



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING

Date	23 March 2021
Time:	08:00
Venue:	Microsoft Teams
Present	
	[Redacted] Chairperson
	[Redacted] Member
	[Redacted] Member
	[Redacted] Member
	[Redacted] Member
	[Redacted] Member
	[Redacted] Member
	[Redacted] Member
By Invitation	
	[Redacted] CEO
	[Redacted] CAE
	[Redacted] CFO
	[Redacted] Corporate Secretary
	[Redacted] Secretariat officer
	[Redacted] Secretariat Officer
Partial Attendees	
	[Redacted] Executive: LRCCC
	[Redacted] Executive: Licensing
	[Redacted] SM: Licensing ICT
	[Redacted] Radio Frequency Specialist
	[Redacted] Manager: Content Services
Apologies	

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No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Chairperson opened the meeting at 08:00 and welcomed all present.</p> <p>Apologies</p> <p>No apologies were noted.</p>	Chairperson
2.	<p>Ratification of the Agenda</p> <p>2.1 Item 7 was written WOAN Committee instead of Cllr [REDACTED] to be corrected to Cllr [REDACTED]; and</p> <p>2.2 Item D4 was on the meeting pack but not on the agenda.</p>	Council
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
4.	<p>Licensing of IMT (Standing item)</p> <p>Cllr [REDACTED] presented the item:</p> <p>The purpose of the submission was to request that Council approves the Draft Notice on the Wireless Open Access Network (WOAN), informing prospective applicants to the extent that, the closing date for applications (30 March 2021) has been suspended until further notice, as the licensing process has been interdicted.</p> <p>The Draft Notice for the WOAN application was approved for publication in the Government Gazette.</p>	Cllr [REDACTED]
5.	<p>Applications for the transfer of an Individual Electronic Communications Service (I-ECS) and an Individual Electronic Communications Network Service (I-ECNS) licences from Rayv Product Development (Pty) Ltd to Mobile Outsourcing Solutions (Pty) Ltd and accompanying Vetted Reasons Document.</p> <p>The SM: Licensing presented the Item:</p> <p>5.1. The purpose of the submission was to recommend that Council approves the transfer of the I-ECS and I-ECNS licences as well as the vetted Reasons Document from Rayv Product Development (Pty) Ltd (Rayv) (the Applicant) to Mobile</p>	CEO/ SM: Licensing



No.	Action Item	Person Responsible
	<p>Outsourcing Solutions (Pty) Ltd (the Transferee).</p> <p>5.2. On 09 March 2020, the Authority received applications from the Applicant to transfer its I-ECS and I-ECNS licences to the Transferee. The applications were submitted in terms of Regulations 11 (Form G) of the Processes and Procedures Regulations for Individual Licences.</p> <p>5.3. On 07 January 2021, following a question on shareholding in the Transferee raised by the LRCCC Division, an e-mail was sent to the Applicant to request clarity on the shareholders in the Transferee.</p> <p>5.4. On 11 January 2021, the Applicant provided the outstanding information and clarified the shareholders in the Transferee.</p> <p>5.5. The Licensing Division has subsequently addressed the comments from LRCCC Division. On 12 March 2021, EXCO/OPCO has approved the submission for tabling at Council.</p> <p><u>Recommendation to Council</u></p> <p>5.6. It was recommended that Council approves the licence transfer applications for the I-ECS, I-ECNS licences for the following reasons:</p> <p>5.6.1 The Applicant has not been found guilty of any contravention by the CCC.</p> <p>5.6.2 The Applicant has paid the licence fees due and payable at the date of the applications; and</p> <p>5.6.3 The Transferee has 100% ownership interest held by HDIs.</p> <p>5.7. It was further recommended that Council approves the vetted Reasons Document</p> <p>Council resolved to approve the submission.</p>	
6	Applications for the transfer of an Individual Electronic Communications Service (“I-ECS”) and an Individual Electronic	Cllr



