



**Independent Communications Authority of South Africa**

<b>MINUTES OF AN ORDINARY MEETING OF COUNCIL</b>		
<b>Date</b>	<b>28 November 2023</b>	
<b>Time:</b>	<b>08:00 – 13:00</b>	
<b>Venue:</b>	<b>EP-CF Thabo-Mbeki</b>	
<b>Present</b>		
	██████████	Acting Chairperson
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
<b>By Invitation</b>		
	██████████	Acting CEO/ Executive: HR
	██████████	Acting CFO / Executive: PRA
	██████████	Acting CAE
	██████████	Executive: LCCC
	██████████	Corporate Secretary
	██████████	Secretariat Officer
	██████████	Secretariat Officer
<b>Partial Attendees</b>		
	██████████	Acting Executive: Licensing and Compliance/ SM: Type Approval and Numbering
	██████████	Executive: Corporate Services
	██████████	Executive: Engineering and Technology
	██████████	Manager: Broadcasting Frequency Co-ordination
	██████████	Manager: Communications & Reputational Management
<b>Apologies</b>		
	██████████	Councillor
	██████████	CEO
	██████████	Executive: Licensing and Compliance
	██████████	Corporate Secretary

No.	Action Item	Person Responsible
1.	<p><b>Opening and apologies</b></p> <p>1.1. The Chairperson declared the meeting open at 08:45 and welcomed all present.</p> <p>1.2. Councillor [REDACTED] joined the meeting at 09:30.</p> <p>1.3. The CEO was on sick leave, and Executive: HR ([REDACTED]) was the acting CEO.</p> <p>1.4. The Executive: Licensing and Compliance was not present, Senior Manager: Type Approval and Numbering ([REDACTED]) was the acting Executive.</p> <p>1.5. The Corporate Secretary joined the meeting at 10:00.</p> <p><b>The opening and apologies were noted.</b></p>	<b>Chairperson</b>
2.	<p><b>Ratification of agenda</b></p> <p><b>The agenda was ratified as presented.</b></p>	<b>Council</b>
3.	<p><b>Declaration of interest</b></p> <p>No conflict of interest was noted.</p>	<b>Council</b>
4.	<p><b>Adoption of Minutes of Council</b></p>	
4.1.	<p><b>Minutes of Council: 31 October 2023</b></p> <p><b>The minutes were approved, subject to all inputs made being incorporated.</b></p>	<b>Council</b>
4.2.	<p><b>Minutes of Council: 07 November 2023</b></p> <p><b>The minutes were deferred to the next Council meeting.</b></p>	<b>Council</b>
5.	<p><b>Matters Arising</b></p>	<b>CEO</b>

No.	Action Item	Person Responsible
	The matters arising was deferred.	
6.	<p><b>International Engagements (“Standing Item”)</b></p> <p>There was no submission.</p>	CEO / Executive: Corporate Services
7.	<p><b>Litigation Update (“Standing Item”)</b></p> <p>The Executive: LRCCC made the presentation, as per the presentation circulated with the meeting pack.</p> <p><b><u>Comments made:</u></b></p> <p>7.1 Council raised concerns of insufficient funds for litigation.</p> <p><b>Council resolved to note the litigation update.</b></p>	CEO / Executive: LRCCC
8.	<p><b>Licensing of IMT (“Standing Item”)</b></p> <p><b><u>Comments made:</u></b></p> <p>8.1. Council was informed of the delay in the procurement of consultants for the 2<sup>nd</sup> phase of the auction.</p> <p>8.2. A submission will be tabled at Council which will outline the details and determine whether the Authority will be able to meet its APP target.</p> <p>8.3. Council resolved that on the 11<sup>th</sup> or 12<sup>th</sup> December 2023 a Council meeting for the tabling of detailed project status reports must be convened. Project leaders and project sponsors are requested to attend the meeting.</p> <p><b>Council resolved to note the update, and approve the request for a meeting to be scheduled.</b></p>	Cllr Zimri
9.	<p><b>Request for Radio Frequency Spectrum coordination from the Communication Authority &amp; Regulatory of Mozambique</b></p> <p>The SM: Type Approval and Numbering and Manager: Broadcasting Frequency Co-ordination presented the submission:</p>	CEO / Executive: Licensing and Compliance

