipulated in the ICASA's policy approval framework. The current policy was last reviewed in 2017.</p> <p>23.3 The draft policy was circulated to the Managers Forum, Legal Risk and CCC, and Internal audit for their comments/inputs. The comments/inputs from stakeholders have been considered and incorporated into the final draft of the policy.</p> <p>23.4 Below is a summary of the revision to the policy:</p> <p style="padding-left: 40px;">23.4.1 The reviewed policy combines the two policies, i.e., the Records Retention & Disposal Policy and the Records Management Policy to become one.</p> <p>23.5 In line with the ICASA standing disposal Authority issued by the National Archives and Records Services of S.A. Regulatory records (i.e., records generated/received in the line functions) have archival value as listed in the records retention schedule, Annexure A of the policy, these records may not be disposed but transferred to an archival repository to be kept indefinitely after their retention period.</p>	<p>CEO / Exec: Corporate Services</p>

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No.	Action Item	Person Responsible
	<p>23.6 The draft policy covers the management of personal information in line with the Protection of Personal Information Act 4 of 2013 in the following paragraphs: 7.2; 7.3; 10.4; 13.3.3.</p> <p><u>Recommendation Council</u></p> <p>23.7 It was recommended that Council approve the Records Management Policy.</p> <p><u>The following comments were made:</u></p> <p>23.8 Council inquired whether there was any plans to move the current paper records to an electronic format system.</p> <p>23.9 Management informed Council that the Authority currently has the EDRMS system, and that the Authority has slowly been transferring data onto the EDRMS system.</p> <p>23.10 Council stated that there was no standard way of naming files in the Authority, and further that there should be a standard naming convention covering the documents.</p> <p>23.11 Management informed Council that the standard naming convention will be created to ensure that there is a standard document naming process with the Authority.</p> <p>The submission was approved by Council.</p>	
24.	<p>Occupational Health and Safety Policy</p> <p>The Executive Corporate Services presented the submission.</p> <p>24.1 The purpose of this submission is to request Council to approve the revised Occupational Health and Safety Policy.</p> <p>24.2 ICASA has an obligation in terms of Section 8 of the Occupational Health and Safety Act 1993 (Act No. 85 of 1993) and Regulations for Hazardous Biological Agents to ensure the health and safety of employees at its workplace and other places where ICASA work is being done.</p>	<p>CEO / Exec: Corporate Services</p>

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No.	Action Item	Person Responsible
	<p>24.3 The Policy and Procedure Framework of ICASA specifies that all policies within ICASA should be reviewed every three (3) years. The OHS Policy is due for review, in line with ICASA's Policy Framework.</p> <p>24.4 Inputs was received from various internal stakeholders as well as the Trade Union.</p> <p>24.5 All relevant inputs received were reviewed and where relevant, they were duly incorporated into the updated version of the policy.</p> <p><u>Recommendation to Council</u></p> <p>24.6 It was recommended that Council approve the revised Occupational Health and Safety Policy.</p> <p><u>The following comments were made:</u></p> <p>24.7 Council inquired if the OHS policy made provisions for COVID-19 and similar occurrences in the future.</p> <p>24.8 Management informed Council that the policy does not make any reference to the COVID-19 pandemic as it is covered by different guidelines.</p> <p>The submission was approved by Council.</p>	
25.	<p>Review of ITRC Terms of Reference</p> <p>The Executive: Corporate Services presented the item.</p> <p>25.1 The purpose of this submission was for Council to review and approve the ITRC terms of reference (TOR).</p>	<p>CEO / Exec: Corporate Services</p>

