



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY MEETING OF COUNCIL		
Date	27 June 2023	
Time:	09:00 – 14:00	
Venue:	Virtual- Microsoft Teams	
Present	██████████	Acting Chairperson
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████████████	Councillor
	██████████	Councillor
	██████████████	Councillor
By Invitation	██████████████████	CEO
	██████████	Acting CFO
	██████████	Manager: IT Auditor (as Acting CAE)
	██████████	Executive: LCCC
	██████████████	Corporate Secretary
	██████████████	Secretariat Officer
	██████████	Secretariat Officer
Partial Attendees	██████████	Executive: Corporate Services
	██████████	RF Specialist
	██████████████	Manager: Broadcasting Frequency Coordination
	██████████	Manager: Service Broadcasting
	██████████	Risk and Compliance Management Specialist
	██████████	Senior Manager: Legal (Regulatory Support & Legislative Drafting)
Apology	██████████	Councillor



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>1.2. Councillor [REDACTED] was on annual leave.</p> <p>The opening and apology were noted.</p>	Chairperson
2.	<p>Ratification of agenda</p> <p>2.1. Item E2.1 (Request for COLA Mandate) was deferred to the next Council meeting given that the submission had not been finalised.</p> <p>2.2. Item C1.1 (Application for renewal of Multichoice licence) was moved to item D1 under Part B: Council Committees of the agenda.</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
4.1.	<p>Minutes of Council: 9 May 2023</p> <p>The minutes were approved as presented.</p>	Council
4.2.	<p>Minutes of Council: 15 May 2023</p> <p>The minutes were approved as presented.</p>	Council



No.	Action Item	Person Responsible
5.	<p>Matters Arising</p> <ul style="list-style-type: none"> Item 6 - Council noted with concern, the delays with the completion of the licensing process with respect to community radio stations. Item 23 – Council sought c [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] Item 31 – It was requested that Council be informed of training opportunities on time, so that Councillors can attend. Council resolved that the Matters Arising be colour coded, the different colours should differentiate the status of the respective matters. 	CEO
6.	<p>International Engagements (“Standing Item”)</p> <p>The Executive: Corporate Services presented the submission:</p> <p>6.1. The purpose of the submission dated 26 June 2023 was to request Council to note the list of meetings for the second quarter of the 2023/24 Financial Year, and approve the nominated Councillors and the CEO to attend the meetings.</p> <p><u>Recommendation to Council:</u></p> <p>6.2. It is recommended that Council:</p> <p>6.2.1. Notes the identified meetings for the second quarter of 2023/24, and</p>	CEO / Executive: Corporate Services



No.	Action Item	Person Responsible
	<p>6.2.2. Approves the attendance of the identified meetings by the nominated Councillors and the CEO.</p> <p><u>Comments made:</u></p> <p>6.3. Council expressed that as a matter of principle the names of Councillors or the Acting Chairperson should not be included in the submission (in the various international engagement events).</p> <p>6.4. Councillor ██████████ notified Council she will not be able to attend the Commissioning of the PAPU House, as she has other, prior engagements. It was resolved that Councillor ██████ should therefore attend.</p> <p><u>Resolutions by Council:</u></p> <p>6.5. Council resolved to approve the submission, subject to the above-mentioned changes.</p> <p>The submission was approved, subject to the implementation of the above-mentioned inputs.</p>	
7.	<p>Licensing of IMT (“Standing Item”)</p> <p>With the presentation having been sent to the Secretariat Office and Council on the morning of the meeting, Council iterated that submissions and presentations must be furnished to Council timeously in order to allow Council ample time to apply its mind on the substance.</p> <p>The presentation was thereafter done by the Committee as per the document circulated to Council.</p>	Cllr ██████████



No.	Action Item	Person Responsible
9.	<p>Application for renewal of an Individual Commercial Subscription Television and Sound Broadcasting Service Licence by Multichoice</p> <p>Cllr ██████████ and the Executive: Licensing and Compliance presented the submission:</p> <p>9.1. The purpose of the submission dated 21 June 2023 was to request Council to note an analysis of the application submitted by MultiChoice (Pty) Ltd, broadcasting as DSTV, ("the Applicant"), for the renewal of its Individual Commercial Subscription Television and Sound Broadcasting Service ("I-CSTSBS") licence, and to recommend that Council approves the Applicant's renewal application.</p> <p><u>Recommendation to Council:</u></p> <p>9.2. It was recommended that Council approves the Applicant's application to renew its I-CSTSBS Licence for the following reasons:</p> <p>9.2.1. The Applicant's renewal application is in line with section 11 (1), (2), and (3) and EC Act read with regulations 10 (1), (2), and 12(1) of the of the Processes and Procedures Regulations.</p> <p>9.2.2. The Applicant has for the duration of its licence period not been found guilty of any contravention by the CCC.</p> <p>9.2.3. The Applicant's HDI equity stake meets the Authority's legislated minimum 30% HDI requirement as stipulated in section 9(2)(b) of the EC Act.</p>	<p>Cllr ██████████ / Executive: Licensing and Compliance</p>