No.	Action Item	Person Responsible
	<p>9.1. The purpose of the submission dated 13 November 2023 was to recommend that Council approves the submission to the Honourable Minister on the request for Radio Frequency Spectrum coordination from the Communication Authority and Regulatory of Mozambique (INCM).</p> <p><u>Recommendation to Council:</u></p> <p>9.2. It was recommended that Council approves the following recommendations to the Honourable Minister:</p> <p>9.2.1. The Honourable Minister to coordinate the DTT VHF Band III with the Republic of Mozambique through diplomatic channels.</p> <p>9.2.2. The Honourable Minister and the Department of Communications and Digital Technologies administer the replanning of the DTT VHF Band III with all the affected SADC member states.</p> <p><u>Comments made:</u></p> <p>9.3. Council indicated that the Minister needed to be involved in the above matter to safeguard against diplomatic challenges .</p> <p>9.4. Council sought clarity on how the expired Memorandum of Understanding (MOU) would impact on the Authority's relations with Mozambique. Council was informed that the Engineering division was finalizing the renewal of the MOU. Council was further informed that the expired MOU does not affect the ability of the Authority to coordinate the process.</p> <p>9.5. Council highlighted that it was not the Minister's role to coordinate the DTT VHF Band III. The Minister can only intervene to facilitate discussions with the relevant officials in order to ensure coordination between the Authority and the Mozambique counterparts.</p> <p><u>Resolution by Council:</u></p> <p>9.6. Council resolved that the recommendation in the submission be amended to indicate that the Minister will facilitate, and not coordinate the discussions.</p>	

No.	Action Item	Person Responsible
	<p>9.7. Council resolved that should the Authority and the Mozambique delegation not agree on the replanning exercise, the Authority must reject the request as outlined in the previous submission on the matter.</p> <p><b>Council resolved to approve the submission, subject to the implementation of the abovementioned inputs.</b></p>	
<p><b>10.</b></p>	<p><b>Change and update of ICASA Licensee information: Iridium Satellite Republic of South Africa (Pty) Ltd</b></p> <p>The SM: Type Approval and Numbering presented the submission.</p> <p>10.1. The purpose of the submission dated 13 November 2023 was to advise Council of a notice from Iridium requesting the Authority to effect changes to its shareholding and contact details and to request Council to approve the submission.</p> <p><u>Recommendation to Council:</u></p> <p>10.2. It was recommended that Council approves the submission.</p> <p><u>Comments made:</u></p> <p>10.3. Council sought clarity on whether the change in the shareholding percentage indicated a change in the shareholding structure. Management informed Council that the change did not amount to a change of control.</p> <p><u>Resolution by Council</u></p> <p>10.4. Council resolved to approve the submission.</p> <p><b>The submission was approved.</b></p>	<p><b>CEO / Executive: Licensing and Compliance</b></p>
<p><b>11.</b></p>	<p><b>Change and update of ICASA Licensee information: Onex South Africa (Pty) Ltd</b></p> <p>The Senior Manager: Type approval and numbering presented the submission:</p>	<p><b>CEO / Executive: Licensing and Compliance</b></p>

No.	Action Item	Person Responsible
	<p>11.1. The purpose of the submission dated 13 November 2023 was to advise Council of a notice from OneX SA (Pty) Ltd “OneX” requesting the Authority to effect changes to its licence contact details and shareholding as well to recommend Council approval of the submission.</p> <p><u>Recommendation to Council:</u></p> <p>11.2. It was recommended that Council approves the submission.</p> <p><u>Comments made:</u></p> <p>11.3. Council indicated that the Division needed to confirm that the new address of the licensee will not cause any broadcasting interference.</p> <p><u>Resolutions by Council:</u></p> <p>11.4. Council resolved to approve the submission.</p> <p><b>The submission was approved.</b></p>	
12.	<p><b>Nomination of the Vice Chairperson and Rapporteur for the ITU Conference preparatory meeting in Dubai</b></p> <p>The Executive: Corporate Services presented the submission.</p> <p>12.1. The purpose of the submission dated 21 November 2023 was to apprise Council of ■■■■■ nomination as the Vice Chairperson and Rapporteur for the Conference Preparatory Meeting-27-1 in Dubai.</p> <p><u>Recommendation to Council:</u></p> <p>12.2. It was recommended that Council notes ■■■■■ nomination as the Vice Chairperson and Rapporteur for the Conference Preparatory Meeting-27-1 during the WRC-23 in Dubai.</p> <p><u>Comments made:</u></p> <p>12.3. Council congratulated ■■■■■ on his appointment, and requested that an in-house</p>	CEO/Executive: Corporate Services

No.	Action Item	Person Responsible
	<p>interview be done by the Authority's communications team.</p> <p>12.4. Council noted [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>Council indicated that the [REDACTED] [REDACTED] [REDACTED] as an independent organisation being made aware.</p> <p>12.5. Council was informed that ATU made the nomination [REDACTED] [REDACTED] Department's officials made the nomination.</p> <p>12.6. Council highlighted that the [REDACTED] [REDACTED] [REDACTED] Council expressed that the Authority should have been [REDACTED] will impact on [REDACTED] work at ICASA.</p> <p><u>Resolutions by Council:</u></p> <p>12.7. Council resolved that the recommendation in the submission needed to stipulate that [REDACTED] [REDACTED] has already been nominated and appointed as Vice Chair and Rapporteur for the ITU Conference preparatory meeting.</p> <p>12.8. Council resolved that a letter be sent to the Minister to indicate that in future, proper processes need to be followed when such nominations are made.</p> <p>12.9. Council resolved to note the submission.</p> <p><b>The submission was noted.</b></p>	
13.	<b>Benchmark Study visit by Tanzania Communications Regulatory Authority (TCRA) and Nigeria Communications Commission (NCC)</b>	<b>CEO/Executive: Corporate Services</b>