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No.	Action Item	Person Responsible
	<p>25.2 The ITRC terms of reference was last approved by Council in 2018. The terms were submitted ITRC and EXCO for consideration and the committees recommended the following updates:</p> <p>25.2.1 ARC was amended to AREDC in section 1.2;</p> <p>25.2.2 The new Cybercrimes Act was included in section 6.1.8 of the TORs;</p> <p>25.2.3 Section 10 titled “REPORTING TO AREDC” was included into the TORs;</p> <p>25.2.4 Section 11 was included into the TORs of Remuneration section 11; and</p> <p>25.2.5 Amendments were made to 4.10 (termination of membership)</p> <p><u>Recommendation to Council:</u></p> <p>25.3 It was recommended that Council review and approve the ITRC terms of reference (TOR).</p> <p>The submission was approved by Council.</p>	
26.	<p>Employee survey on COVID-19 vaccine and preventative measures – results</p> <p>The Senior Manager: Talent and Performance Management presented the submission.</p> <p>26.1 The purpose of this submission was for Council to note the results that were obtained from the Employee Survey on COVID-19 Vaccine and Preventative Measures that were conducted within ICASA.</p> <p>26.2 The Crisis Management Committee in collaboration with the Human Resources Divided conducted an employee survey on</p>	CEO / Exec: HR

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No.	Action Item	Person Responsible
	<p>the COVID-19 vaccine to understand what the perceptions were of the employees of ICASA concerning the COVID-19 vaccine and obtain feedback on the COVID-19 preventative measures the Authority had implemented since the emergence of the COVID-19 pandemic.</p> <p>26.3 The questionnaire was developed to gauge the employees' thoughts about the COVID 19 vaccination and further asses what improvements, education, and preventative measures the employer should put in place to manage COVID 19 and the return of employees at the office.</p> <p>26.4 The total responses received to the survey was 301. A total of 191 employees indicated that they had vaccinated.</p> <p><u>Recommendation to Council</u></p> <p>26.5 It was recommended that Council take note of the results that were obtained from the Employee Survey on COVID-19 Vaccine and Preventative Measures that were conducted within ICASA.</p> <p><u>The following comments were made:</u></p> <p>26.6 Council inquired what kind of guidance was received from the information derived through the survey.</p> <p>26.7 Council was of the view that there should be more vaccine information/ education given to employees.</p> <p>26.8 The information derived will give the Authority guidance on determining a way forward in terms of the COVID-19 management, bearing in mind the employees feelings towards vaccination.</p> <p>The submission was noted by Council.</p>	

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No.	Action Item	Person Responsible
27.	<p>Request to approve the initiation of the recruitment process to fill the position of Executive: Licensing and Compliance and nomination of the shortlisting and interview committee</p> <p>The Senior Manager: Talent and Performance Management presented the submission.</p> <p>27.1 The purpose of this submission was for Council to approve the initiation of the recruitment process to fill the position of Executive: Licensing and Compliance and nominate the shortlisting and interview committee to assist with the selection processes.</p> <p>27.2 The position of Executive: Licensing and Compliance will become vacant from 01 September 2022 due to the expiry of the contract for the current incumbent.</p> <p>27.3 The Executive: Licensing and Compliance position is key in the provision of strategic leadership and oversight for licensing functions of the Authority relating to service licenses, spectrum licenses, numbering and type approval application and to further oversee the management of compliance and enforcement in the ICT sector.</p> <p>27.4 Council is further requested to nominate and approve the shortlisting and interview committee that will assist with the screening, interviewing and identification of a suitable candidate to be recommended for the appointment.</p> <p><u>Recommendation to Council</u></p> <p>27.5 It was recommended that Council approves the initiation of the recruitment process to fill the position of Executive: Licensing and Compliance and nominate the shortlisting and interview committee to assist with the selection processes.</p>	CEO / Exec: HR

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No.	Action Item	Person Responsible
	<p><u>Resolution of Council:</u></p> <p>2 7.6 Council resolved to establish a panel consisting of:</p> <p>27.6.1 The Chairperson of Council</p> <p>27.6.2 Councillor [REDACTED]</p> <p>27.6.3 Councillor [REDACTED]</p> <p>27.6.3 The Chief Executive Officer; and</p> <p>27.6.5 A Human Resources Division representative.</p> <p>The submission was approved.</p>	
28.	<p>Appointment of three (3) Audit, Risk, Ethics and Disclosure Committee members</p> <p>28.1 The purpose of this submission was to request approval for the appointment of three (3) advertised positions of Audit, Risk, Ethics and Disclosure Committee (AREDC) Members, for a period of three (3) years, effective from the date of assumption of duty, for:</p> <p>28.1.1 Ms. [REDACTED] (Chairperson);</p> <p>28.1.2 Mr. [REDACTED] and</p> <p>28.1.3 Ms. [REDACTED].</p> <p>28.2 The three (3) positions of AREDC Members were advertised externally on 20 August 2021 with a closing date of 08 September 2021. A total number of fifty-eight (58) applications were received and nine (9) screened applications were submitted to the relevant selection committee on 15 February 2022.</p> <p>28.3 After a comprehensive evaluation of competencies required and a comparison of all candidates, [REDACTED], Mr. [REDACTED], and Ms. [REDACTED] were found by the panel to</p>	CEO / Exec: HR