No.	Action Item	Person Responsible
	<p>Communications Network Service (“I-ECNS”) licences from Jantar Computer Services CC TO K2019506887 (South Africa) (Pty) Ltd.</p> <p>The SM: Licensing presented the Item:</p> <p>6.1. The purpose of the submission was to, recommend that Council approves the transfer of I-ECS and I-ECNS licences from Jantar Computer Services CC to K2019506887 (South Africa) (Pty) Ltd.</p> <p>6.2. On the 24 March 2020, the Authority received applications from the Applicant to transfer its I-ECS I-ECNS licences to the Transferee. The applications were submitted in terms of Regulations 11 (Form G) of the Processes and Procedures Regulations for Individual Licences.</p> <p>6.3. On the 26 February EXCO/OPCO approved the submission for tabling at Council.</p> <p>Recommendation to Council:</p> <p>6.4. It was recommended that Council approves the licence transfer applications for I-ECS and I-ECNS licences for the following reasons:</p> <p>6.4.1 The Applicant has not been found guilty of any contravention by the CCC;</p> <p>6.4.2 The Applicant has paid the licence fees due and payable at the date of the application; and</p> <p>6.4.3 The Transferee has a 50% interest ownership held by HDIs.</p> <p><u>Comments</u></p> <p>6.6.1 Council was of the view that the submission was straight forward. Council requested clarity on paragraph 4.3.7 in page 11 of the memo submitted to Council as the meaning of the paragraph was unclear.</p> <p>6.6.2 Management indicated that paragraph 4.3.7 was that, “having looked at the information presented; the transfer would not have an adverse impact on the market that the Applicant wanted to venture into”.</p>	<p>[REDACTED]</p> <p>[REDACTED]</p>



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	Council resolved to approve the Application.	
7	<p>Notice regarding the fees increase in relation to Unreserved Postal Service (UPS) Regulations, 2020</p> <p>The Executive: Licensing presented the item.</p> <p>7.1. The purpose of the submission was to recommend that Council approves the publication of the increase of administrative fees relating to Universal Postal Services (UPS) on the Authority's website and/or Government Gazette as contemplated in the UPS Regulations, 2020.</p> <p>7.2. On 27 March 2020, the Authority published UPS Regulations in Government Notice No. 381, Government Gazette No. 43415. Regulation 10(1) of the UPS Regulations relating to fees increase requires the Authority, on an annual basis, to implement an automatic increase in the registration, renewal and annual fee by Consumer Price Index (CPI).</p> <p>7.3. Regulation 10(3) of the UPS Regulations requires the Authority to publish, on an annual basis, the inflation adjusted fees on the Authority's website and/or Government Gazette. Effective from 01 April 2021, all registration, renewal and annual fees relating to UPS will be increased by 3.3% based on the average Consumer Price Index (CPI), as published by Statistics South Africa.</p> <p>7.4. The application for registration of UPS and renewal of UPS will be R3099.00 and the annual fee will be R4132.00.</p> <p><u>Recommendation to Council</u></p> <p>It was recommended that Council approves the publication of the increase of administrative fees relating to UPS on the Authority's website and/or Government Gazette.</p> <p>Council resolved to approve the submission as tabled.</p>	CEO/ Licensing
8	<p>MTN (Pty) Ltd: Application for Amendment of Radio Frequency Spectrum (RFS) licence to surrender RFS 1 x 10 MHz TDD RFS assignment in the IMT2100 band.</p> <p>The Item was presented by SM: Spectrum Management:</p>	CEO/ Licensing



No.	Action Item	Person Responsible
	<p>8.1. The purpose of the submission was to request Council to approve the application by Mobile Telephone Networks (Pty) LTD (MTN) for amendment of RFS licence in the IMT2100 band.</p> <p>8.2. On 10 December 2020, the Authority received application from MTN for amendment of its RFS licence no. 495-603-1 in the IMT2100 band.</p> <p>8.3. The application was submitted in terms of regulation 9(1) of the Radio Frequency Spectrum Regulations 2015.</p> <p>8.4. MTN currently is assigned 1 x 10 MHz and 2 x 15 MHz using TDD and FDD modes respectively. MTN in its application requests to surrender 1 x 10 MHz TDD assigned under RFS licence no. 495-603-1 and retain the 2 x 15 MHz FDD assignment under the same RFS licence.</p> <p><u>Recommendation to Council</u></p> <p>It was recommended that Council approves the application by MTN for the amendment of RFS licence in the IMT2100 Band for the following reasons:</p> <p>8.5. The Application was submitted in line with the Regulation 9(1) of the Radio Frequency Spectrum Regulations 2015;</p> <p>8.6. The Application was also in line with section 31(4)(d) of the ECA; and</p> <p>8.7. No licensee would be prejudiced by amendment of MTN's RFS licence to surrender the 1 x 10 MHz TDD RFS assigned within the IMT2100 guard-band.</p> <p><u>Comment</u></p> <p>Council approved the application and further stated that the Applicants covered all their basis.</p> <p>Council approved the submission.</p>	
9	<p>Increase of administrative fees relating to Type Approval and Service Licence applications, and Annual Spectrum Licence fees relating to Radio Frequency Spectrum Licences.</p>	CEO



