



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY MEETING OF COUNCIL		
Date	27 September 2023	
Time:	08:00 – 13:00	
Venue:	Virtual – Microsoft Teams	
Present		
	██████████	Acting Chairperson
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
By Invitation		
	██████████	Acting CFO
	██████████	Acting CAE
	██████████	Executive: LCCC
	██████████	Corporate Secretary
	██████████	Secretariat Officer
	██████████	Graduate, Council
Partial Attendees		
	██████████	Executive: Licensing and Compliance
	██████████	Executive: Corporate Services
	██████████	Chief Information Officer
	██████████	Manager: Communications & Reputational Management
	██████████	Senior Manager: Type Approval and Numbering
	██████████	Manager: Content Services
	██████████	Manager: Broadcasting Compliance
Apologies		
	██████████	Acting Chairperson
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	CEO

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 leave.</p> <p>1.3. Councillor [REDACTED] was on leave.</p> <p>1.4. Councillor [REDACTED] [REDACTED] [REDACTED]</p> <p>1.5. The CEO was unable to attend the meeting, as she had to attend another urgent engagement related to the strike.</p> <p>The opening and apologies were noted.</p>	Chairperson
2.	<p>Ratification of agenda</p> <p>2.1. The submission under item 8 was moved to Part D (Council Committees).</p> <p>2.2. Item 8 - Cell C response letter with regard to the payment plan, was added to the agenda.</p> <p>2.3. Items under Legal Division (items under E6) were all deferred to the next Council meeting.</p> <p>The agenda was approved with the above amendment.</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>	
4.1.	<p>Minutes of Council: 28 July 2023</p> <p>The minutes were approved as presented.</p>	Council

No.	Action Item	Person Responsible
4.2.	<p>Minutes of Council: 31 July 2023</p> <p>The minutes were approved as presented.</p>	Council
5.	<p>Matters Arising</p> <p>The Executive: LRCCC presented the Matters Arising on behalf of the CEO.</p> <p>5.1. Item 3 – Council requested that the SANDF update include timelines. Council was informed that the timelines will be included once the working group has met. Council also pointed to discrepancies with regard to the amount owed and directed that these be checked.</p> <p>5.2. Item 5 – Council sought clarity on whether the press statement was published, and whether the site visit to Zibonele FM had been arranged. Council was advised that the response will be captured in the next meeting’s Matters Arising .</p> <p>5.3. Item 11 – Council indicated that the current expenses and the future long-term expenses for the ICASA Funding Model need to be considered by the Committee. This also needs to align with the “Regulator of the Future” model.</p> <p>5.4. Item 13 – CAE position – Council was informed that 2 candidates withdrew a few days before the interview, and 1 candidate was disqualified for not meeting one of the requirements (presenting a case study). Council sought clarity on why some candidates withdrew from the process.</p> <p>5.5. Item 17 – Council indicated that the next Matters Arising should indicate the number of candidates who have been shortlisted for CAP. Council was informed that the interview panel has met, and the list is still being finalised.</p> <p>5.6. Item 19 – Council requested regular updates from the CEO on the Dark Fibre transfer application.</p>	CEO

No.	Action Item	Person Responsible
	<p>5.7. Item 21 - New Item to be added on the Matters Arising – tabling of SAPO Financials to Council by SAPO. Council proposed that SAPO be requested to come and present its 'Post Office of the Future Strategy' to Council.</p> <p>5.8. Item 31 – Council sought clarity [REDACTED]</p> <p>5.9. Council requested that the item on the Regulator of the Future to be added to the Matters Arising, and that a meeting between ICASA and FPB must be convened.</p>	
<p>6.</p>	<p>International Engagements (“Standing Item”)</p> <p>The Executive: Corporate Services presented the submission:</p> <p>6.1. The purpose of the submission dated 18 September 2023 was to request the Council to note the letter of invitation received from the National Telecom Regulatory Authority Egypt (NTRA) detailing the 2nd Roundtable Conference which will be held under the theme 'Empowerment of Women in ICT', and the WRC nomination for the CEO.</p> <p><u>Recommendation to Council:</u></p> <p>6.2. It was recommended that Council:</p> <p>6.2.1. Note the letter of invitation received from the NTRA detailing the 2nd Roundtable Conference, which will be held under the theme 'Empowerment of Women in ICT';</p>	<p>CEO / Executive: Corporate Services</p>