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No.	Action Item	Person Responsible
	<p>be the most suitable candidates for the advertised positions. [REDACTED] was further recommended to be appointed as the Chairperson of the AREDC as an experienced member who has served in the previous ICASA AREDC.</p> <p>28.4 All AREDC Members will be remunerated as determined by Council from time to time, in accordance with the approved AREDC Terms of Reference.</p> <p>28.5 There were no conflicts of interest declared by all parties involved in the recruitment process of the positions of AREDC Members or in relation to any of the candidates.</p> <p><u>Recommendation to Council</u></p> <p>28.6 It was recommended that approval be granted for the appointment of the three (3) candidates to the advertised positions of Audit, Risk, Ethics and Disclosure Committee (AREDC) Members for a period of three (3) years, effective from the date of assumption of duty, for:</p> <p>28.6.1 [REDACTED] (Chairperson); 28.6.2 [REDACTED] and 28.6.3 [REDACTED]</p> <p>The submission was approved by Council.</p>	
29.	<p>Quarter 2 and 3 of 2021/22 update of register of Memoranda of Understanding Entered into by the Authority</p> <p>The submission was deferred to a Council meeting to take place during the month of April 2022.</p>	CEO / Exec: LRCCC
30.	<p>ICASA's comments on the draft Classification Guidelines for the classification of films, games and certain publications</p> <p>30.1 The purpose of the submission was:</p>	CEO / Exec: LRCCC KM



No.	Action Item	Person Responsible
	<p>30.1.1 To advise Council of the Draft Classification Guidelines for Classification of Films, Games and Certain Publications (“Draft Classification Guidelines”) published on 4 February 2022 by the Films and Publication Board (“FPB”);</p> <p>30.1.2 To request Council to approve the Authority’s comments on the Draft Classification Guidelines; and</p> <p>30.1.3 To approve the draft letter to the FPB.</p> <p>30.2 On 4 February 2022, the FPB published the Draft Classification Guidelines in the Government Gazette No. 45859 (Notice No.1717), for public comments. Interested persons who wish to comment on the Draft Classification Guidelines may submit their written representations within 30 (thirty) days of publication of the Draft Classification Guidelines.</p> <p>30.3 Subsequent to the publication of the Draft Classification Guidelines, an ICASA Task Team was assembled for purposes of analysing the Draft Classification Guidelines and prepare the Authority’s comments document.</p> <p>30.4 The Task Team has considered the Draft Classification Guidelines and has accordingly prepared the Authority’s comments document for consideration and approval by Council.</p> <p>30.5 It was recommended that Council:</p> <p>30.5.1 Consider and approve the attached comments document in relation to the Draft Classification Guidelines; and</p> <p>30.5.2 Approve the cover letter to be sent to the FPB.</p> <p>The submission was approved by Council.</p>	

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No.	Action Item	Person Responsible
31.	<p>Ethics Help system (Financial Disclosure system) -Training of the system for Councillors</p> <p>The training was deferred by Council.</p>	CEO / Exec: LRCCC
32.	<p>Revised Proposed Policy Direction on Rapid Deployment of Electronic Communications Networks and Facilities</p> <p>The submission was deferred by Council.</p>	CEO / Exec: LRCCC
33.	General	All
34.	<p>Closure</p> <p>34.1 The next Council meeting will be on Monday, 28 March 2022.</p> <p>34.2 The Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 13:26 pm.</p>	Council

Signed: _____

Dr. Keabetswe Modimoeng
(Chairperson)

Date: 20 May 2022