



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY MEETING OF COUNCIL		
Date	24 October 2023	
Time:	08:30am	
Venue:	Virtual – Microsoft Teams	
Present		
	██████████	Acting Chairperson
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
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	██████████████████	Councillor
	██████████	Councillor
By Invitation		
	██████████████████	CEO
	██████████████	Acting CFO / Executive: PRA
	██████████	Acting CAE
	██████████	Executive: LCCC
	██████████████	Corporate Secretary
	██████████████	Secretariat Officer
	██████████████	Secretariat Officer
	██████████	Graduate, Council
Partial Attendees		
	██████████	Executive: Licensing and Compliance
	██████████	Executive: Engineering and Technology
	██████████	Manager Service Broadcasting
	██████████████████	Manager: Broadcasting Frequency Coordination
	██████████████	Regional Manager - Northern Cape
	██████████	Senior Manager: Market Regulation
	██████████	Regulatory Economic Specialist
	██████████	Senior Manager: SPM
	██████████	Specialist: Monitoring and Evaluation
	██████████	Manager: Comms & Reputational Management
Apologies	██████████	Councillor

No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>1.1. The Chairperson declared the meeting open at 08:30 and welcomed all present.</p> <p>1.2. Councillor Lewis was in transit and requested to leave the meeting at 10h15 to catch his flight.</p> <p>The opening and apology were noted.</p>	Chairperson
2.	<p>Ratification of agenda</p> <p>2.1. Council resolved that, in the light of a meeting between Council and the Minister, scheduled to take place at the DCDT offices in Hatfield, the Council meeting would end earlier than initially scheduled, in order to allow Councillors time to prepare for the aforesaid meeting and to also drive to the meeting venue.</p> <p>2.2. Item 5 (Matters Arising) was deferred to the next Council meeting.</p> <p>2.3. Item E1.3 (Hybrid Working Model Benchmark Study Report) was deferred, given the time constraints as indicated in 2.1 above.</p> <p>The agenda was approved with the above amendments.</p>	Council
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
4.	Adoption of Minutes of Council	
4.1.	<p>Minutes of Council: 22 August 2023</p> <p>The minutes were approved as presented.</p>	Council
4.2.	Minutes of Council: 29 August 2023	Council

No.	Action Item	Person Responsible
	The minutes were approved as presented.	
4.3.	Minutes of Council: 04 September 2023 The minutes were approved as presented.	
4.4.	Minutes of Council: 05 September 2023 The minutes were approved as presented.	
5.	Matters Arising The submission was deferred to the next Council meeting.	CEO
6.	International Engagements (“Standing Item”) The CEO advised that a submission would be brought to the next Council meeting.	CEO / Executive: Corporate Services
7.	Litigation Update (“Standing Item”) The CEO advised that there is no update under this item.	CEO / Executive: LRCCC
8.	Licensing of IMT (“Standing Item”) Councillor [REDACTED] and the Manager Service Broadcasting presented the submission: <u>Social Obligations</u> 8.1. The purpose of the submission dated 18 October 2023 was to recommend that Council should approve the amended Radio Frequency Spectrum Licences of the licensees assigned spectrum resources identified for International Mobile Telecommunications (IMT) services through the 2022 spectrum auction, namely Telkom, Vodacom, Liquid Telecoms, Rain and MTN.	Cllr [REDACTED]

Recommendation to Council:

8.2. The Committee recommended that Council should:

8.2.1. Approve the amended Radio Frequency Spectrum Licences of Liquid Telecoms, MTN, Rain, Telkom, and Vodacom;

8.2.2. Approve the letter to the Minister regarding the outstanding data;

8.2.3. Note that the Committee has handed over the zero-rating obligation to the Regions and Licensing and Compliance Divisions for implementation, and the Divisions will publish the requisite notice inviting applications; and

8.2.4. Note that the Committee has completed a consultation on the Social Obligations and approved the handover to the Licensing and Compliance Division to oversee the implementation and compliance monitoring thereof.

Comments made:

8.3. Council was informed that the Committee will be engaging with the Minister on the issue of social obligations. The matter will be discussed at the meeting between Council and the Minister indicated in 2.1 above.

8.4. Council remarked that receiving information relating to the sites which will be connected has been a challenge. Council was informed that the data has been requested from the DCDT Minister and to date it has not all been received.

