



Independent Communications Authority of South Africa

MINUTES OF A MEETING OF COUNCIL		
Date	22 August 2023	
Time:	09:00 – 16:00	
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
Partial Attendees	██████████	Executive: PRA
	██████████	Executive: Engineering and Technology
	██████████	Executive: Corporate Services
	██████████████	Executive: HR
	██████████	Manager: Service ECS\ECNS\Post
	██████████	Senior Manager: Type approval and numbering
	██████████████	Manager: Broadcasting Frequency Coordination
	██████████	Manager: Communications & Reputational Management
	██████████	Type Approval Specialist

	██████████	Manager Service Broadcasting
	██████████	Manager: Broadcasting Compliance
	██████████	CAP Chairperson
	██████████	CAP member
	██████████	Manager: Cost Modelling
	██████████	Senior Manager: Market Regulation
	██████████	Manager: Content Services
	██████████	Senior Manager: Legal (Regulatory Support & Legislative Drafting)
	██████████	Service provider
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. Items 9 and 11 will be presented together.</p> <p>2.2. The below new items were added to the agenda under General:</p> <p>2.2.1 Item 23.2 – MACRA request for assistance;</p> <p>2.2.2 Item 23.3 – Implementation and follow up on CCC recommendations; and</p> <p>2.2.3 Item 23.4 – Record-keeping of Council decisions.</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

No.	Action Item	Person Responsible
4.1.	<p>Minutes of Council: 10 July 2023</p> <p>The minutes were approved as presented.</p>	Council
4.2.	<p>Minutes of Council: 27 June 2023</p> <p>The minutes were approved as presented.</p>	Council
5.6.	<p>International Engagements (“Standing Item”)</p> <p>The CEO and Executive: Corporate Services gave a high-level verbal feedback on the below matter:</p> <p><u><i>Pan African Postal Union (PAPU) Administrative Council in Tanzania</i></u></p> <p>6.1. Councillor █████ advised Council that as a result of the change of dates with regard to the event she was no longer able to attend and therefore requested Council to assign another Councillor to attend. She requested clarity on potential UIFW, if any, given that the itinerary had already been finalised. The CEO advised that if the itinerary is transferred to another Councillor to replace Councillor █████, there will be no UIFW implications.</p> <p>6.2. Council resolved that Councillor █████ should replace Cllr █████, and together with Cllr █████, to attend the PAPU.</p> <p><u><i>COMESA</i></u></p> <p>6.3. Council was informed that the Authority has been requested to host a COMESA event on 30 and 31 August 2023, from the Head Office in Centurion.</p> <p>6.4. Council was requested to nominate a Councillor who will give the welcome remarks at the event. Councillor K████, Cllr █████ and the CEO would be attending interviews on that day, and Councillor █████ on annual leave.</p> <p>6.5. Council resolved that Councillor █████, Councillor █████ and Councillor █████ should attend the</p>	CEO / Executive: Corporate Services

No.	Action Item	Person Responsible
	event and welcome the delegates, with Cllr [REDACTED] giving the opening remarks	
7.	<p>Litigation Update (“Standing Item”)</p> <p>The Executive: LRCCC presented this item as per the presentation provided in the meeting pack.</p> <p>Council noted the litigation update.</p>	<p>CEO / Executive: LRCCC</p>
8.	<p>Licensing of IMT (“Standing Item”)</p> <p>Councillor [REDACTED] indicated that there was no submission <i>per se</i> but there was a matter regarding postponement of spectrum licensing fees payment, which the Engineering team is currently considering.</p>	<p>Cllr [REDACTED]</p>
9.	<p>YABROO I-ECS Transfer of Ownership Application of an I-ECS licence</p> <p>The Manager: Service ECS\ECNS\Post presented the submission:</p> <p>9.1. The purpose of the submission dated 4 August 2023 was to recommend that Council approves the transfer of ownership application of the I-ECS licence from Yabroo (Pty) Ltd (“the Applicant”) to Net4 Telecoms (Pty) Ltd (“the Transferee”), as well as approve the attached vetted Reasons Document.</p> <p><u>Recommendation to Council:</u></p> <p>9.2. It was recommended that Council should approve the transfer of ownership application of the I-ECS licence for the following reasons:</p> <p>9.2.1. The Applicant has not been found guilty of any contravention by the CCC;</p> <p>9.2.2. The Applicant has paid the licence fees due and payable at the date of the application; and</p>	<p>CEO / Executive: Licensing and Compliance</p>