No.	Action Item	Person Responsible
	<p>The purpose of the submission was to request Council to approve the publication of the increase of administrative fees relating to Type Approval and service licence applications, and annual spectrum licence fees relating to radio frequency spectrum licences.</p> <p>The Executive: Licensing presented the item.</p> <p>9.1. Regulation 10(3) of the Type Approval Regulations (“the TA Regulations”), as published in the Government Gazette No: 36785 of 2013, provides that the Type Approval fees stated in Schedule 1 of the TA regulations will be adjusted by a maximum of the Consumer Price index (CPI) as published by Statistics South Africa.</p> <p>9.2. In terms of regulation 9A of the Radio Frequency Spectrum Licence Fee Amendment Regulations, 2015, as published in the Government Gazette No. 38642 of 2015, the Authority will, on an annual basis, implement an automatic increase in the radio spectrum fee by the weighted average CPI of the previous calendar year.</p> <p>9.3. Effective from the 1st of April 2021, all administrative fees associated with type approval, service licences and all annual licence fees associated with radio frequency spectrum licence should be increased by 3.3% based on the average CPI.</p> <p><u>Recommendation to Council</u></p> <p>It was recommended that Council approve the increase in the administrative fees relating to type approval, and service licence fees, and that the increase in radio frequency spectrum annual licence fees be approved, further that, the approval be granted for publication of the notices in the Government Gazette.</p> <p>Council resolved to approve the submission.</p>	
10	<p>State of the ICT Sector Report in South Africa 31st March 2021</p> <p>The SM: Social Policy for ICT Sector presented the item.</p> <p>The purpose of the submission was to request Council to approve the report on the State of the Information and Communication Technology (ICT) Sector in South Africa for publication.</p>	CEO

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No.	Action Item	Person Responsible
10.1	In terms of section 4(3)(h) of the Act No.13 of 2000, ICASA Act, the Authority “may conduct research on all matters affecting the broadcasting, electronic transactions, postal and electronic communications sectors in order to exercise its powers and perform its duties”.	
10.2	Therefore, as part of its mandate, the Authority collects and collates statistics on the performance and the growth of the ICT sector.	
10.3	The Report contains data from secondary sources, in particular, Statistics South Africa (StatsSA) and OOKLA, as well as data collected from licensees through detailed questionnaires. The information collected by Authority covers a period of 12 months ending on the 30th September each year.	
10.4	The report is in its 6 th year of data collection, it also gives an overview of the ICT sector in South Africa.	
	<u>Comments</u>	
10.5	Council requested that it would assist in future, if the Report can be shared with Council for in-depth interrogation prior to it being tabled for approval.	
10.6	Council further stated that this was a very important report and that the verification of the data was crucial as the Authority must protect itself from reproach.	
10.7	Council was of a view that documents of this nature need an external reader to ensure that the documents are up to standard for the consumption of the public.	
10.8	Council submitted that the document should be published through PRA and corporate entities having round table discussions to ensure that the public was made aware of the publication.	
10.9	Management indicated that it had noted the comments and will effect the corrections including the language used prior to publication.	
	Council resolved that there was an in-principle approval of the Report and that it be circulated for further comments.	