8.5. Council sought clarity on what will happen in relation to sites that are already connected but have been allocated to one of the licensees. Council was informed that the Committee thought it would be best to allow for swaps amongst the licensees in order to deal with the aforementioned scenario. However, this has yet to be considered and approved by the Authority.

No.	Action Item	Person Responsible
	<p>8.6. There was a view that Wikipedia should be included as a zero-rated sites given the value it can provide to scholars for educational purposes. Council further sought clarity on whether the Authority has enough staff and resources to monitor and manage the zero-rating initiative.</p> <p>8.7. Council was informed that the Committee has tried to keep to the provisions of the ITA in relation to the matter of public benefit organisations. Should Wikipedia apply and meet the requirements, it will be considered for the zero-rating initiative. Council was further informed that the Executive: Licensing and Compliance is managing the monitoring of the zero-rating initiative despite the challenges posed by capacity constraints within the division.</p> <p>8.8. Council sought clarity on Annexure E paragraphs 4.2.1 and 4.2.2, as currently licensees would be able to achieve 80% coverage without covering Batch 3 underserved communities. It was suggested that paragraph 4.2.2 be reworded. Council was informed that the Committee focused only on coverage related to social obligations. Council requested that the Legal Division should look at the aforementioned two (2) paragraphs and their implications on coverage of the underserved communities.</p> <p>8.9. Councillor Lewis to send further inputs to the Committee for its consideration.</p> <p><u>Resolutions by Council:</u></p> <p>8.10. Council determined that it was not ready to make a decision on the matter. Therefore, the matter will be brought back to Council at the next ordinary Council meeting.</p>	
9.	Telkom interference and ASO monitoring - Western Cape and Gauteng provinces	CEO/Executive: Engineering & Technology

No.	Action Item	Person Responsible
	<p>The Executive: Engineering & Technology presented the submission:</p> <p>9.1. The purpose of the submission dated 16 October 2023 was to note:</p> <p>9.1.1. The Engineering and Technology (E&T) Division's spectrum monitoring reports pertaining to the Telkom interference investigation and analogue Switch-off (ASO) verification measurements conducted in the Western Cape and Gauteng Provinces; and</p> <p>9.1.2. E&T confirmed ASO status letter from Sentech to the Authority confirming same.</p> <p><u>Recommendation to Council:</u></p> <p>9.2. It was recommended that Council notes:</p> <p>9.2.1. The Engineering and Technology (E&T) Division's spectrum monitoring reports pertaining to the Telkom interference investigation and analogue Switch-off (ASO) verification measurements conducted in the Western Cape and Gauteng Provinces; and</p> <p>9.2.2. The confirmation of ASO status from Sentech.</p> <p><u>Comments made:</u></p> <p>9.3. Council sought clarity on whether the outstanding spectrum payments that were supposed to have been paid on the 30th of September, have been made to the Authority. Council was informed that on 13 September 2023, invoices were circulated with a deadline of the 31st of October 2023 (except for Telkom which has an extension of 31st December 2023).</p> <p><u>Resolutions by Council:</u></p> <p>9.4. Council resolved to note the submission.</p> <p>The submission was noted.</p>	

No.	Action Item	Person Responsible
10.	<p>++</p> <p>The Executive: PRA presented the submission:</p> <p>10.1. The purpose of the submission dated 30 September 2023 was to make a recommendation to Council to approve the evaluation of SAPO's revised Operator's Procedure Manual ("OPM") for the 2022/23 financial year.</p> <p><u>Recommendation to Council:</u></p> <p>10.2. It was requested that Council approves:</p> <p>10.2.1. The evaluation of SAPO's revised Operator's Procedure Manual ("OPM") for the 2022/23 financial year, recommending the approval of SAPO's revised OPM.</p> <p>10.2.2. That PRA continues its engagements with SAPO to bring it to compliance as per the agreed upon procedures.</p> <p><u>Resolutions by Council:</u></p> <p>10.3. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	CEO / Executive: PRA
11.	<p>Status update and developments regarding Starlink operations within South Africa</p> <p>The Executive: Regions and Consumer Affairs and Regional Manager - Northern Cape presented the submission:</p> <p>11.1. The purpose of the submission dated 15 October 2023 was to provide Council with a status update and for Council to note the developments thus far regarding Starlink's operations in the country.</p> <p><u>Recommendation to Council:</u></p> <p>11.2. Council to note the progress thus far regarding the operations of Starlink in the country.</p>	CEO / Executive: Regions and Consumer Affairs