No.	Action Item	Person Responsible
	<p>9.2.4. The Applicant has paid all the licence fees due and payable at the date of the application.</p> <p><u>Comments made:</u></p> <p>9.3. Council sought clarity on how the HDI was calculated. Council was informed that the 34,90% is derived from the two (2) shareholders of the licensee, i.e. MultiChoice Group Ltd (13%) and Phuthuma Nathi Investments (RF) Ltd (21,90%).</p> <p>9.4. Council sought clarity on whether the BBBEE certificate reflects separately HDI vs black ownership. Council was informed that the BBBEE certificate reflects black ownership.</p> <p><u>Resolutions by Council:</u></p> <p>9.5. Council resolved to approve the recommendation.</p>	
10.	<p>Request for Mandate – COLA Negotiations</p> <p>The submission was deferred to the next Council meeting.</p>	<p>Executive: HR</p>
11.	<p>Cell C request for a payment plan with respect to its USAF and Annual Licence Fees for the 2021/22FY</p> <p>The Acting CFO presented the submission:</p> <p>11.1. The purpose of the submission dated 24 June 2023 was to request Council to approve the request by Cell C Limited (Cell C) for a payment plan of Universal Service and Access Fund (“USAF”) and Annual Licence Fees (“ALF”) 2021/22 and request the Acting Chairperson to sign the letter (Annexure A) to Cell C.</p>	<p>CEO / Acting CFO</p>



No.	Action Item	Person Responsible
	<p><u>Recommendation to Council:</u></p> <p>11.2. It is recommended that Council should approve Cell C's request as recommended by EXCO/OPCO and request the Acting Chairperson to sign the letter (Annexure A) to Cell C.</p> <p><u>Comments made:</u></p> <p>11.3. Council sought clarity on whether the payment plan is not a way for Cell C to decrease the cost of payment by securing an interest rate from the Authority below its weighted average cost of capital. Council was informed that moving forward, Finance will look into whether Cell C is making savings through these payment plan requests.</p> <p>11.4. Council noted that a precedent has been created by the approval of previous payment plan requests, and also that, notwithstanding this, issues of COVID-19 and loadshedding should not be ignored as they have impacted on organisations negatively.</p> <p>11.5. Council sought clarity on what would be the harm to the Authority should the request be approved. Council was informed that Cell C will be paying the full licence fees due, plus interest, however the payments will be split over a period of time.</p> <p>11.6. Council expressed that it might be useful to meet with Cell C to ascertain what their long-term outlook is insofar as it pertains to potential future requests for more payment plans. Council was informed that management will look into this suggestion.</p> <p><u>Resolutions by Council:</u></p> <p>11.7. Council resolved to approve the recommendation.</p>	



No.	Action Item	Person Responsible
12.	<p>2022/2023 Quarter 3 Internal Audit Progress Report</p> <p>The Acting CAE presented the submission:</p> <p>12.1. The purpose of the submission dated 06 June 2023 was to apprise the Council of the Q3 internal audit progress report against the annual plan.</p> <p><u>Recommendation to Council:</u></p> <p>12.2. Council was requested to note the submission and provide input where required.</p> <p><u>Comments made:</u></p> <p>12.3. Council sought clarity on whether the three (3) issues elevated [REDACTED].</p> <p>12.4. Council sought clarity on what is meant [REDACTED].</p> <p>12.5. Council sought clarity [REDACTED].</p> <p><u>Resolutions by Council:</u></p> <p>12.6. Council resolved to note the submission.</p>	Acting CAE



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13.	<p>2022/2023 Quarter 4 Internal Audit Progress Report</p> <p>The Acting CAE presented the submission:</p> <p>13.1. The purpose of the submission dated 06 June 2023 was to apprise the Council of the Q4 internal audit progress report against the annual plan.</p> <p><u>Recommendation to Council:</u></p> <p>13.2. Council was requested to note the submission and to provide input.</p> <p><u>Comments made:</u></p> <p>13.3. Council expressed that progress [REDACTED]</p> <p>13.4. Council expressed [REDACTED]</p> <p>13.5. Council expressed that [REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>13.6. Council resolved to note the submission.</p>	Acting CAE
14.	<p>2022/2023 Q4 Risk and Compliance Management Report</p> <p>The Risk and Compliance Specialist presented the submission:</p> <p>14.1. The purpose of the submission dated 06 June 2023 was to provide Council with the Risk and</p>	CEO / Executive: Legal and CCC