No.	Action Item	Person Responsible
11	<p>Submission of the ECS/ECNS Compliance Annual Report 2020/2021</p> <p>The Executive: Licensing presented the item.</p> <p>11.1 The purpose of the submission was to request Council to consider and approve the ECS/ECNS Compliance Annual Report 2020/2021, compiled for the period under review (2019/2020) as required in terms of the Compliance and Consumer Affairs (“CCA”) Operational Performance Plan (“OPP”), for the 2019/2020 Financial Year (“FY”). The said report was approved by OPCO/EXCO on 12 March 2021.</p> <p>11.2 The Compliance Department has an annual target to monitor compile a report on sixty (60) licensees, during a given financial year and, in this case, 2019/2020. The target has been exceeded to bring the total to one hundred (100) licensees for the period under review.</p> <p>11.3 The report provided an account of the level of compliance by the monitored licensees as assessed by the ECS/ECNS Compliance Unit with respect to 100 licensees.</p> <p>11.4 Non-compliant licensees would be advised of the Authority’s intention to refer their non-compliance to the CCC and will be given an opportunity to make representations.</p> <p>Recommendation to Council</p> <p>It was recommended that Council approve the ECS/ECNS Compliance Annual Report 2020/2021.</p> <p><u>Comments</u></p> <p>Council expressed that the report was not well written as the language was bad, and the graphs needed to be fixed.</p> <p>Management submitted that the report will be edited, proofread and fixed before it was published.</p> <p>The submission was approved subject to the concerns raised by Council being effected.</p>	CEO/CCA
12	Submission of Broadcasting Annual Compliance Reports for	



No.	Action Item	Person Responsible
	<p data-bbox="236 371 1238 443">Individual Sound Broadcasting Services Licensees- attached (20) ACR's</p> <p data-bbox="236 483 871 517">The Executive: Licensing presented the item</p> <p data-bbox="272 557 1246 808">12.1 The purpose of the submission was to request Council to note and approve the twenty (20) Annual Compliance Reports (ACRs), for sound broadcasting service Licensees (I-SBS), compiled for the period under review as part of the sixty (60) ACR's required in terms of the Compliance Operational Performance Plan ("OPP") for the 2020/2021 Financial Year.</p> <p data-bbox="272 848 1246 1032">11.3 Section 4(3)(b) and (d) of the ICASA Act imposes an obligation on the Authority to monitor and enforce compliance with license conditions and Regulations consistent with the objects of the ICASA Act and the underlying statutes.</p> <p data-bbox="272 1072 772 1106">12.3 <u>Commercial Radio Stations</u></p> <p data-bbox="384 1178 1246 1323">12.3.1 Of the ten (10) Commercial Radio Stations that form part of the submission, two (2) fully complied with its license terms and conditions; namely Kaya FM and YFM.</p> <p data-bbox="384 1364 1246 1547">12.3.2 Eight (8) Commercial Radio Stations did not fully comply, with their license terms and conditions and regulatory requirements, namely; Talk Radio 702, 947 Highveld Stereo, 945 KFM, Cape Talk, Capricorn FM, LM Radio, Magic 828 and Vuma FM.</p> <p data-bbox="272 1588 687 1621">12.4 <u>Public Radio Stations</u></p> <p data-bbox="236 1662 1246 1733">All the ten (10) public sound licensees complied with their license terms and conditions.</p> <p data-bbox="272 1774 959 1807">12.5 <u>Measures to Deal with Non-Compliance</u></p> <p data-bbox="236 1848 1246 2054">All non-compliant Licensees will be engaged and advised of the Authority's intention to refer their non-compliance, to the CCC and given an opportunity to make representations. However, in the case of Talk Radio 702, 947 Highveld, 945 KFM and 567 Cape Talk, the non-compliance is due to the prevailing restrictions imposed by the COVID-19 Regulations, the two Licensees will not be referred to the</p>	<p data-bbox="1270 297 1469 365">Person Responsible</p> <p data-bbox="1270 371 1422 405">CEO/CCA</p>



No.	Action Item	Person Responsible
	<p>CCC as the non-compliance was beyond their control.</p> <p><u>Recommendation to Council</u></p> <p>It was recommended that Council approve the twenty (20) broadcasting compliance annual reports compiled for the period under review as part of the sixty (60).</p> <p><u>Comments</u></p> <p>12.6 Council stated that the report was very well written, and enquired if the report is published for the public's consumption?</p> <p>12.7 Council asked about Vuma FM's case, in which the station approached the Authority to bring light to its non-compliance. Council enquired how such concessions are addressed by the Authority.</p> <p>12.8 Council enquired if it was possible for the reports to be spread across the financial year so that they are not all brought before Council at once.</p> <p>Management indicated that it would be difficult to bring the reports during the year as the Licensees have their financial year end in December, so it would be difficult to compile the reports without the Financial Reports of the licensees.</p> <p>Council Resolved to approve the submission.</p>	
13	<p>Submission of Broadcasting Annual Compliance Reports for Individual Sound Broadcasting Services Licensees- attached (16) ACR's</p> <p>The Executive: Licensing presented the item</p> <p>13.1. The purpose of the submission was to request Council to note and approve the sixteen (16) Annual Compliance Reports (ACRs), for Sound Broadcasting Service Licensees (SBS), compiled for the period under review as part of the sixty (60) ACR's required in terms of the Compliance Operational Performance Plan ("OPP") for the 2020/2021 Financial Year.</p> <p>13.2. Currently, there are 268 broadcasting service Licensees in the broadcasting market, there are 248 operational Licensees whilst the remainder (20), are non-operational.</p>	CEO




