



Independent Communications Authority of South Africa

MINUTES OF THE MEETING OF COUNCIL HELD ON 25 JUNE 2024

Time:	09:00am
Venue:	EP-CF Thabo Mbeki
Present	
[REDACTED]	Chairperson
[REDACTED]	Councillor
[REDACTED]	Councillor
[REDACTED]	Councillor
[REDACTED]	Councillor
[REDACTED]	Councillor
[REDACTED]	Councillor
[REDACTED]	Councillor
[REDACTED]	Councillor
By Invitation	
[REDACTED]	CEO
[REDACTED]	CFO
[REDACTED]	Manager: Internal Audit (Attended on behalf of the CAE)
[REDACTED]	Corporate Secretary
[REDACTED]	Secretariat Officer
[REDACTED]	Graduate Intern, Secretariate
Partial Attendees	
[REDACTED]	Executive: Licensing and Compliance
[REDACTED]	Executive: HR
[REDACTED]	Executive: PRA
[REDACTED]	Senior Manager: Social Policy for ICT, PRA
[REDACTED]	Manager: Wholesale Services, PRA
[REDACTED]	Acting CCC Co-ordinator
[REDACTED]	Manager: Broadcasting Frequency Co-ordination
[REDACTED]	Manager: Cost Modelling, PRA
[REDACTED]	Radio Frequency Specialist: Radio Communications
[REDACTED]	Manager: Service ECS\ECNS\Post
[REDACTED]	Competition Law Specialist
[REDACTED]	Analyst: Research and Development, PRA
Apologies	
[REDACTED]	Councillor
[REDACTED]	CAE

No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>1.1. The Chairperson declared the meeting open and welcomed all present.</p> <p>1.2. Councillor [REDACTED] was on annual leave.</p> <p>1.3. The CAE was attending training. Mr [REDACTED] attended the Council meeting on behalf of the CAE.</p> <p>The opening and apologies were noted.</p>	Chairperson
2.	<p>Ratification of agenda</p> <p>2.1 Council resolved that item E2.1 (Recruitment of ITRC members) be deferred to allow for the relevant documents to be finalised and circulated to Council.</p> <p>2.2 Under item 6.1 (Chairperson Report), in addition to the items already on the agenda, the Chairperson would provide clarity regarding reports to be tabled by Council Committees to apprise Council of forthcoming public hearings.</p> <p>The agenda was ratified with the above amendment.</p>	Council
3.	<p>Declaration of Conflict of interest</p> <p>3.1 No conflict of interest was noted.</p>	Council and CEO
4.	<p>Adoption of Council Minutes and Matters Arising</p>	Secretariat
4.1	<p>Minutes of the Council meeting held on 18 June 2024</p>	
	<p>The minutes were presented by the Corporate Secretary.</p> <p>4.1.1 The following editorial inputs were made by Council:</p> <p>4.1.1.1.1 The heading of Council minutes should use the definite article "the" instead of the indefinite article "a"; and</p>	

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	<p>4.1.1.1.2 The phrase “recommended that Council should”, must be replaced globally to “recommended that Council approve”.</p> <p>Council resolved to approve the minutes as presented, subject to the incorporation of the above editorial inputs.</p>	
4.2	Matters Arising from the meeting held on 18 June 2024	
	<p>The matters arising were presented by the Corporate Secretary</p> <p><u>Council Comments:</u></p> <p><u>Application for the transfer of Cell C I-ECS and I-ECN Licences to the Prepaid Company (Pty) Ltd</u></p> <p>4.2.1 Council was advised that the hearings will be held on 25 July 2024.</p> <p><u>Procurement of a Council Meeting Packs Software Solution</u></p> <p>4.2.2 Council resolved that Cllr [REDACTED], on behalf of Council, will provide inputs on the RFQ specifications.</p> <p>4.2.3 Council further resolved that the Corporate Secretary be appointed to the Bid Specification Committee (BSC) as the user.</p> <p>Council resolved to note the matters arising, with the above inputs.</p>	
5.	<p>International Engagements</p> <p>This item was presented by the Executive: Corporate Services.</p> <p><u>Council Comments:</u></p> <p>5.1 Council requested clarity regarding the process for the appointment of officials who accompany and support Councillors to international engagements.</p>	<p>CEO / Executive: Corporate Services</p>