No.	Action Item	Person Responsible
	<p data-bbox="400 259 1091 331">9.2.3. The Transferee has 30% ownership interest held by HDIs.</p> <p data-bbox="280 371 539 405"><u>Comments made:</u></p> <p data-bbox="280 432 1091 663">9.2. Council raised concern that the transfer process took more than 14 months to finalise. Further that, from the record, it appears that there is a time where the applicant sent documents to the Authority in April, whereafter there is a gap of six (6) weeks before the next step was taken.</p> <p data-bbox="280 707 1091 898">9.3. Council was informed that the delays were as a result of the fact that the application for the transfer, also came with the notification of a change of information (name). The process of the change of name had to be finalised first.</p> <p data-bbox="280 943 1091 1055">9.4. Management was requested to audit the period it takes to finalise a transfer application/name change.</p> <p data-bbox="280 1099 1091 1256">9.5. Council raised concern that it had previously requested that the competition assessment reports be submitted, however, this is not always done.</p> <p data-bbox="280 1301 1091 1458">9.6. Council suggested that the processes of finalising the transfer should be done in parallel instead of in sequence. This will assist in mitigating delays experienced.</p> <p data-bbox="280 1536 1091 1727">9.7. Council sought clarity on whether the applicant was a telecommunications company. Council was informed that in terms of the business plan provided, it appears that that the applicant will be providing telecommunication services.</p> <p data-bbox="280 1771 1091 1883">9.8. Council indicated that it was not acceptable that it took eight (8) months for the notification of a change of name process to be finalised.</p> <p data-bbox="280 1928 619 1962"><u>Resolutions by Council:</u></p>	

No.	Action Item	Person Responsible
	9.9. Council resolved to approve the recommendations.	
10.	<p>Radio Telecommunications Service (RTS) DAB Trial License Application</p> <p>The Manager: Broadcasting Frequency Coordination presented the submission:</p> <p>10.1. The purpose of the submission dated 3 August 2023 was to request Council to approve the application submitted by Radio Telecommunications Service ("the Applicant") for a DAB Trial Radio Frequency Spectrum Licence, for a period of eight (8) months.</p> <p><u>Recommendation to Council:</u></p> <p>10.2. It was recommended that Council should approve the application for the DAB Trial Radio Frequency Spectrum Licence for a period of eight (8) months for the following reasons:</p> <p>10.2.1. The proposed frequency of 239.2 MHz will not cause harmful radio frequency interference to existing licensees.</p> <p>10.2.2. The VHF Band III (214 – 240 MHz) is earmarked for digital sound broadcasting.</p> <p><u>Comments made:</u></p> <p>10.3. Council requested confirmation that the SABC is not running a similar test in Cape Town , and clarity on whether the recommendation is for approval or rejection as the technical report recommends rejection whilst the memo recommends approval. Further, Council raised concern that the process took nine (9) months before the matter was brought to Council.</p> <p>10.4. Council was advised that the SABC is not running the same trial in Cape Town.</p>	<p>CEO / Executive: Licensing and Compliance</p>

No.	Action Item	Person Responsible
	<p>10.5. Council was informed that the initial analysis indicated that ICASA should request RTS to join SABC trial so they don't duplicate effort. Further information was sought and the incorrect technical report was attached to Council's memo. The Licensing Division is recommending the approval of the application.</p> <p>10.6. Management acknowledged that there has been delays from the side of the Authority, in the finalization of the application.</p> <p>10.7. Management was requested to audit the period it takes to finalise a transfer application/name change.</p> <p><u>Resolutions by Council:</u></p> <p>10.8. Council resolved that the correct technical report be circulated to Councillors.</p> <p>10.9. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
11.	<p>Transfer of Ownership Application of the I-ECNS licence from Ubuntel (Pty) Ltd to Net4 Telecoms (Pty) Ltd</p> <p>The Manager: Service ECS\ECNS\Post presented the submission:</p> <p>11.1. The purpose of the submission dated 3 August 2023 was to request Council to approve the transfer of ownership application of the I-ECNS licence from Ubuntel (Pty) Ltd ("Applicant") to Net4 Telecoms (Pty) Ltd ("Transferee"), as well as the attached vetted Reasons Document</p> <p><u>Recommendation to Council:</u></p> <p>11.2. It was recommended that Council should approve the transfer of ownership application of the I-ECNS licence for the following reasons:</p>	<p>CEO / Executive: Licensing and Compliance</p>