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	<p>13.3 The non-operational Licensees include subscription television (WOW TV, Super 5 Media, Close TV, east TV, Siyaya TV), commercial radio (Beat FM, Rhythm FM, Talk sports). A process among others, through the Complaints and Compliance Committee (CCC), was set in motion in 2020, to deal with the same Licensees non-compliant Licensees.</p> <p>13.4 Compliance Department has established the reasons for the non-operational status were based on several factors, related to funding, lack of or no equipment with which to commence their broadcasting service governance and management challenges.</p> <p>13.5 Many Community Broadcasters depend a lot if not entirely, on funding from the Media Diversity and Development Agency (MDDA). And often the result is, delays in getting the necessary resources to commence services or the cash grant from the MDDA, would be inadequate, to run and maintain the entire broadcasting community service. Therefore, based on some of the reasons above, it will not be necessary for the Authority, to contemplate action if any, against all of the community radio services.</p> <p>13.5 Of the four (4) Commercial Radio Stations that formed part of the submission, one (1) fully complied with its license terms and conditions; namely Algoa FM. Three (3) commercial radio stations did not fully comply, with their license terms and conditions and regulatory requirements; namely Jacaranda FM, You FM and Rise FM.</p> <p>13.7 Of the nine (9) Community Radio Stations that formed part of the submission, one (1) fully complied with its license terms and conditions; namely Rainbow Community Radio.</p> <p>13.8 Eight (8) Community Radio Stations did not fully comply, with their license terms and conditions and regulatory requirements; namely Heartbeat FM, Jou Radio, Itheku FM, Lekoa FM, Mosupatsela Stereo, Moutse Radio, Tubatse Radio, Revival FM.</p> <p>13.9 All non-compliant Licensees will be engaged and advised of the Authority's intention to refer their non-compliance, to the CCC and given an opportunity to make representations.</p> <p><u>Recommendation to Council</u></p>	



No.	Action Item	Person Responsible
	<p>It was recommended that Council approves the sixteen (16) broadcasting compliance annual reports compiled for the period under review as part of the sixty (60).</p> <p>Council resolved to approve the submission.</p>	
14	<p>Postal Compliance Annual Report - 2020/2021</p> <p>The GM: Licensing presented the item</p> <p>14.1. The purpose of the submission was to request Council to note and approve the Postal Compliance Annual Report, assessing the 2019/2020 financial year performance of the Reserved and Unreserved Postal Services.</p> <p>14.2. Section 4(3)(b) and (d) of the ICASA Act, makes it a specific obligation for the Authority to monitor and enforce compliance by the postal sector.</p> <p>14.3. In terms of the Authority's 2020/2021 OPP, the CCA division and its Compliance Department, must compile a Postal Compliance Annual Report for the Reserved and Unreserved Postal Services.</p> <p>14.4. The report was based on the analysis and assessment of information that SAPO has been submitted to the Authority for the 2019/2020 financial year as well as information obtained through inspections conducted by the Regional Postal Compliance Officers and the Postal Compliance Specialist.</p> <p>Recommendation to Council</p> <p>It was recommended that Council note and approves the 2020/2021 Postal Compliance Annual Report on the Reserved Postal Services (SAPO) and the Unreserved Postal Services (Couriers).</p> <p><u>Comments</u></p> <p>14.5. Council requested that page 5, para 4.3.1 be rephrased.</p> <p>14.6. Council enquired as to why the Authority was still applying Regulations from 2012, and further enquired how COVID-19 would have prevented the manual testing exercise as the state of disaster was only announced in the later part of the 2019/2020 year.</p>	CEO/CCA