No.	Action Item	Person Responsible
	<p>11.3. Council to further consider publishing a general notice indicating the Authority's position on the use, possession and sale of any Starlink products in the country.</p> <p><u>Comments made:</u></p> <p>11.4. Council sought clarity on whether, given that the Starlink products may not be type approved, they can only be located / picked-up when they are causing interference. Further clarity was sought on what harm these products can cause. Council was informed that the products can potentially, inter alia, cause interference.</p> <p>11.5. Council re-iterated the importance of managing the matter, especially in light of the adverse public perceptions it can create.</p> <p>11.6. Council sought clarity on what other punitive measures the Authority can take against use of equipment that is not type approved, besides going after the distributors. Council was informed that the ICASA Act does provide for punitive action against such transgressions.</p> <p>11.7. Council indicated that the relevant division needed to confirm with certainty whether the Starlink products are type approved or not. Council was informed that it was confirmed by the type approval team that the products needed to be further verified as some are type approved and others are not.</p> <p>11.8. Council was informed that the Authority has engaged Border Control, to assist in ensuring that Starlink products which are not type approved do not enter South Africa.</p> <p>11.9. Further, Council deliberated on the use of ICASA's name and branding by a company related to Starlink in Mozambique. Executive Legal advised</p>	

No.	Action Item	Person Responsible
	<p>on the legal opinion sought regarding the name ICASasePush.</p> <p><u>Resolutions by Council:</u></p> <p>11.10. Council resolved that the draft notice, which was appended to the memo, should be used to educate the public on the requirements for electronic products to be type approved. It should further be highlighted in the notice that the Authority is not blocking Starlink from operating in South Africa but would indeed welcome them to apply for a licence. Rather the Authority is enforcing compliance with the applicable statutory prescripts.</p> <p>11.11. Council resolved that Management should consider highlighting the issue of type approved equipment in the notice.</p> <p>11.12. Council resolved that the ICASasePush submission regarding the possible infringement of the ICASA name, must be tabled at the next Council meeting.</p> <p>11.13. Council resolved to note the update and requested that the above-mentioned inputs be implemented to the notice.</p> <p>The submission was noted, subject to the implementation of the above-mentioned inputs.</p>	
12.	<p>Non-renewal of individual broadcasting service licence held by On Digital Media (Pty) Ltd</p> <p>Councillor ██████ recused herself from chairing the discussions under this item, given that she is one of the two Councillors in the respective Committee.</p> <p>Councillor ██████ chaired the discussions.</p> <p>Councillor ██████ and Executive: Licensing and Compliance presented the submission:</p> <p>12.1. The purpose of the submission dated 04 October 2023 was to apprise Council of the Legal opinion</p>	Cllr ██████

No.	Action Item	Person Responsible
	<p>received from the Legal, Risk and CCC (“LRCCC”) Division regarding the non-submission of a renewal application by On Digital Media (Pty) Ltd (“ODM”/ “the Licensee”) for its Individual Broadcasting Service (“IBS”) Licence.</p> <p>12.2. The submission was for Council to approve the Committee’s recommendation that ODM be allowed to wrap up its operations within a period of 6 months.</p> <p><u>Recommendation to Council:</u></p> <p>12.3. It was recommended that Council approves the recommendations outlined in paragraphs 3.2.1 – 3.2.4 above, as proffered in the legal opinion.</p> <p><u>Comments made:</u></p> <p>12.4. Council sought clarity on whether the licensee submitted any reasons as to why it was not renewing its licence. Council was informed that the licensee did not submit any reasons, the licensing division sent numerous reminders to the licensee to lodge a licence renewal application.</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>Approval of the publication of the notice of further consultation with respect to the inquiry into Subscription Television Broadcasting Services</p> <p>Councillor [REDACTED] and Regulatory Economic Specialist presented the submission:</p> <p>13.1. The purpose of the submission dated 12 October 2023 was for Council to approve the following:</p> <p>13.1.1. Publication of the notice for further consultation in the Government Gazette.</p>	Cllr [REDACTED]


