



Independent Communications Authority of South Africa

MINUTES OF A MEETING OF COUNCIL		
Date	28 July 2023	
Time:	09:00 – 14:00	
Venue:	EP-CF Thabo Mbeki / Council Boardroom	
Present	██████████	Acting Chairperson
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
By Invitation	████████████████████	CEO
	██████████	Acting CFO
	██████████	Acting CAE
	██████████	Executive: LCCC
	██████████	Corporate Secretary
	██████████	Secretariat Officer
	██████████	Secretariat Officer
Partial Attendees	██████████	Senior Manager: Strategy and Programme Management
	██████████	Radio Frequency Specialist: Licensing
	██████████	Manager: Broadcasting Frequency Coordination
	██████████	Auditor-General of South Africa
	██████████	Auditor-General of South Africa
	██████████	Auditor-General of South Africa
Apologies	████████████████████	Councillor
	██████████	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] [REDACTED] [REDACTED]</p> <p>1.3. Councillor [REDACTED] was on annual leave.</p> <p>The opening was noted.</p>	Chairperson
2.	<p>Ratification of agenda</p> <p>2.1. Council resolved that, since Item 12 (Q1 Performance Information Report) was disseminated very late to Council, the presentation be tabled, but no decision be made, as Councillors needed time to go through the report.</p> <p>2.2. New items were added to the agenda under General - Item 16.2 (Update to Council on COLA negotiations) and 16.3 (Concerns regarding late submission of documents for Council meetings).</p> <p>Council expressed its concerns about the late circulation of submissions.</p>	Council
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
4.	Adoption of Minutes of Council	Council
4.1.	<p>Minutes of Council: 20 June 2023</p> <p>The minutes were approved as presented.</p>	Council
5.	Matters Arising	CEO

No.	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Item 5 (Community Sound (radio) Broadcasting Service – new applications) – Council congratulates the team for progress made and suggests that a media statement be released once the remaining two licensees are finalised. Further, Council remarked that, given that Zibonele FM is one of the licensees and mindful of the events last year following the expiry of Zibonele FM's licence, it was suggested that a site visit be made. Council resolved that Cllr [REDACTED] should accompany the Regions team. • Item 6 (ITP-R for Community TV) – Council was sensitised that there are licensees who are unhappy with the outcome from the dispute process and wanted to escalate the matter. Council resolved that the matter be dealt with only once received by Council. • Item 14 (Review of Digital Terrestrial Television Regulations / Digital Migration Regulations) – Council recommended that a press statement be released in relation to the milestone, only in relation to the work done to date. • Item 23 (Update on the PMS Assessment) – [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] • Item 28 (Establishment of the Regulators Forum) – Council resolved that Cllr [REDACTED] should take the lead with regard to the Regulators Forum 	

No.	Action Item	Person Responsible
	(previously, this task had been assigned to the office of the Chairperson and Secretariat).	
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 25 July 2023 was to provide an update to Council on the proposed training opportunities and international engagements for the Authority.</p> <p><u>Recommendation to Council:</u></p> <p>6.2. It was recommended that Council notes the progress on training opportunities and feedback on the international engagements held in July 2023.</p> <p><u>Comments made:</u></p> <p>6.3. Council expressed that training opportunities also be made available to Councillors and Executives.</p> <p>6.4. Council requested the Executive: Corporate Services to seek assistance from the GSMA to give Councillors access to some of its online training material. Management will make a request for training to be made available.</p> <p><u>Resolutions made:</u></p> <p>6.5. Council resolved to note the submission.</p> <p>The submission was noted.</p>	<p>CEO/ Executive: Corporate Services</p>
7.	<p>Litigation Update (“Standing Item”)</p> <p>The Executive: LCCC gave a high-level presentation.</p> <p>7.1 Council was informed that there are currently sixteen (16) active litigation matters, with one matter likely to be removed from the court roll.</p>	<p>CEO / Executive: LCCC</p>