No.	Action Item	Person Responsible
	Council resolved to approve the report, subject to the changes mentioned by Council being effected.	
15	<p>National Radio Frequency Plan 2021</p> <p>The Chairperson of the Committee and the Radio Frequency Specialist presented the item:</p> <p>The purpose of the submission was to update Council on the progress and status update on the preliminary of the Draft National Radio Frequency Plan and request Council to:</p> <p>15.1 Note the Project Charter for the development of the National Radio Frequency Plan;</p> <p>15.2 Note the Working Document towards the Development of the National Radio Frequency Plan; and</p> <p>15.3 Approve the letter to the Minister regarding development of the National Radio Frequency Plan including the Project Charter in order to synchronize the process with the Ministry's process in terms of section 34 of the Electronic Communication Act (ECA).</p> <p>15.3.1 The Authority Annual Performance Plan 2020/2021 output expectation is the update to the National Radio Frequency Plan considered by Council by the end of the fourth quarter. During February 2021, Council considered the project progress and status update in this regard.</p> <p>15.3.2 The Committee has been consulting with the Department as officials with regard to the requirement to Security Services, the Committee has had two meetings with the Department, Defence and Intelligence Services. The idea was to consolidate and compile all the requirements incorporated into the plan, for the committee to have all the requirements.</p> <p>15.1. The Authority is initiating the process to review and update the National Radio Frequency Plan (NRFP), taking a long-term view for spectrum planning. The review of the National Radio Frequency Plan was performed in line with the provisions of section 34 of the ECA.</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p>15.2. The review would ensure that the NRFP was up to date, consistent with the latest edition of the Southern African Development Community Frequency Allocation Plan (SADC FAP) and reflects the Final Acts of the latest World Radio Conference of 2019 (WRC 2019), including the latest edition of the ITU Radio Regulations.</p> <p><u>Comments</u></p> <p>15.3. Council requested that the gaps be closed between sections and subsections, further that on paragraph 4 the word Act should be in capital as it refers to legislation.</p> <p>15.4. The Committee informed Council that it has been in discussions and the plan was to publish a consultation document by end of April 2021, the committee would be in a position to set end of June to have the document ready for approval.</p> <p>Council noted the submission and further approved the letter to the Minister.</p>	
16	<p>Draft Regulations, Notice, Findings document and explanatory Memorandum on the review of Must Carry Regulations for approval and publication.</p> <p>The Chairperson of the Committee presented the item</p> <p>16.1. The purpose of this memorandum was to request Council to approve the following documents:</p> <p>16.1.1 Notice in terms of section 4c (6) of the ICASA Act; 16.1.2 Draft Must Carry Amendment Regulations, 2021; 16.1.3 Explanatory Memorandum on the Review of the ICASA Must Carry Regulations, 2008; and 16.1.4 Draft Findings and Positions Document on the Review of the ICASA Must Carry Regulations, 2008.</p> <p>16.2. The Notice, Draft Regulations, and Explanatory Memorandum will be published in the government gazette. The Findings and Positions Document will be published on the Authority's website.</p> <p>16.3. The Must Carry Committee is in the process of reviewing the Regulations on Must Carry obligations published in Government Gazette No 31500 of 10 October 2008. The Authority is reviewing the Regulations in line with section 60(3) of the</p>	Cllr 



No.	Action Item	Person Responsible
	<p>Electronic Communications Act of 2005.</p> <p>16.4. The Regulations pronounced that the subscriptions broadcaster must carry at no cost, meaning that the broadcasters must not pay each other for Must Carry. The Authority has resolved that they Must Carry subject to commercially negotiable terms that are in line with the ECA.</p> <p>16.5. The Committee has finalized the Draft Regulations, notice in terms of section 4c (6) of the ICASA Act, Findings and Positions Document and the Explanatory Memorandum and would like to publish the Draft Regulations for public comments.</p> <p><u>Recommendation to Council</u></p> <p><u>Comments</u></p> <p>16.6. Council asked the Committee, if the documents are draft regulations, meaning that there will still be round of public inputs based on the draft regulations and that the process will conclude in the next financial year.</p> <p>16.7. The Committee informed Council that the process was still in the draft stages and, will be published for public comment following-which the process will be concluded in the next financial year.</p> <p>16.8. There was an enquiry as to what happens if the parties cannot reach an agreement in terms of the commercial terms for Must Carry, what will be the Authority's role in such a case?</p> <p>16.9. The Committee informed Council that in terms of the parties not reaching an agreement, the matter should be referred to the Authority for further adjudication.</p> <p>Council resolved to approve the submission.</p>	
17	<p>Draft Equipment Authorization Regulations</p> <p>The Chairperson of the Committee presented the item</p> <p>The Purpose of the submission was to request Council to approve the Draft Equipment Authorisation Regulations for publication in the Government Gazette.</p>	Cllr [REDACTED]