No.	Action Item	Person Responsible
	<p>6.2.2. Nominate a Councillor to attend; and</p> <p>6.2.3. Approve the nomination of the CEO to attend the WRC 2023 meeting in line with the Minister's programme.</p> <p><u>Comments made:</u></p> <p>6.3. Council expressed a view that two (2) Councillors should attend the WRC 2023.</p> <p>6.4. Council sought clarity on why the submission regarding the NTRA's 2nd Roundtable Conference was delayed from being tabled at Council. Council was informed that Corporate Services only received the invitation two (2) weeks ago, and was awaiting the next Council meeting to table it. It was suggested that, going forward, such urgent invitations will be circulated via RRR.</p> <p><u>Resolutions by Council:</u></p> <p>6.5. Council resolved that the attendance of Councillor [REDACTED] and [REDACTED] needed to be planned such that they do not attend at the same time, given the duration of the engagement.</p> <p>6.6. Council resolved that it be provided with a list of the officials who will be attending the WRC 2023. A preparatory meeting must be scheduled.</p> <p>6.7. Council resolved to approve the submission.</p> <p>The submission was approved with the above inputs.</p>	
6.	<p>Litigation Update ("Standing Item")</p> <p>The Executive: LRCCC made a presentation, as per the presentation circulated with the meeting pack.</p> <p>Council noted the update.</p>	CEO / Executive: LRCCC
7.	<p>Licensing of IMT ("Standing Item")</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p>Cell C response letter with regards to the payment plan, in terms of which, Cell C requested to re-open discussions in relation to their request for a payment arrangement with regard to the spectrum auction fees.</p> <p>7.1. Council sought clarity on which section of the Government Gazette Cell C was relying on to make their request.</p> <p>7.2. Council resolved that its previous decision on the matter should stand.</p> <p>7.3. The Executive: LRCCC must provide Council with legal advice in relation to the issue in paragraph 7.1 above.</p>	
8.	<p>Application for issuance of a trial licence to Anglo American Corporate Services South Africa (Pty) Ltd</p> <p>The Executive: Licensing and Compliance and Senior Manager: Type Approval and Numbering presented the submission:</p> <p>8.1. The purpose of the submission was to recommend for Council to approve the application for the issuance of a trial licence to Anglo American Corporate Services South Africa (Pty) Ltd, (“the Applicant”).</p> <p><u>Recommendation to Council:</u></p> <p>8.2. It was recommended for Council to approve the application for issuance of a trial licence to the Applicant.</p> <p><u>Resolutions by Council:</u></p> <p>8.3. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	CEO / Executive: Licensing and Compliance
9.	<p>Approval of the amended ToR and the Council Resolution for the ADR Committee</p> <p>Councillor Sithole presented the submission:</p>	Cllr ██████████

No.	Action Item	Person Responsible
	<p>9.1. The purpose of the submission was to request Council to approve both the amended Terms of Reference and the Council Resolution for the ADR Committee.</p> <p><u>Recommendation to Council:</u></p> <p>9.2. It was recommended that Council approve both the amended Terms of Reference and the Council Resolution for the ADR Committee, which includes [REDACTED] at Legal, Risk and CCC Division as a committee member.</p> <p><u>Comments made:</u></p> <p>9.3. Council sought clarity on the quorum of the Committee (7.3 and 9.3 of the revised TOR), whether these are two separate paragraphs or a repetition. Council was informed that the issue of a quorum on the two paragraphs relate to different meetings.</p> <p>9.4. Council sought clarity on the legality of paragraph 10.5. as the paragraph seems to bind individuals who are non-signatories to the TOR, to the conditions of the TOR.</p> <p>Council sought clarity on who ratifies the decisions of ADR, and what happens when a party disputes the decisions of the ADR.</p> <p>9.5. Council sought clarity on paragraph 4,1 (a), 7.3, and 10.2. Councillor Lewis to send a write up of his inputs to the Committee.</p> <p><u>Resolutions by Council:</u></p> <p>9.6. Council expressed that the issue of the involvement of Executives at Council Committees needs to be resolved.</p> <p>9.7. Council resolved to defer the submission, so to give the Committee time to address all the issue raised above.</p>	