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	<p>7.2 The Executive: LCCC gave a brief update as per the PowerPoint presentation circulated with the meeting pack, on these matters: MFN, Octotel, HotFM, PostNet, MTN (Rule 53), WRFM, Pretoria FM, Telkom - CTR (Awaiting settlement proposal), Open Heaven – the LCCC Division will be tabling a Council submission to deal with question outlined on slide 15 and any other questions Council may have in this matter, SMSPortal, Walking on Water Television, Vaal Community Radio, MTN (Mobile Broadband), matter involving an ICASA ex-employee, NEHAWU (obo members).</p> <p>7.3 Panel of Attorneys Update – the LCCC has written a letter for Finance to send to National Treasury requesting approval of the extension of the validity period.</p>	
8.	<p>Licensing of IMT (“Standing Item”)</p> <p>Cllr [REDACTED] and Manager: Broadcasting Frequency presented the submission.</p> <p>8.1. The purpose of the submission dated 18 July 2023 was to provide an update in relation to the IMT Spectrum Licensing.</p> <p><u>Comments made:</u></p> <p>8.2. Council expressed the need for a SteerCo meeting to held, in order to resolve on the issue of procurement delays.</p> <p>8.3. The Legal Division [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>8.4. Council requested to be sent the [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p>[REDACTED]</p> <p>[REDACTED]</p>	
9.	<p>Review of the Conveyance of Mail Regulations Committee to accept late submissions received from the DCDT and Tape Aids for the Blinds on the Discussion Document on the Review of Conveyance of Mail Regulations, 2009</p> <p>Council resolved that this submission be deferred, given that both Councillors who are in the Committee, were on annual leave.</p>	Cllr [REDACTED]
10.	<p>SADC WRC-23 Preparatory Meeting Report</p> <p>Councillor [REDACTED] and the Radio Frequency Specialist presented the submission:</p> <p>10.1. The purpose of the submission dated 21 July 2023 was to note the report on the Southern African Development Community preparatory meeting for the World Radiocommunications Conference 2023, which was held in Maputo, Mozambique from 29 May to 02 June 2023.</p> <p><u>Recommendation to Council:</u></p> <p>10.2. It is recommended that Council should:</p> <p>10.2.1. Note the outcomes of the fifth SADC Preparatory Meeting for WRC23, including those common SADC proposals contained in Annexure A.</p> <p>10.2.2. Note the SADC Matrix on WRC 23 Agenda Items, developed and agreed to as contained in Annexure B.</p> <p>10.2.3. Note a number of recommendations and action items to be undertaken by the</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p>SADC Member States as contained in Annexure C.</p> <p>10.2.4. Note that South Africa is to implement relevant recommendations contained in Annexure C.</p> <p>10.2.5. Taking into account the above information and reports submitted, it was further recommended that South Africa needs to continue participating and contributing to these meetings leading to WRC-23.</p> <p>10.2.6. The Authority, as the regulator, provides support in an advisory capacity to the Department of Communication and Digital Telecommunications, on behalf of South Africa in ITU WRC-23, SADC and ATU, taking into account its constitutional mandate, the objectives of the ICASA Act, the Electronic Communications Act, and underlying statutes.</p> <p>10.2.7. Note proposal for new Agenda Item 10 for WRC-27 to be included as follows:</p> <p>10.2.7.1. Protection of Radio Quiet Zones from Large Satellite Constellations.</p> <p>10.2.7.2. Review the technical and regulatory conditions of the band 13.75-14 GHz to enable efficient use of the band by uplink geostationary and non-geostationary FSS earth stations, including the use of small earth station antenna sizes; and</p>	

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	<p>10.2.7.3. Review and update the regulatory provisions for sharing between non-GSO systems and GSO network in the portions of 10.7-14.5 GHz, 17.3-20.2GHz and 27.5-30 GHz frequency Bands, in which Article 22 and Resolution 46 (Rev. WRC 15), dealing with EPFD limits, apply.</p> <p>10.2.7.4. The Authority is to continue to support and track issues and developments at the SADC, ATU and ITU WRC-23 preparatory meetings and / or Study Working Groups, thus ensuring consistency in providing support to the DoCDT, along with effective participation in and contribution to the ITU Radio Assembly 2023 (RA-23), the World Radiocommunications Conference 2023 (WRC 23) and the First Session of the Conference Preparatory Meeting of the World Radiocommunications Meeting of 2027 (CPM 27-1), to be convened from 13 November 2023 to 19 December 2023 in Dubai.</p> <p><u>Comments made:</u></p> <p>10.3. Council sought clarity on separating the upper and lower 6 GHz bands. Council was informed that the lower 6MHz (5925 – 6425 MHz) is now licensed for Wi-Fi connectivity in South Africa.</p>	

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	<p>10.4. Council sought clarity on what does the 'No Change' in the 470 - 960 MHz band mean. Council was informed that the allocation of this band is still being discussed.</p> <p>10.5. Council was informed that a workshop is being organised (after the conference), so as to discuss critical issues highlighted.</p> <p><u>Resolutions by Council:</u></p> <p>10.6. Council resolved to approve the submission, subject to the implementation of the above-mentioned inputs.</p> <p>The submission was approved.</p>	
11.	<p>Appointment of the CIO</p> <p>Councillor [REDACTED] chaired the tabling of this item.</p> <p>The CEO/Executive: HR presented the submission:</p> <p>11.1. The purpose of the submission dated 21 July 2023 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Recommendation to Council:</u></p> <p>11.2. It was recommended that approval [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Comments made:</u></p> <p>11.3. Council sought clarity on the [REDACTED] [REDACTED]</p>	CEO / Executive: HR