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	<p>17.1. The project began in 2016 and the draft Regulations have been developed to support the Confirmatory Assessment Framework for Equipment Authorisation, which provides the regulatory framework.</p> <p>17.2. The process of developing regulatory framework takes place against the backdrop of the Authority's position in the Regulatory Position on Equipment Exemptions, that will develop a framework that will incorporate the exemption of equipment.</p> <p>17.3. Issues like equipment exclusions and exemptions have been added, that are in line with chapter 6 of the ECA, wherein the Authority must look at various approaches to Type Approvals.</p> <p>17.4. The normal way of doing things was the Authority receiving everything and approving everything, there is now a list that can be exempted, that will make sure that the division is efficient in what it does and that all the other equipment that does not need the attention of the Authority will not be brought to it.</p> <p>17.5. This Regulation is more efficient, and it will ensure that the Authority has more time to do market surveillance, that the Authority couldn't do before.</p> <p><u>Recommendation to Council</u></p> <p>The Committee requested Council to approve the draft Equipment Authorization Regulations for publication in the Government Gazette.</p> <p><u>Comment</u></p> <p>17.6. Council made a comment on the definition of government equipment services, under the category of equipment used by government services, the equipment exempted that issues can come from is the issue around the public safety. Council requested the committee to look at the issues around public safety.</p> <p>17.7. Council further inquired at what stage does the Authority align its Type Approval processes with the country's industrial policy.</p> <p>17.8. The committee informed Council that Type Approvals are concerned with the certification process and not the production and industrial side of the developments.</p>	



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	<p>17.9. The Committee explained that it has taken consideration to the alignment and further that there will be collaborations with industry players with the conformity assessment bodies.</p> <p>Council approved the submission for publication in the Government Gazette.</p>	
18	<p>Certification of The Television White Space Secondary Geo-Location Spectrum Database Provider</p> <p>18.1. The purpose of the submission was to request Council to:</p> <ul style="list-style-type: none"> 18.1.1 Approve the Qualification Report of the Council of Scientific and Industrial Research (CSIR); 18.1.2 Approve the Notice to enforce the Regulations on the Use of Television Whitespaces 2018; 18.1.3 Approve the Qualification Letter to the CSIR for Chairpersons signature; and 18.1.4 Note the Risk register in line with the process undertaken in acquiring the assistance of the CSIR in preparation of the qualification process. <p>18.2. On 23 March 2018, the Authority published Regulations on the use of Television White Space (TVWS) in Government Gazette number 41512 (Notice 147 of 2018). These regulations provide for the implementation of TVWS through a Geo-Location Spectrum Database System.</p> <p>18.3. On 5 June 2020, the Authority published a Framework to Qualify to Operate a Secondary Geolocation Spectrum (the Framework) in Government Gazette Number 43398 (Notice 311 of 2020). The objective of the framework is essentially for the Authority to qualify organisations to provide S-GLSD services in South Africa.</p> <p>18.4. Upon publication of the invite the Authority received two applications from the CSIR and the Scientific Oceans Project organisations, underwent the Due diligence phase.</p> <p>18.5. Scientific Oceans Projects organisation didn't pass the due diligence phase as there were documentation required (section 4 (4.1) of the Framework) were not all declared. The CSIRs documentation was verified and passed the due diligence phase.</p> <p>18.6. The Scientific and Industrial Research underwent the simulation testing phase of the qualification assessment during the period</p>	Cllr [REDACTED]