No.	Action Item	Person Responsible
	<p>The submission was deferred to the next Council meeting.</p>	
<p>10.</p>	<p>Q1 Astronomy Geographic Advantage (AGA) Council Committee report for FY 2023-2024</p> <p>Councillor ██████████ presented the submission:</p> <p>10.1. The purpose of the submission dated 30 August 2023 was to notify Council of the AGA committee’s Quarter 1 activities as well as the developments around the Karoo Central Advantage Areas (KCAAA).</p> <p><u>Recommendation to Council:</u></p> <p>10.2. It was recommended that Council notes the AGA committee’s Quarter 1 report on the activities as well as the developments around the Karoo Central Advantage Area (KCAAA).</p> <p><u>Comments made:</u></p> <p>10.3. Council highlighted that the report needed copy editing (proof reading).</p> <p>10.4. Councillor ██████████ to share his written inputs with the Committee.</p> <p><u>Resolutions by Council:</u></p> <p>10.5. Council resolved to approve the submission, subject to the implementation of the inputs to be sent to the Committee.</p> <p>The submission was approved.</p>	<p>Cllr ██████████</p>
<p>11.</p>	<p>Request for Council to close the Review of Advertising, Infomercials and Programme Sponsorship Regulations 1999 Project</p> <p>Councillor ██████████ presented the submission:</p>	<p>Cllr ██████████</p>

No.	Action Item	Person Responsible
	<p>11.1. The purpose of the submission dated 19 September 2023 was to request the Council to:</p> <p>11.1.1. Close the Review of Advertising, Infomercials and Programme Sponsorship Regulations 1999 Project; since the Advertising, Infomercials and Programme Sponsorship Regulations 2023 have been finalized and published, along with the supporting Reasons Document.</p> <p><u>Recommendation to Council:</u></p> <p>11.2. It was recommended that Council:</p> <p>11.2.1. Close the project on the Review of Advertising, Infomercials and Programme Sponsorship Regulations; and</p> <p>11.2.2. Note the published Reasons Document, and Final Regulations on Advertising, Infomercials and Programme Sponsorship Regulations, 2023.</p> <p><u>Resolutions by Council:</u></p> <p>11.3. Council resolved to approve the submission.</p> <p>The submission was not submitted.</p>	
12.	<p>Update on the planned Broadcasting Workshop</p> <p>Councillor [REDACTED] and Executive: Executive: Licensing and Compliance presented the submission:</p> <p>12.1. The purpose of the submission dated 13 September 2023 was to provide Council with an updated agenda, and list of stakeholders to attend and participate in the planned broadcasting workshop. Moreover, the submission recommends that Council approves the updated draft agenda, the list of stakeholders and the proposed date of the workshop.</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p><u>Recommendation to Council:</u></p> <p>12.2 It was recommended that Council:</p> <p>12.2.1. Notes the above update;</p> <p>12.2.2. Approves the generic invitation letter; and</p> <p>12.2.3. Approves the proposed agenda.</p> <p><u>Comments made:</u></p> <p>12.3. Council Committee to review and make inputs on the agenda and invitations by 28th September.</p> <p>12.4. Council expressed that Committee needs to look at whether there is a need to hold a wider public workshop on broadcasting.</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>National Elections Regulations Committee document</p> <p>The Councillor [REDACTED] and Manager: Content Services presented the submission:</p> <p>13.1. The purpose of the submission dated 22 September 2023 was to request Council to approve the following documents for publication in the Government Gazette:</p> <p>13.1.1. Draft Amendment Regulations regarding the National and Provincial Party Elections Broadcasts and Political Advertisements Regulations, 2023; and</p> <p>13.1.2. Explanatory Memorandum on Draft Amendment Regulations regarding the National and Provincial Party Elections Broadcasts and Political Advertisements Regulations, 2023.</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p><u>Recommendation to Council:</u></p> <p>13.2. It was recommended that Council approve the following documents for publication in the Government Gazette:</p> <p>13.2.1. Draft Amendment Regulations regarding the National and Provincial Party Elections Broadcasts and Political Advertisements Regulations, 2023; and</p> <p>13.2.2. Explanatory Memorandum on the Draft Amendment Regulations regarding the National and Provincial Party Elections Broadcasts and Political Advertisements Regulations.</p> <p><u>Comments made:</u></p> <p>13.3. Council sought confirmation on whether the Committee is working on the consolidated Regulation. Council was informed that the Committee used the latest version.</p> <p>13.4. Councillor Lewis to send his written inputs to the Committee.</p> <p>13.5. Council sought clarity on what lessons the Committee believes the Authority learnt from the last elections. Council was informed the Committee has taken into consideration the lessons learnt from the last elections.</p> <p>13.6. Council sought clarity on political parties wanting to use local community broadcasters for their PEBs. Council was informed that the Committee anticipates reaching communities and independent candidates via the provincial broadcasters' workshops.</p> <p>13.7. Council was informed that, after the final draft of the regulations is developed, the Authority will be sharing the schedule for the nationwide workshops with all broadcasters. When it comes to the</p>	