No.	Action Item	Person Responsible
	<p>11.2.1. The Applicant has not been found guilty of any contravention by the CCC;</p> <p>11.2.2. The Applicant has paid the licence fees due and payable at the date of the application; and</p> <p>11.2.3. The Transferee has 30% ownership interest held by HDIs.</p> <p>11.4. It was further recommended that Council approves the vetted Reasons Document.</p> <p>Council resolved to approve the recommendation.</p>	
12.	<p>Transfer of an I-ECNS licence from Snow Technology Solutions to Pattern Matched Technologies (Pty) Ltd</p> <p>The Manager: Service ECS\ECNS\Post: Licensing presented the submission:</p> <p>12.1. The purpose of the submission dated 3 August 2023 was to request Council to approve the transfer of an I-ECNS licence, from Snow Technology Solutions (“the Applicant”) to Pattern Matched Technologies (Pty) Ltd (“the Transferee”), as well as approve the attached vetted Reasons Document</p> <p><u>Recommendation to Council:</u></p> <p>12.2. It was recommended that Council approves the application for the transfer of control of the I-ECNS licence for the following reasons:</p> <p>12.2.1. The Applicant has not been found guilty of any contravention by the CCC;</p> <p>12.2.2. The Applicant has paid the licence fees due and payable at the date of the application; and</p> <p>12.2.3. The Transferee has 51.71% ownership interest held by HDIs.</p>	<p>CEO / Executive: Licensing and Compliance</p>

No.	Action Item	Person Responsible
	<p>12.3. It was further recommended that Council should approve the vetted Reasons Document.</p> <p><u>Comments made:</u></p> <p>12.4. Council expressed concern that the submission does not indicate the issue of the applicant challenging the Authority's basis on which it requests financial statements. Council requested that, incidental to this submission, the LCCC Division should provide Council with a legal opinion that clarifies which regulatory provision the Authority relies on when requesting financial statements.</p> <p><u>Resolutions by Council:</u></p> <p>12.5. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
13.	<p>General Notice for a Workshop on ICASA Certification Scheme</p> <p>Councillor [REDACTED] and Senior Manager: Type approval and numbering presented the submission:</p> <p>13.1. The purpose of the submission dated 4 August 2023 was to request Council to approve the General Notice for a Workshop on the ICASA Certification Scheme.</p> <p><u>Recommendation to Council:</u></p> <p>13.2. It was recommended that Council should approve the General Notice which is an invitation of stakeholders to a Workshop to be published in the Government Gazette.</p> <p><u>Comments made:</u></p> <p>12.6. Council sought clarity on how applicants from other provinces who wish to apply to become certification bodies, will be catered for considering the workshop will be physical. Council suggested that the workshop be both physical and hybrid.</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p>The Committee informed Council that the suggestion will be considered.</p> <p>12.7. Council directed that publicity with regard to the workshop be more than just by gazette, and to also include Facebook and LinkedIn.</p> <p><u>Resolutions by Council:</u></p> <p>12.8. Council resolved to approve the submission.</p>	
14.	<p>ODM Non-renewal of IBS Licence</p> <p>Councillor [REDACTED] chaired this session of the meeting.</p> <p>Councillor [REDACTED] recused herself from chairing this item, as she is deputy of the Committee. Councillor [REDACTED] chaired the item.</p> <p>Cllr [REDACTED] and the Manager: Service Broadcasting presented the submission:</p> <p>14.1. The purpose of the submission dated 13 July 2023 was to advise Council of the non-submission of a renewal application by On Digital Media (Pty) Ltd (“ODM”/ “the Licensee”) for its Individual Broadcasting Service (“IBS”) Licence, and to recommend that ODM be permitted to continue providing its licensed services for a period of six (6) months in order to wind up its affairs and safeguard subscribers.</p> <p><u>Recommendation to Council:</u></p> <p>14.2. It was recommended that Council should authorise the Licensee to continue providing its licensed services for a period of six (6) months for the purposes of winding up its affairs and protecting subscribers.</p> <p><u>Comments made:</u></p> <p>14.3. There were two views among Council: One view in relation to this non-renewal matter, was against approval of the recommendation, on the basis that Council would be extending services for a licence</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p>that does not exist and that there is not even an application for the licence concerned.</p> <p>14.4. The other view was that Council should approve, given the size of the applicant and the large dominated market, but to seek clarification for future similar matters.</p> <p>14.5. Council sought clarity on the number of subscribers the licensee has. Council was informed that the Committee does not know the number of subscribers the licensee has.</p> <p>14.6. Council sought clarity on why the licensee is being given six (6) months extension, when they have shown signs of either refusing to comply or failing to comply. Council was informed that the Committee considered the surrender of the licenses process being six (6) months period.</p> <p>14.7. Council was informed that the applicant cannot be referred to CCC for non-compliance, as their license has expired.</p> <p>14.8. Council sought clarity on why the ODM is being refunded its licence transfer application fee, considering how they have been uncooperative with the Authority. Council was informed that the reason for the refund is because, the Authority is not accepting the licence transfer application as a result of the expired license.</p> <p>14.9. Council raised concern that the Authority does not have authority to provide a six (6) month extension for a licence that has already expired.</p> <p>14.10. Council agreed that the size of the applicant should not affect how Council makes a decision and resolved that, an urgent legal opinion be prepared by the LCCC Division and the matter be brought back to Council.</p> <p><u>Resolutions by Council:</u></p>	