No.	Action Item	Person Responsible
	<p data-bbox="359 383 1070 495"> [REDACTED] [REDACTED] [REDACTED] </p> <p data-bbox="268 539 1070 689"> 11.4. Council sought clarity on [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] </p> <p data-bbox="268 734 1070 929"> 11.5. Council sought clarity on [REDACTED] [REDACTED] [REDACTED] [REDACTED] </p> <p data-bbox="268 954 600 987"><u>Resolutions by Council:</u></p> <p data-bbox="268 1025 991 1059">11.6. Council resolved to approve the submission.</p> <p data-bbox="268 1099 743 1133">The submission was approved.</p>	
12.	<p data-bbox="268 1193 815 1227">Q1 Performance Information Report</p> <p data-bbox="268 1263 1070 1330">The CEO and Senior Manager: SPM presented the submission:</p> <p data-bbox="268 1373 1070 1529">12.1. The purpose of the submission dated 27 July 2023 was to table the ICASA Quarter 1 Comprehensive Quarterly Report to Council for consideration and approval.</p> <p data-bbox="268 1570 679 1603"><u>Recommendation to Council:</u></p> <p data-bbox="268 1639 1070 1751">12.2. It was recommended that Council considers and approves the ICASA Quarter 1 Comprehensive Quarterly Report.</p> <p data-bbox="268 1792 520 1825"><u>Comments made:</u></p> <p data-bbox="268 1861 1070 1928">12.3. Council expressed that better alignment is needed between the presentation and the report.</p>	CEO/ Senior Manager: SPM


No.	Action Item	Person Responsible
	<p>12.4. Council remarked that there is now a 2021 PMBOK – current project tools for the Council projects come from the 2019 version – in which there is a change in approach. We therefore need to look and confirm if our tools are in line with the amendments brought by the 2020 PMBOK.</p> <p>12.5. Council noted that [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>12.6. Council sought clarity on whether [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>12.7. Councillor [REDACTED] [REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>12.8. Council resolved that, since the submission was circulated late, Councillors will be given the opportunity to go through the submission, and make inputs.</p> <p>The submission was not approved, in order for Councillors to be given the opportunity to go through the submission over the weekend and make inputs.</p>	
13.	Project Status Report	CEO / Senior Manager: SPM

No.	Action Item	Person Responsible
	<p>The submission was deferred to the next Council meeting in order for the submission to be tabled at Council Projects SteerCo first, in line with the recommendations made by the AREDC.</p>	
<p>14.</p>	<p>Quality Assurance Report on Q1 PIR</p> <p>The Acting CAE presented the submission:</p> <p>14.1. The purpose of the submission dated 27 July 2023 was to apprise the Council of the audit results emanating from the review of the Quarter 1 Performance Information Report.</p> <p><u>Recommendation to Council:</u></p> <p>14.2. It was recommended that Council notes the submission and provides input where required.</p> <p><u>Comments made:</u></p> <p>14.3. Council sought clarity on whether the Secretariat Office has a resolution register, as some of the findings related to lack of evidence (such as resolutions and minutes). Council was advised that the Secretariat Office has a Council and EXCO resolutions register, but this is an internal document and is considered secondary evidence in terms of caselaw. Minutes and Council decisions which are published on the website are the primary evidence required for audit purposes, and a resolution register will not suffice.</p> <p>14.4. Council expressed that consistency is needed in the evidence that is provided to Internal Audit.</p> <p><u>Resolutions by Council:</u></p> <p>14.5. Council resolved to note the submission.</p> <p>The submission was noted.</p>	<p>Acting CAE</p>

No.	Action Item	Person Responsible
15.	<p>Draft 2022/2023 Management Report and Draft 2022/2023 Audit Report</p> <p>The Auditor-General of South Africa (“AGSA”) team presented the submission:</p> <p>15.1. The purpose of the submission dated 21 July 2023 was to communicate the outcomes of the audit for the financial year ended 31 March 2023, [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p><u>Recommendation to Council:</u></p> <p>15.2. The presentation was intended to communicate the outcomes of the audit for the financial year ended 31 March 2023, a [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><u>Comments made:</u></p> <p>15.3. Council noted with concern [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>15.4. Management acknowledged [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	AGSA

No.	Action Item	Person Responsible
	<p>15.5. Management indicated [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>15.6. Management indicated that [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>15.7. Management indicated that, in relation to the payment of invoices within 30 days, the interventions are working, [REDACTED] [REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>15.8. Council resolved that it be furnished with regular updates (every two weeks or once a month) on the progress being made to close the audit findings.</p> <p>15.9. Council resolved to note the submission.</p> <p>The submission was noted.</p>	
16.	General	
16.1.	<p>Request from Association of Comms and Technology NPC to meet with Council</p> <p>Council approved the invitation, and an online meeting will be scheduled.</p>	Acting Chairperson
16.2.	<p>COLA Update</p> <p>This matter will be tabled on Monday. A write-up on the update will be sent to Council.</p>	CEO
16.3	Late distribution of submissions	Council

No.	Action Item	Person Responsible
	<p>Council expressed with concern the late circulation of submissions. EXCO was urged to submit submissions on time, which should afford Council time to apply their minds.</p> <p>Council expressed that issue of the scheduling of governance committee meetings, and members not being available to attend meetings, needs to be managed better.</p>	
17.	<p>Closure</p> <p>The Acting Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 14:48.</p>	Council

Signed:  _____
Yolisa Kedama
(Acting Chairperson)

Date: 29-09-2023 _____