No.	Action Item	Person Responsible
	<p>political parties and independent candidates, the Authority will share the workshop schedule with the IEC, which will in turn share with the different parties.</p> <p><u>Resolutions by Council:</u></p> <p>13.8. Council resolved to approve the submission, subject to the implementation of the inputs made.</p> <p>The submission was approved.</p>	
14.	<p>Notice for the Final Radio Frequency Assignment Plan for the IMT900 band in terms of Regulation 3 of the Radio Frequency Spectrum Regulations, 2015 & Notice for the Amendment of Radio Frequency Spectrum Licences in the frequency bands 880 MHz to 915 MHz and 925 MHz to 960 MHz</p> <p>Councillor ██████ presented the submission:</p> <p>14.1 The purpose of this submission dated 30 August 2023 was to request Council, to:</p> <p>14.1.1. Approve the notice regarding the Final Radio Frequency Spectrum Assignment Plans (RFSAPs) for International Mobile Telecommunications (IMT) Systems in the frequency band 880 MHz to 915 MHz and 925 MHz to 960 MHz; and</p> <p>14.1.2. Approve the notice for the amendment of the Radio Frequency Spectrum Licences in the frequency bands 880 MHz to 915 MHz and 925 MHz to 960 MHz.</p> <p><u>Recommendation to Council:</u></p> <p>14.2. It was recommended that Council:</p> <p>14.2.1. Approve the Notice regarding Final Radio Frequency Assignment Plan for the IMT900 band in terms of Regulation 3 of the Radio Frequency Spectrum Regulations, 2015 (Annexure A - all</p>	Cllr ██████

No.	Action Item	Person Responsible
	<p>substantive changes to the existing RFSAP are highlighted in yellow); and</p> <p>14.2.2. Approve the Notice for the Amendment of Radio Frequency Spectrum Licences in the frequency bands 880 MHz to 915 MHz and 925 MHz to 960MHz (Annexure B).</p> <p><u>Resolutions by Council:</u></p> <p>14.3. Council resolved to approve the submission</p> <p>The submission was approved.</p>	
15.	<p>Request for a Benchmark study visit by CAMAT to the CCC of ICASA</p> <p>The Executive: CS presented the submission:</p> <p>15.1. The purpose of the submission dated 18 September 2023 was to request Council to note the letter of request from the Communications and Multimedia Appeals Tribunal (CAMAT) based in Kenya to conduct a benchmark study with the Complaints and Compliance Committee.</p> <p><u>Recommendation to Council:</u></p> <p>15.2. It was recommended that the Council:</p> <p>15.2.1. Note the letter of request to conduct a benchmark study visit from CAMAT and that the CSIR unit will be making plans to host the delegation; and</p> <p>15.2.2. Nominate a Councillor who will co-host the event and provide opening and welcoming remarks the delegation from Kenya.</p> <p><u>Resolutions by Council:</u></p> <p>15.3. Council resolved that Councillor Mushi and Acting Chairperson, as the sitting Deputy Chairperson and Chairperson of the CCC, will advise Council on who will co-host the event.</p>	CEO / Executive: CS