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	<p>5.2 Council was advised that there is a separate annual schedule of officials, which gets approved by the CEO.</p> <p>5.3 Council resolved that henceforth, a column be inserted in the international engagements template, outlining all the proposed officials who will accompany the Councillors to the respective international engagements. The column will also indicate for each official, the number of international engagements the official has attended within the previous 24-months.</p> <p>5.4 Council also conceded that, in order to promote exposure, an opportunity should be created for graduate trainees and other officials, who have not previously had a chance, to accompany the Councillors to international engagements. Further, that international engagements be equitably distributed between Councillors.</p> <p>5.5 Management confirmed that if the matter is to be deferred to the next Council meeting, no international engagements on the schedule will be affected.</p> <p>5.6 Council further requested to be apprised of relevant webinars taking place virtually.</p> <p>Council resolved to defer the submission to the next Council meeting, in order for the template to be updated with the information as indicated above.</p>	
6.	<p>Quality of Service Reports for Data Services in Four Provinces for the 2023/24FY</p> <p>The submission was presented by the Executive: Engineering and Technology.</p> <p><u>Council Comments:</u></p> <p>6.1 Council raised concern as to why the report from Q1 and Q2 of the 2023/24FY is only brought to Council in Q2 of the 2024/25FY.</p> <p>6.2 Council was advised that the report had already been tabled and approved at EXCO, in line with the relevant delegation of authority. The report is brought to Council merely for noting.</p>	CEO / Executive: E & T

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	<p>6.3 Council was further advised that eight (8) quality of service reports were previously tabled and approved at EXCO level with respect to the 2023/24FY and therefore APP targets were accordingly met.</p> <p>6.4 Council sought to ensure that mobile operators are given an opportunity to reflect on the outcomes of the quality of service monitoring reports with respect to each quarter and to commit on improvement measures and those improvements measured be monitored.</p> <p>6.5 Council conceded that the reports have already been approved at EXCO and resolved to note the reports. Council also directed that a workshop be held, wherein a guidance will be provided regarding the quality of service reports to be prepared for the current financial year. Council tasked Cllr [REDACTED] to lead oversight on issues of the quality of service reports for the current financial year.</p> <p>Council resolved to note the submission.</p>	
7.	<p>Status of the Digital Television Content Advisory Group (DTCAG)</p> <p>Cllr [REDACTED] presented the submission, assisted by the Executive: Engineering and Technology.</p> <p>7.1 Mainly, the submission was to appraise Council of the status of DTCAG, and the planned close-out meeting with its stakeholder members, and that it will remain inactive until it can be dissolved at the prescribed time.</p> <p>Council resolved to note the submission.</p>	Cllr [REDACTED]
8.	<p>Universal Postal Union Conference Report</p> <p>Cllr [REDACTED] assisted by the Senior Manager: Social Policy for ICT, presented the item.</p> <p>8.1 Council requested clarity regarding paragraph 4.4 and 4.6 of the memorandum, which respectively state "4.4 Parcel post is a growing market although at 2.5% growth currently" and "4.6 Parcel post showed a decline in revenue for the first time in 2022".</p>	Cllr [REDACTED]

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	<p>8.2 Council was advised that at the onset of the COVID-19 pandemic, the speed of parcel delivery declined. However, growth of 2,5% was seen last year regarding small parcels.</p> <p>8.3 Council noted with concern that SAPO has missed out on R [REDACTED] in funds available through an UPU grant.</p> <p>8.4 Council indicated that Cllr [REDACTED] may share the key takeaways from the report with the SAPO Business Rescue Practitioners and the DCDT.</p> <p>8.5 Council conceded that there must be an imbizo wherein SAPO, PostNet, and any interested parties and the public can have open discussions regarding all issues affecting the postal sector.</p> <p>Council resolved to note the submission.</p>	
9.	<p>Review application – SMSPortal (Pty) Ltd</p> <p>The Executive: Legal, Risk and CCC, presented the submission.</p> <p><u>Council Comments:</u></p> <p>9.1. Council requested clarity on the respective cost implications for option 1 and option 2. Council was advised that the cost implications are the same with both options, except in the instance where, under option 2, the parties agree to pay their own costs. Council was advised that it is unlikely that SMSPortal will agree to tender the Authority's legal costs.</p> <p>9.2. The LCCC Division recommended option 2 as more palatable, considering that, with option 1, SMSPortal may at any arbitrary point in the future, decide to revive the matter.</p> <p>9.3. Council requested comfort that option 2 will not result in an audit finding in the sense of a finding of fruitless expenditure resulting from the legal costs incurred to date. Council was advised that the latter matter would need to be considered by the Loss Control Committee.</p>	CEO / Executive: LCCC