No.	Action Item	Person Responsible
	<p>14.11. Council resolved that internal legal opinion be sought and advise be brought to Council on an urgent basis. The legal opinion must be made available to Council in the next meeting.</p> <p>14.12. Council resolved to defer the submission.</p>	
<p>15.</p>	<p>CAP Quarter 1 FY2023/24</p> <p>Councillor [REDACTED] and the CAP Chairperson presented the submission:</p> <p>15.1. The purpose of the submission dated 4 August June 2023 was to submit the 1st quarter report (April-June 2023) of the Consumer Advisory Panel (CAP) to Council.</p> <p><u>Recommendation to Council:</u></p> <p>15.2. It was recommended that Council approve CAP's 1st Quarter Report for the 2023/2024 financial year.</p> <p><u>Comments made:</u></p> <p>15.3. Council expressed that a summary of the site visits made by CAP would be useful.</p> <p>15.4. Council indicated that after CAP reports are tabled, how information gets filtered into the different divisions for the divisions to actually look at the issues that need to be followed up by the various Committees needs to be monitored. This will be tabled by Councillors, CEO and Executives.</p> <p><u>Resolutions by Council:</u></p> <p>15.5. Council resolved to approve the submission.</p> <p>Council resolved to approve the submission.</p>	<p>Cllr [REDACTED]</p>
<p>16.</p>	<p>CCC matter between Radio Teemaneng Management and Radio Teemaneng Board of Directors</p>	<p>Cllr [REDACTED]</p>

No.	Action Item	Person Responsible
	<p>Councillor █████ recused herself from chairing this item as a member of the CCC and Councillor █████ chaired the discussion.</p> <p>Councillor █████ presented the submission:</p> <p>16.1. The purpose of the submission dated 4 August 2023 was to table the recommendation of the Complaints and Compliance Committee (“CCC”) in the matter between Radio Teemaneng Management (“Complainant”) and Radio Teemaneng Board of Directors (“Respondent”).</p> <p><u>Recommendation to Council:</u></p> <p>16.2. Accordingly, the CCC recommends that an order be issued by the Authority, namely:</p> <p>16.2.1 Direct the Licensee to desist further contravention:</p> <p>16.2.2 Direct the Licensee to take remedial steps as follows:</p> <p>16.2.2.1. Dissolve the current Board of Directors (BoD) and replace it with an Interim Committee of six members as set out below, within seven (7) days from the date of the issue of this order.</p> <p>16.2.2.2. The Interim Committee to consist of one representative from Management and one representative from the BoD. In addition, each party must choose two community representatives. Such members must preferably be from the latest members list.</p> <p>16.2.2.3. The interim Committee is to ensure that steps are taken to remedy anything that is in conflict with the Act or underlying statutes. Such steps to include:</p>	