No.	Action Item	Person Responsible
	<p>of 16 March 2021 to the 17th of March 2021. The Authority concluded that the Council of Scientific and Industrial Research had demonstrated that it had passed the qualification assessment.</p> <p><u>Comments</u></p> <p>Council inquired if the test with the neighbouring countries was concluded?</p> <p>The Committee informed Council that the coordination was been done and finalized in 2014, to ensure that there is no interference across the borders.</p> <p>The submission was approved by Council.</p>	
19	<p>Draft Memorandum of Understanding (“Draft MOU”) between ICASA and the South Africa Civil Aviation Authority (“SACAA”)</p> <p>The Executive: LRCCC presented the item</p> <p>The purpose of the submission was to advise Council of the draft MOU between ICASA and the SACAA and obtain Council’s approval of the draft MOU.</p> <p>19.1. On 19 October 2010, ICASA and SACAA entered into a Memorandum of Understanding (“current MOU”) wherein ICASA assigned some of its functions for radiotelephony licensing of pilots to SACAA, which is still in force.</p> <p>19.2. The reason behind the amendment is to align it with the applicable legislation. The role of the Authority assigned to Civil Aviation obligation is that the Authority provides technical framing principles of corporation.</p> <p>19.3. Some of the proposed amendments in the draft MOU relate to the roles that ICASA has assigned to SACAA for issuance of radiotelephony proficiency certificates for pilots, the process to be followed by SACAA when issuing such certificates, legislative changes, mediation and arbitration processes, termination period and principles of cooperation.</p> <p>Recommendation to Council</p> <p>It was recommended that Council consider and approve the draft MOU between ICASA and SACAA in order for the draft MOU to be finalised</p>	CEO/ ELRCCC



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	<p>and published as the binding version of the MOU between ICASA and SACAA.</p> <p><u>Comments</u></p> <p>Council highlighted that the abbreviations on the document do not have an explanation and they should be explained, further that the word “the” be removed in front of “ICASA” as it is not referred to as “the ICASA”, but rather ICASA.</p> <p>Council resolved to approve the draft MoU.</p>	
20	<p>Draft Memorandum of Understanding (“draft MOU”) between ICASA and the Advertising Regulatory Board (“ARB”)</p> <p>The Executive: LRCCC presented the item</p> <p>The purpose of the submission was to advise Council of the draft MoU between ICASA and the ARB and to further obtain Council’s approval of the draft MoU.</p> <p>20.1. In terms of section 55 of the ECA, the Authority’s Complaints and Compliance Committee is charged with adjudicating complaints on breaches of the Code of Advertising Practice (“Code”) which the Authority’s licensees must adhere to. The Code was administered by the Advertising Standards Authority of South Africa (ASASA) in the public interest.</p> <p>20.2. ASASA was liquidated and ARB is now acting in its stead. Prior to ASASA’s liquidation the Authority had drafted an MoU with ASASA, such MoU was adopted by the ARB, however, there was a lack of clarity between the role of the Authority and that of the ARB and a legal opinion was sourced to determine such roles and responsibilities.</p> <p>20.3. In line with section 55 (3) of the ECA, the ARB will escalate matters to ICASA after they undergo ARB processes to be dealt with in accordance with applicable provisions of section 17A to section 17H of the ICASA Act.</p> <p>Recommendations to Council</p> <p>It was recommended that Council consider and approve the draft MoU between ICASA and the ARB for the draft MoU to be finalised and published as the binding MoU between ICASA and the ARB.</p>	CEO/ LRCCC



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	<p><u>Comments</u></p> <p>20.4. Council requested clarity, if the Authority had a MoU with the advertising standard Authority before it went into liquidation?</p> <p>20.5. Council further stated that it was cautious about the jurisdictional issues, with regards to matters being escalated to the Authority.</p> <p>20.6. Management indicated that the Authority does not have an MoU with the Advertising Regulatory body. It will be the first time.</p> <p>20.7. In terms of double jeopardy, the opinion advised that there is nothing wrong with the process because the members of the advertising practice have agreed to the process. The advertising governing body will impose sanctions based on its code, and the matter will be referred to ICASA and the CCC will impose its own judgment.</p> <p>The submission was adopted by Council.</p>	
	General	ALL
	<p>Closure</p> <p>The Chairperson thanked all present at the meeting and closed the meeting at 13:00.</p>	Chairperson
	Date of next meeting: 24 March 2021	Secretariat

Signed:  _____

Date: 17 June 2021

(Chairperson)