No.	Action Item	Person Responsible
	<p>The Executive: Corporate Services presented the submission.</p> <p>13.1. The purpose of the submission dated 21 November 2023 was to apprise Council of the received letters of request for benchmark studies from the Tanzania Communications Regulatory Authority (TCRA) on 27 November to 01 December 2023 and the Nigeria Communications Commission (NCC) on 04 and 05 December 2023 respectively.</p> <p><u>Recommendation to Council:</u></p> <p>13.2. It was recommended that Council:</p> <p>13.2.1. Notes the letters of invitation received from TCRA and NCC.</p> <p>13.2.2. Approves the recommendation to postpone the benchmark studies for TCRA and NCC to February and March 2024.</p> <p>13.2.3. Approves the recommendation for virtual benchmark studies to be convened at the end of November or at the beginning of December 2023 to address urgent matters.</p> <p><u>Comments made:</u></p> <p>13.3. Council indicated that [REDACTED] [REDACTED] [REDACTED] [REDACTED] received.</p> <p>13.4. Council highlighted that the Authority needed to also adopt the exercise of doing benchmark studies with regulators from other countries. Management indicated that it would consider this, and further requested that Council deliberate on which countries the Authority should do benchmark studies with for the 2024/25 financial year.</p> <p><u>Resolutions by Council:</u></p>	



No.	Action Item	Person Responsible
	<p>13.5. Council resolved to approve the submission.</p> <p><b>The submission was approved.</b></p>	
<p><b>14.</b></p>	<p><b>Festive Break Period for December 2023</b></p> <p>The Executive: HR presented the submission.</p> <p>14.1. The purpose of the submission [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED].</p> <p><u>Recommendation to Council:</u></p> <p>14.2. It was recommended that the Council:</p> <p>14.2.1. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED];</p> <p>14.2.2. [REDACTED]</p> <p>[REDACTED];</p> <p>14.2.3. [REDACTED]</p> <p>[REDACTED]</p> <p>14.2.4. Approves a [REDACTED]</p> <p>[REDACTED]</p> <p>(Annexure A).</p> <p><u>Comments made:</u></p> <p>14.3. Council sought clarity on whether [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p><b>CEO/Executive: HR</b></p>

No.	Action Item	Person Responsible
	<p>14.4. Council raised that [REDACTED] [REDACTED] [REDACTED]</p> <p>14.5. Council indicated [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>14.6. Council resolved to approve the submission.</p> <p><b>The submission was approved.</b></p>	
15.	<p><b>Settlement Proposal in the Telkom and Others matter</b> (Review of the 2014 Pro-competitive Remedies imposed on Licensees in terms of the Call Termination Regulations, 2014)</p> <p>The Executive: LCCC presented the submission.</p> <p>15.1. The purpose of this submission dated 10 November 2023 was to request Council to consider and approve the settlement proposal from Telkom SA SOC Ltd ("Telkom") in relation to the above-mentioned litigation matter, subject to the [REDACTED] legal costs being paid by Telkom</p> <p><u>Recommendation to Council:</u></p> <p>15.2. It was recommended that Council:</p> <p>15.2.1. Notes this Council submission as well as the letter from Telkom's attorneys dated 27 October 2023 attached hereto and marked as Annexure B;</p> <p>15.2.2. Approves that the Authority accepts the proposal for Telkom to withdraw the application and tender costs; and</p> <p>15.2.3. Authorises the Legal Division to instruct the attorneys on record to negotiate settlement terms Telkom, and attend to all tasks incidental thereto.</p>	CEO / Executive: LCCC

No.	Action Item	Person Responsible
	<p><u>Comments made:</u></p> <p>15.3. Council sought clarity on whether settlement discussions with Telkom had commenced. Exec: LCCC indicated that negotiations can only commence when the Legal division receives a mandate from Council.</p> <p>15.4. Council indicated that the Authority will not accede to the proposal that each party pays for its own legal costs. The Authority has already spent R██████████ on litigation costs in relation to this matter.</p> <p><u>Resolutions by Council:</u></p> <p>15.5. Council resolved to approve the submission, subject to the R██████████ (might be subject to tax) in legal costs being paid by Telkom.</p> <p><b>The submission was approved, subject to the abovementioned.</b></p>	
16.	<p><b>General</b></p> <p><u>Invitation for two (2) Councillors to attend the Diploma in Telecommunication Management Studies (DTMS) Gala dinner</u></p> <p>16.1. Council resolved that Councillor ██████████ and Councillor ██████████ will attend the gala dinner, to be held on 08 December 2023.</p>	Acting Chairperson
17.	<p><b>Closure</b></p> <p>The Acting Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 11:00.</p>	Acting Chairperson

Signed:   
██████████  
(Acting Chairperson)

Date: 12-12-2023