No.	Action Item	Person Responsible
	<p>16.2.2.3.1. Preparing the Licensee for an elective AGM which is to be held no later than the 26 August 2023.</p> <p>16.2.2.3.2. the Interim Committee to approach the Compliance Officer at ICASA who will guide the process and assist in the smooth running of the AGM referred to above.</p> <p><u>Comments made:</u></p> <p>16.3. Council raised concerns that it took four (4) months after the report was drafted by CCC, for it to be tabled at Council.</p> <p>16.4. Council indicated that the naming of the Committee's documents should be amended, to follow the file naming convention adopted by Council.</p> <p>16.5. Council expressed that the recommendation relating to the interim structure (par 16.2.2.3), was previously approved in another matter and this created further instability in that radio station.</p> <p>16.6. Council indicated that it needs to be made clear that the Authority will be leading the process of convening the AGM. Council was informed that the Authority cannot take the lead, hence the Committee recommended for an interim Committee to be established to guide the radio station to comply. The station is affiliated with the NCRF, which can play the role of being the mediator.</p> <p>16.7. Council expressed that it should be made clear that the appointment of the representative from the Board of Directors, has to be made before the Board is dissolved.</p> <p>16.8. Council indicated that as a result of the delay in the submission being tabled, the date of the AGM needs to be changed by a period of a month or two.</p>	

No.	Action Item	Person Responsible
	<p><u>Resolutions by Council:</u></p> <p>16.9. Council resolved to approve the recommendation on condition that the date indicated in the CCC ruling, with regard to the AGM for the election of a new board, should be extended by a period of a month or two.</p> <p>The submission was approved.</p>	
17.	<p>Publication of ICASA Methodology Briefing note on CTR Review 2021 Cost Modelling Phase</p> <p>Cllr [REDACTED] and the Manager: Cost Modelling presented the submission:</p> <p>17.1. The purpose of the submission dated 17 August 2023 was to request Council to:</p> <p>17.1.1. Note the Briefing Note, advising stakeholders about the Authority's cost modelling methodology for termination rates and, to address stakeholder comments and submissions on the cost modelling approach; and</p> <p>17.1.2. Approve the publication of the Briefing Note, revised questionnaires, and cost models on the Authority's website, and sharing with stakeholders.</p> <p><u>Recommendation to Council:</u></p> <p>17.2. It was recommended that Council:</p> <p>17.2.1. Notes the Briefing Note, advising stakeholders about the Authority's cost modelling methodology for termination rates and, to address stakeholder comments and submissions on the cost modelling approach; and</p> <p>17.2.2. Approves the publication of the Briefing Note, revised questionnaires, and cost</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p style="text-align: center;">models on the Authority’s website, and sharing with stakeholders.</p> <p><u>Comments made:</u></p> <p>17.3. Council indicated that copy editing needs to be done on the report.</p> <p>17.4. Council expressed that considering that the litigation process (Telkom case) is ongoing, how will this impact on the finalisation of the work being done by the Committee. Council was informed that at this point there is nothing that is preventing the Committee from continuing with its work.</p> <p>17.7. The licensee that is taking the Authority to court, has indicated that if there is no asymmetry, they will be in favour of pure LRIC. Thus the recommendation was advantageous in respect of the litigation going forward.</p> <p>17.6. Council sought clarity on annexure A (par 2.1, bullet 4) which stipulates that “South African licensees must charge reciprocal international termination rates for voice calls originating outside of South Africa. Has it always been like this, or this will be a new position moving forward. Council was informed that this proposal is in line with what other SADC countries are doing.</p> <p><u>Resolutions by Council:</u></p> <p>17.7. Council resolved to approve the submission.</p> <p>The submission was adopted.</p>	
18.	<p>Recruiting of panel members for the Information Technology Review Committee (ITRC)</p> <p>The Executive: HR presented the submission:</p> <p>18.1. The purpose of the submission dated 7 July 2023 was to request Council to:</p> <p style="padding-left: 40px;">18.1.1. Appoint the selection committee that will be responsible for the recruiting of</p>	CEO/ Executive: HR

No.	Action Item	Person Responsible
	<p>panel members for the Information Technology Review Committee (ITRC); and</p> <p>18.1.2. Approve the advert that will be published to source suitable candidates for the ITRC.</p> <p><u>Recommendation to Council:</u></p> <p>18.2. It was recommended that Council:</p> <p>18.2.1. Appoints the selection committee that will be responsible for the recruiting of panel members for the ITRC; and</p> <p>18.2.2. Approves the advert that will be published to source suitable candidates for the ITRC.</p> <p><u>Comments made:</u></p> <p>18.3. Council sought clarity on the number of members who will be recruited for ITRC. Management could only confirm the resignation of [REDACTED] but requested to revert to Council regarding the date of the end of term with regard to the current ITRC Chairperson as well as the representation made by [REDACTED] regarding Council's decision to terminate her contract.</p> <p>18.4. Management requested that for today's submission, Council should only appoint the interview panel and that the CEO will subsequently revert to Council regarding the resignation letter of [REDACTED] the representations by [REDACTED] and confirmation of the end of term of the current ITRC Chairperson.</p> <p>18.5. Council was advised that the successful applicant had accepted the job offer for the CIO position.</p> <p>18.6. Council resolved to halt the discussions on the advert until all documents have been shared with</p>	