No.	Action Item	Person Responsible
	<p>15.4. Council resolved to note the submission.</p> <p>The submission was noted.</p>	
<p>16.</p>	<p>Report of the 2023 Council session of the International Telecommunication Union (ITU)</p> <p>The Executive: CS and Executive: PRA presented the submission:</p> <p>16.1. The purpose of the submission dated 04 September 2023 was to request Council to note the report of the 2023 Council session of the International Telecommunication Union (ITU), which took place in Geneva, Switzerland from 11 to 21 July 2023.</p> <p><u>Recommendation to Council:</u></p> <p>16.2. It was recommended that Council:</p> <p style="padding-left: 40px;">16.2.1. Note the report of the 2023 Council session of the International Telecommunication Union (ITU), which took place in Geneva, Switzerland from 11 to 21 July 2023; and</p> <p style="padding-left: 40px;">16.2.2. Approve that the report be shared with the DCDT, for their information.</p> <p><u>Resolutions by Council:</u></p> <p>16.3. Council resolved to note the submission and approve the recommendation.</p> <p>The submission was approved.</p>	<p>CEO / Executive: CS</p>
<p>17.</p>	<p>Backup and Disaster Recovery Report</p> <p>The CIO presented the submission:</p> <p>17.1. The purpose of the submission dated 19 September 2023 was to provide an update to</p>	<p>CEO / CIO</p>

No.	Action Item	Person Responsible
	<p>Council on [REDACTED]</p> <p><u>Recommendation to Council:</u></p> <p>17.2. It was recommended [REDACTED]</p> <p><u>Comments made:</u></p> <p>17.3. Council sought [REDACTED]</p> <p>17.4. Council sought clarity [REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>17.5. Council resolved to note the submission.</p> <p>The submission was noted.</p>	
18.	<p>Internal Audit Charter</p> <p>The Acting CAE tabled a brief presentation on the item:</p> <p>18.1 The Internal Audit Charter was reviewed but no amendments were found necessary.</p> <p><u>Comments made:</u></p> <p>18.2 Council indicated that the document submitted was difficult to understand as it did not have an accompanying memo to assist / provide an explanation to Council.</p>	Acting CAE

No.	Action Item	Person Responsible
	<p>18.3 Council expressed that an analysis / explanation as to why amendments were not necessary on the Charter was needed.</p> <p><u>Resolution by Council:</u></p> <p>18.4. Council resolved that supporting documents are needed so to guide and assist Council when going through a submission.</p> <p>Council resolved to note the submission.</p>	
<p>19.</p>	<p>Management Control Policy</p> <p>The Acting CAE made a brief presentation on the item:</p> <p>19.1 Amendments to the policy were highlighted in the document and presentation.</p> <p><u>Comments made:</u></p> <p>19.2 Council indicated that the document submitted was difficult to understand as it did not have an accompanying memo to assist / provide an explanation to Council.</p> <p>19.3 Internal Audit noted the comments regarding the request for a memo and supporting documents to be included in submissions. Moving forward these will be included.</p> <p>19.4 Council indicated that the agenda indicates that the submission was for noting, while the presentation indicates that it was for approval. Council was informed that this was an error: the submission was for approval.</p> <p>19.5 Internal Audit requested for the submission to be deferred, as the supporting documents were omitted.</p> <p><u>Resolution by Council:</u></p>	<p>Acting CAE</p>

No.	Action Item	Person Responsible
	<p>19.6. Council resolved to defer the submission. The submission will be re-tabled with the supporting documents.</p> <p>The submission was deferred.</p>	
<p>20.</p>	<p>Request to Defer the Audit Review</p> <p>The Acting CAE presented the submission:</p> <p>20.1 The purpose of the submission dated 11 September was to appraise Council on proposed changes to the approved annual audit plan for 2023/24.</p> <p><u>Recommendation to Council:</u></p> <p>20.2 Council was requested to note the submission and provide input where required.</p> <p><u>Resolutions by Council:</u></p> <p>20.3 Council resolved to note the submission.</p> <p>The submission was noted.</p>	
<p>21.</p>	<p>Q1 Progress Report</p> <p>The Acting CAE presented the submission:</p> <p>21.1 The purpose of the submission d [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Recommendation to Council:</u></p> <p>21.2 Council is required to note the submission and provide input where required.</p> <p><u>Comments made:</u></p> <p>21.3 Council sought clarity [REDACTED] [REDACTED]</p>	<p>Acting CAE</p>

No.	Action Item	Person Responsible
	<p>21.4 Council re-iterated [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>21.5 Council resolved [REDACTED]</p> <p>[REDACTED]</p> <p>21.6 Further, [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>21.7 Council resolved to note the submission.</p> <p>The submission was noted.</p>	
22.	<p>Closure</p> <p>The Acting Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 15h01.</p>	Council

Signed: 
 Yolisa Kedama
 (Acting Chairperson)

Date: 31-10-2023