No.	Action Item	Person Responsible
	<p>13.1.2. Publication of the questionnaires or request for information on the Authority's website.</p> <p><u>Recommendation to Council:</u></p> <p>13.2. It was recommended that Council approves:</p> <p>13.2.1. Publication of the notice for further consultation in the Government Gazette.</p> <p>13.2.2. Publication of the questionnaires or request for information on the Authority's website.</p> <p><u>Resolutions by Council:</u></p> <p>13.3. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
14.	<p>Hybrid Working Model Benchmark Study Report</p> <p>The submission was deferred to the next Council meeting.</p>	<p>CEO / Executive: Corporate Services</p>
15.	<p>Quarter 2 Draft Performance Information Report for 2024/25FY</p> <p>The CEO presented the submission:</p> <p>15.1. The purpose of this submission dated 17 October 2023 was to table the ICASA 2023/24 Quarter 2 Performance Information to Council for consideration and approval.</p> <p><u>Recommendation to Council:</u></p> <p>15.2. It was recommended that Council considers and approves the 2023/24 ICASA Quarter 2 Performance Information Report prior its submission to the DCDT and DPME as part of the mandatory statutory requirements.</p> <p><u>Comments made:</u></p> <p>15.3. Council sought clarity on whether an in-depth [REDACTED]</p>	<p>CEO / Senior Manager: SPM</p>

No.	Action Item	Person Responsible
	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>15.4. Council indicated that the reason “missed flights”</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>15.5. Council sought clarity on the issues hampering the</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>15.6. Council was informed [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED].</p> <p>15.7. Council sought clarity on when Council and</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>15.8. Council resolved that henceforth, the Chairperson of AREDC must be present when this report is tabled at Council.</p>	

No.	Action Item	Person Responsible
	<p>15.9. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
<p>16.</p>	<p>Quarter 2 Comprehensive Report for 2024/25FY</p> <p>The CEO presented the submission:</p> <p>16.1. The purpose of the submission dated 17 October 2023 was to table the ICASA Quarter 2 Comprehensive Quarterly Report to Council for consideration and approval.</p> <p><u>Recommendation to Council:</u></p> <p>16.2. It was recommended that Council considers and approves the ICASA Quarter 2 Comprehensive Quarterly Report.</p> <p><u>Resolutions by Council:</u></p> <p>16.3. Council resolved that henceforth, the Chairperson of AREDC must be present when this report is tabled at Council.</p> <p>16.4. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
<p>17.</p>	<p>ICASA Draft APP for 2024/25FY</p> <p>The CEO and Senior Manager: SPM presented the submission:</p> <p>17.1 The purpose of the submission was to table the ICASA 2024/25FY Draft APP to Council for consideration and submission to the Department of Planning, Monitoring and Evaluation (DPME) and the Department of Communications and Digital Technologies (DCDT).</p> <p><u>Recommendation to Council:</u></p>	<p>CEO/Senior Manager: SPM</p>

No.	Action Item	Person Responsible
	<p>17.2. It was recommended that Council considers and approves ICASA's APP for 2024/25FY for submission to the DCDT and the DPME.</p> <p><u>Comments made:</u></p> <p>17.3. Council sought clarity on the status of the 5G strategy that is referred to in the report, whether the strategy will be developed internally or externally. Council was informed that the 5G strategy recommendations must be delivered/achieved this year, then in 2024 the recommendations will have to be implemented.</p> <p>17.4. Council indicated that the presentation mentions the release of lot 9 only, while there are other bands that will be considered for the auction.</p> <p><u>Resolutions by Council:</u></p> <p>17.5. Council resolved that Councillors be given until 30 October 2023 to make written inputs to the report. Then the report will be re-tabled for approval.</p> <p>17.6. Council resolved to defer the submission, subject to the implementation of the inputs that will be shared by Council.</p> <p>The submission was deferred.</p>	
18.	<p>Quarter 2 Performance Information Assurance report</p> <p>The Acting CAE presented the submission:</p> <p>18.1. The purpose of the submission dated 20 October 2023 was to apprise the Council of the audit results emanating from the reviewed Quarter 2 Performance Information Report.</p> <p><u>Recommendation to Council:</u></p> <p>18.2. Council was requested to note the submission and provide input where required.</p> <p><u>Resolutions by Council:</u></p>	Acting CAE

No.	Action Item	Person Responsible
	18.3. Council resolved to note the submission. The submission was noted.	
19.	Closure The Acting Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 12h12.	Council

Signed:  _____
 Yolisa Kedama
 (Acting Chairperson)

Date: 07-11-2023 _____