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	<p>Council resolved to approve <u>option 2</u>, with the condition that the Loss Control Committee will advise at a subsequent Council meeting of the concern Council raised regarding a potential adverse audit finding.</p>	
<p>10.</p>	<p>Postal Service Bill Comments</p> <p>The Executive: LCCC assisted by the Senior Manager: Regulatory, presented the submission.</p> <p>10.1 Council queried the reasons why it is recommended that exclusivity be abolished, yet the definition of “reserved services” remains and there are still provisions for penalties for providing reserved services without a licence.</p> <p>10.2 The LCCC concurred with the Council view. Council was advised that the Minister extended exclusivity given that there is currently no framework. Exclusivity will automatically fall off during the year 2025.</p> <p>10.3 Council iterated that pivoting SAPO to an e-commerce role, be incorporated in the comments, given the global phenomenon shifts, but that this be aligned with inputs in this regard of the Committee which deals with the ECA Amendments.</p> <p>Council resolved to approve the submission, subject to the above-mentioned Council inputs.</p>	<p>CEO / Executive: LCCC</p>
<p>11.</p>	<p>Comments on the Electronic Communications Bill</p> <p>The submission was presented by the Executive: LCCC assisted by the Specialist: Regulatory and Legislative Drafting</p> <p><u>Council Comments:</u></p> <p>11.1 Council was of the view that there should be policy interventions to ensure support and viability for community networks licensees through, for instance, shared databases, legal services and other professional services.</p>	<p>CEO / Executive: LCCC</p>

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	<p>11.2 Council also provided extensive editorial inputs to the bill.</p> <p>Council resolved to approve the submission but directed that this be a working document.</p>	
12.	<p>Office of the Chairperson</p> <p>The discussions were led by the Chairperson.</p> <p>Council Comments and Outcomes:</p> <p>12.1 [REDACTED] [REDACTED] Council resolved on the following interventions: (1) Training on minute-taking for the Secretariat Unit be arranged; and (2) Exposure of the Secretariat Unit to some of the international engagements, especially those involving regulators.</p> <p>12.2 Council further conceded that the role of the Corporate Secretary must be properly redefined through a benchmark exercise coupled with a proper restructuring of the Secretariat Unit. Council advised the CEO to engage the IoDSA CEO over tea regarding an appropriate structure for the Secretariat Unit.</p> <p>12.3 Council directed the CEO to revert and advise Council on the issue of the inclusion of the Corporate Secretary on the letterhead footer, to be benchmarked with similar entities in the public sector.</p> <p>12.4 Council also discussed and resolved on the renaming of the current "regional" offices to be "provincial" offices, along with the renaming of the associated job titles accordingly.</p> <p>12.5 Council was advised that Council had previously based its decision to publish only Council Decisions on the website (and not minutes) on a legal opinion. Council requested to be furnished with the legal opinion.</p> <p>12.6 Council conceded that Council minutes must, in line with section 11A of the ICASA Act, be published on the ICASA website, as opposed to the current</p>	Chairperson

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	<p>practice of publishing Council Decisions, until relevant amendments have been done in the ICASA Act, allowing for only Council Decisions to be published. However, if this is to be done, the quality and style of minutes must be urgently addressed.</p> <p>12.7 The Chairperson advised that Council Committees must prepare regular reports for tabling at Council, mainly to ensure that Council is kept apprised of upcoming key engagements of Council Committees such as public hearings.</p>	
13.	<p>Closure</p> <p>The Chairperson thanked all who were present and declared the meeting adjourned.</p>	Chairperson

Signed: 
Mothibi Ramusi
(Chairperson)

Date: 16/7/2024