No.	Action Item	Person Responsible
	<p>Council and the number of ITRC members being recruited is confirmed.</p> <p><u>Resolutions by Council:</u></p> <p>18.7. Council resolved that the Acting Council Chairperson, Councillor [REDACTED] and Councillor [REDACTED], the CEO and the CIO will form part of the interview panel.</p> <p>18.8. Council resolved that management should subsequently revert to Council with all relevant documents, confirming the current status of the ITRC members, for Council to decide the number of ITRC members to be recruited and to consider the substance of the advert.</p>	
19.	<p>Recruitment Process Initiation Request – Consumer Advisory Panel (CAP) members</p> <p>The Executive: HR presented the submission:</p> <p>19.1. The purpose of the submission date 7 July 2023 was to request Council to:</p> <p>19.1.1. Appoint the selection committee that will be responsible for the recruiting of panel members for the Consumer Advisory Panel Committee (CAP); and</p> <p>19.1.2. Approve the advert that will be published to source suitable candidates for the Consumer Advisory Panel Committee.</p> <p><u>Recommendation to Council:</u></p> <p>19.2. It is recommended that Council should:</p> <p>19.2.1. Appoint the selection committee that will be responsible for recruiting panel members for the Consumer Advisory Panel (CAP) Committee; and</p>	CEO/Executive: HR

No.	Action Item	Person Responsible
	<p>19.2.2. Approve the advert that will be published to source suitable candidates for the CAP Committee.</p> <p><u>Resolutions by Council:</u></p> <p>19.3. Council resolved that Acting Chairperson, Councillor ██████████ and Councillor ██████████, the CEO and the Executive: Regions & Consumer Affairs, should constitute the interview panel.</p> <p>19.4. Council resolved to approve the recommendation but resolved not to approve another extension for the current members.</p> <p>The submission was approved.</p>	
20.	<p>Status Update – Budgeted Vacancies</p> <p>The Executive: HR presented the submission:</p> <p>20.1. The purpose of the submission dated 26 July 2023 was to provide Council with a status update on current budgeted vacancies for the 2023/24FY.</p> <p><u>Recommendation to Council:</u></p> <p>20.2. It was recommended that Council should take note of the status update on current budgeted vacancies.</p> <p><u>Comments made:</u></p> <p>20.3. Council requested ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██ ██ ██</p> <p>20.4. Council sought clarity ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██</p> <p>20.5. Council sought clarity ██████████ ██ ██ ██</p>	CEO / Executive: HR

No.	Action Item	Person Responsible
	<p>20.6. Council advised [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>20.7. Council sought clarity [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>20.8. Council resolved to note the submission.</p> <p>The submission was noted.</p>	
21.	<p>Update on the planned Broadcasting Workshop</p> <p>The Executive: PRA presented the submission:</p> <p>21.1. The purpose of the submission dated 7 August 2023 was to provide Council with an update on the planned broadcasting workshop and to recommend that Council notes the update and approve the attached draft agenda.</p> <p><u>Recommendation to Council:</u></p> <p>21.2. It was recommended that Council:</p> <p style="padding-left: 40px;">21.2.1. Notes the above update; and</p> <p style="padding-left: 40px;">21.2.2. Approves the proposed agenda.</p> <p><u>Comments made:</u></p>	CEO / Executive: PRA