No.	Action Item	Person Responsible
	<p>Compliance Management progress report for Q4, for noting.</p> <p><u>Recommendation to Council:</u></p> <p>14.2. It was recommended that Council notes the Q4 Risk and Compliance Management report.</p> <p><u>Comments made:</u></p> <p>14.3. Council sought clarity on why issues related to National Radio Frequency Plan are still being flagged (in slide 4 of the presentation), when the plan has long been gazetted. Council was informed that this risk has been categorised as a low risk, but that the risk is included in the APP and the Strategic Plan, and thus it has been flagged. When it is reviewed again, there is a possibility that it will be removed from the list.</p> <p>14.4. Council sought clarity on what the risk of “Lack of redundancies resulting in unavailability of IT services” means. Council was informed that this risk related more to issues of IT infrastructure.</p> <p>14.5. Council expressed that perhaps the risks identified could be grouped into those that are budget-related and those which are not. Management informed Council that it will look into this.</p> <p>14.6. Council sought clarity [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	



No.	Action Item	Person Responsible
	<p><u>Resolutions by Council:</u></p> <p>14.7. Council resolved to note the submission.</p>	
<p>15.</p>	<p>2022/2023 Q4 Policy Register</p> <p>The Risk and Compliance Specialist presented the submission:</p> <p>15.1. The purpose of the submission dated 06 June 2023 was to provide Council with a progress report on the review of the organisation’s policies, for noting.</p> <p><u>Recommendation to Council:</u></p> <p>15.2. It was recommended that Council notes the Quarter 4 Progress Report on the Review of Policies.</p> <p><u>Comments made:</u></p> <p>15.3. Council noted with [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>15.4. Council resolved to note the submission.</p>	<p>CEO / Executive: Legal and CCC</p>
<p>16.</p>	<p>2022/2023 Q4 MoU Register</p> <p>The Senior Manager: Legal (Regulatory Support & Legislative Drafting) presented the submission:</p> <p>16.1. The purpose of the submission dated 08 June 2023 was to update Council with regards to the memoranda of understanding (“MoU’s”) entered into by ICASA, including those in the process of</p>	<p>CEO / Executive: Legal and CCC</p>




No.	Action Item	Person Responsible
	<p>being concluded with other entities, as of Quarter 4 of the financial year 2022/23, for noting.</p> <p><u>Recommendation to Council:</u></p> <p>16.2. It was recommended that Council notes the updated ICASA MoU register as of Quarter 4 of 2022/23 prepared by the LRCCC.</p> <p>16.3. It was recommended that Council approves that MoUs in effect for more than three (3) years be reviewed by the respective responsible division in the 2023/24 Financial Year.</p> <p><u>Comments made:</u></p> <p>16.4. Council sought clarity on the basis on which the recommendation for the review came about, and expressed the view that the review should focus more on the analysis of whether there is value received from the various MoUs, rather than on the time validity of the MoUs.</p> <p>16.5. Council expressed that the ECA stipulates that the MoUs with concurrent jurisdiction need to be reviewed every three (3) years.</p> <p>16.6. Council indicated that the list of MoUs in the submission is missing the matter in relation to the Multimedia Commission of Malaysia.</p> <p><u>Resolutions by Council:</u></p> <p>16.7. Council resolved to note the submission.</p>	
17.	General	
17.1.	<p>Governance Calendar Presented by the Corporate Secretary.</p>	Acting Chairperson



No.	Action Item	Person Responsible
	<p><u>Council Comments</u></p> <p>17.1.1 Council requested that international engagements such as WRC, and the statutory dates for reports and strategic sessions, be included in the governance calendar.</p> <p>17.1.2 Council requested that the Council meeting scheduled for 8th of August 2023 be moved to the 1st of August 2023.</p> <p>17.1.3 Council expressed that, for the month of November no physical meeting has been scheduled. Council was informed that for the month of November, the physical meeting will be on the 21st of November 2023.</p> <p>17.1.4 Council resolved that the governance calendar will be a “live document”, which will be updated as and when the need arises.</p> <p>17.1.5 Council resolved to approve the governance calendar in principle.</p>	/ Corporate Secretary
17.2.	<p>Invitation to participate as a panellist at the Association of Comms and Technology Roundtable on OTTs and Fair Share in South Africa</p> <p><u>Council Comments</u></p> <p>17.2.1 Council noted that the Authority has not taken a position on the Fair Share debate.</p> <p>17.2.2 Council expressed that, in order to avoid creating an impression that the participation of a Councillor to an event, indicates the Authority aligns with the topic of the event, in some instances, Executives rather than Councillors should be delegated to attend those roundtable discussion events.</p>	Acting Chairperson



No.	Action Item	Person Responsible
	<p>17.2.3 Council resolved that with regard to the ACT invitation, the CEO should propose a delegation led by an Executive to attend the event.</p> <p>17.2.4 Council resolved that a folder be created, so that reports from the different international engagements in which Councillors participate, can be uploaded and accessed by Councillors.</p>	
18.	Closure The Chairperson thanked all who were present at the meeting and declared the meeting adjourned.	Council

Signed: 
Yolisa Kedama
(Acting Chairperson)

Date: 22-08-2023