No.	Action Item	Person Responsible
	<p>21.3. Council indicated that DCDT is one of the main stakeholders, yet the submission is not clear on whether the Committee has the discretion to invite DCDT or not. MDDA and GCIS are also important stakeholders in relation to community broadcasting.</p> <p>21.4. Councillor [REDACTED] will guide the Committee with making inputs on the submission.</p> <p>21.5. Council indicated that a number of critical / important stakeholders have been excluded from the invitees list.</p> <p>21.6. Council advised that the wording from “Licensing OTTs” may give the wrong impression that Council has decided to licence OTTs.</p> <p><u>Resolutions by Council:</u></p> <p>21.7. Council resolved that from 22 – 29 August 2023, the team will revise the agenda and list of stakeholders they want to invite. Also, that those who cannot attend physically need to be accommodated on a virtual platform.</p> <p>21.8. Council resolved that the agenda be formally approved at the Council meeting scheduled for 29 August 2023.</p> <p>21.9. Council resolved to note the update, subject to the implementation of the abovementioned inputs.</p>	
22.	<p>Payment Arrangements with respect to auction spectrum fees – Legal Opinion</p> <p>The Senior Manager: Legal (Regulatory Support & Legislative Drafting) presented the submission:</p> <p>22.1. The purpose of the submission dated 16 August 2023 was to present to Council an advisory memorandum prepared by the Legal, Risk and CCC (“LRCCC”) on the payment arrangements in respect to payment of auction fees.</p>	<p>CEO / Executive: LRCCC</p>

No.	Action Item	Person Responsible
	<p><u>Recommendation to Council:</u></p> <p>22.2. It was recommended that Council should consider the Advisory Memorandum and take a decision on the payment arrangement plans requested by Telkom and Vodacom.</p> <p><u>Comments made:</u></p> <p>22.3. Council expressed a concern that other licensees who received the same type of spectrum have not requested payment plans. This raised a question of whether had they known that there was a possibility to request a payment plan/holiday, would they have participated in the auction or not. Council was informed that these were the only two licensees that have made the request for a payment plan.</p> <p>22.4. Council sought clarity on whether there was any indication of payment of interest attached to the late payments. Council was informed that the PFMA does provide that, once a payment arrangement is made then the Authority is compelled to charge an interest at a prescribed rate.</p> <p>22.5. Council sought clarity on the provision that enables the Authority to charge interest on bands which are still not available.</p> <p>22.6. Council sought clarity on whether other licensees who participated in the auction, will be informed of this payment plan should Council approve.</p> <p>22.7. Council sought clarity on whether the outstanding payment is only based on the proportional payment on the two bands or whether it is separated. Council was informed that the proportional payment relates to the fees that were outstanding, due to the unavailability of the two bands.</p>	

No.	Action Item	Person Responsible
	<p>22.8. Council suggested that a condition be attached to the approval, in that the licensees sign an acknowledgement of debt, and the imposition of interest payments at the standard rate.</p> <p><u>Resolutions by Council:</u></p> <p>22.9. Council resolved to approve Vodacom's request.</p> <p>22.10. Council resolved that the response to Telkom must include a clause that states that the Authority is monitoring the clearing of the bands until end of September 2023. If E&T confirms that the bands are clear, the payment plan date will be shortened to 31 December 2023, instead of the six (6) months that has been requested by Telkom.</p> <p>22.11. Council requested the E&T Division to provide Council with a report on the progress regarding switch-off of transmitters, whether those transmitters are still on air or off.</p> <p>22.11 Council resolved to approve that:</p> <p>22.11.1 Telkom should effect payment of the outstanding proportional spectrum auction fee by no later than 31 December 2023; and</p> <p>22.11.2 Vodacom should pay the remaining proportional spectrum auction fees by 31 October 2023.</p>	
23.	General	
23.1	<p>Invitation to Cllr ██████ to be a speaker at the WIA event on "Accelerating 5G Deployment in South Africa" to be held on 5 and 6 September 2023</p> <p>23.2 Council resolved to approve for Councillor ██████ to attend the event as a speaker.</p>	Cllr ██████
23.3	MACRA request for assistance	CEO

No.	Action Item	Person Responsible
	<p>23.4 Council agreed that this is something they need to resolve between themselves. The view was that CRASA should not get involved as the matter is outside of the jurisdiction of both CRASA and the Authority.</p> <p>23.5 A response echoing the above will be prepared by the Executive: LCCC and circulated to Council and that the response be sent as a view of the Chairperson and to exclude the Councillors from the correspondence.</p>	
24.	<p>Implementation and follow up on CCC recommendations</p> <p>Deferred to the next council meeting.</p>	Cllr [REDACTED]
25.	<p>Governance matters on record keeping</p> <p>Deferred to the next council meeting.</p>	Cllr [REDACTED]
26.	<p>Closure</p> <p>The Acting Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 16:01.</p>	Acting Chairperson

Signed:  _____

Yolisa Kedama
(Acting Chairperson)

Date: 24-10-2023 _____