



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY MEETING OF COUNCIL		
Date	29 July 2022	
Time:	08:00	
Venue:	Microsoft Teams	
Present	██████████	Acting Chairperson
	██████████	Councillor
	██████████	Councillor
	██████████████████	Councillor
By Invitation	██████████████	CEO
	██████████████	CFO
	██████████████████	CAE
	██████████████	Corporate Secretary
	██████████████	Secretariat Officer
	██████████████	Secretariat Officer
	██████████████	Secretariat Officer
Partial Attendees	██████████	Executive: Licensing and Compliance
	██████████████	Executive: Engineering & Technology
	██████████████	Executive: Human Resources
	██████████████	Executive: Corporate Services
	██████████████	SM: ICT Licensing services
	██████████████████	Manager: Broadcasting Frequency Coordination
	██████████████	SM: Strategy and Programme Management
	██████████████	AGSA
	██████████████	AGSA
	██████████████	SM: Type Approval and Numbering
	██████████████	Manager Service Broadcasting
	██████████████████	HR & REMCO Chairperson
Apologies	None	



No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>1.1. The Chairperson opened the meeting at 08:00 and welcomed all present.</p> <p>1.2. There were no apologies noted.</p> <p>The opening and apologies were noted.</p>	Chairperson
2.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
3.	<p>Ratification of the Agenda</p> <p>3.1 Item C1.2 to be correctly recorded as item D2 under the Council Committees.</p> <p>3.2 The Cell C payment letter received the day before the meeting requesting an extension for payment of Spectrum Auction Fees, to be tabled under Item 6 (Licensing of IMT).</p> <p>3.3 Matters Arising were received and uploaded late on the Z: drive and as a result also omitted from the agenda. Council resolved that the Matters Arising be tabled at the next Council meeting.</p> <p>The agenda was ratified.</p>	All
4.	<p>Minutes of previous Council meeting – 28 April 2022</p> <p>The minutes were adopted as presented.</p>	Council



No.	Action Item	Person Responsible
5.	<p>International Engagements</p> <p>5.1. The purpose of this submission was to provide Council with additional information on the request to host the Sub-Sahara Spectrum Management Conference in South Africa.</p> <p>5.2. Corporate Services submitted a request that Council considers the invitation from Forum Global for the Authority to host the 7th Sub-Sahara Spectrum Management Conference and the Policy and Regulation Initiative for Digital Africa (PRIDA) meetings which would take place from 2 – 4 November 2022. Following the presentation, Council requested additional information pertaining to the benefits, impact, and estimated costs for the hosting/event.</p> <p>5.3. The First Inaugural Sub-Sahara Spectrum Management Conference was held on 18-19 February 2015 in Johannesburg, co-hosted by ICASA, under the theme, "<i>The meeting Point for the Sub- Sahara Spectrum Community</i>".</p> <p>5.4. The conference's key objective is to bring together key policymakers, national regulators, and top industry representatives from the Sub-Saharan region and beyond to come together and discuss topical issues relating to the management and coordination of spectrum policy across the region.</p> <p>5.5. The first conference set the scene for five (5) more successful conferences. The Sub-Sahara Spectrum Management Conference served as the baseline for the inauguration of the Middle East and North Africa (MENA) spectrum conference.</p> <p>5.6. ICASA has established itself as an organisation with a key role in participating and contributing to the broad innovation that has an impact in the international sphere regarding the development of Information and communications technology (ICTs). The recent conclusion of the first Radio Frequency Spectrum auction is a positive contribution to the country and industry. Events such as the Sub-Saharan Spectrum</p>	<p>CEO / Executive: Corporate Services</p>



No.	Action Item	Person Responsible
	<p>Management Conference affirm ICASA's footprint and standing in the global ICT arena.</p> <p>5.7. From a branding perspective, the Authority will derive positive results by hosting the event:</p> <p>5.7.1 The image of the Authority in the International Sphere will be enhanced since this event is expected to be attended by more than 150 of the most respected spectrum policymakers, industry experts and thought leaders in the region, including those who will be participating online, as well as those who access it through online, since it will be broadcast live.</p> <p>5.7.2 Logo and branding of ICASA will be included on all event branding and materials – listed as 'Event Hosts'.</p> <p>5.7.3 The opportunity to provide feedback and input on the conference program and content to ensure that the focus of the event is relevant, focused and in line with regional policy thinking in this area.</p> <p>5.7.4 The opportunity for a senior-level speaker from ICASA to open the event, participate in the welcome ceremony, and deliver a keynote presentation on key Spectrum Innovative Issues the Authority is undertaking nationally and Internationally.</p> <p>5.7.5 Additional speaking opportunities in the main conference program for ICASA representatives in preferred sessions.</p> <p>5.7.6 The opportunity to display banners and an exhibition stand at the conference highlights ICASA's participation and involvement as the conference host.</p> <p>5.8. The estimated hosting cost amounts to R450,000.00. In addition, the hosting costs can be accommodated by the savings derived from the Membership Fees to International Organisations.</p>	



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	<p><u>Recommendation to Council:</u></p> <p>5.9. It was recommended that Council:</p> <p>5.9.1 Note the additional information provided;</p> <p>5.9.2 To approve the hosting of the Sub-Sahara Spectrum Management Conference.</p> <p><u>Council Resolution:</u></p> <p>5.10. Council resolved to host the Conference.</p> <p>5.11. Council sought further clarity regarding the financial provisions available to host the event, and further requested Management to elaborate about the sponsorships.</p> <p>5.12. Council expressed concern over the conference being sponsored by the major regulators insofar as the Authority is rendered equally branded with its Licensees.</p> <p>5.13. Management informed Council that there is an available budget to cover the conference without assistance from sponsorships and that proper processes would be followed in relation to sponsorships.</p> <p>5.14. Council resolved that updates regarding the preparations for the conference and progress reports should be shared with Council on a regular basis pursuant to the event.</p> <p>The submission was approved.</p>	
6.	<p>Licensing of IMT (Standing Item)</p> <p>The Chairperson of the IMT Spectrum Licensing Committee presented the update and the submission.</p> <p>6.1. The purpose of this memorandum was to recommend that Council approves the consultation document on the second</p>	Cllr [REDACTED]



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	<p>phase of the licensing of the available International Mobile Telecommunications (IMT) Spectrum.</p> <p>6.2. Pursuant to the licensing of the IMT spectrum litigation between Independent Communications Authority of South Africa (“the Authority”) and Telkom, on 8 April 2022 the matter was settled out of Court.</p> <p>6.3. As part of the agreed settlement between the two parties, the Authority committed to issue an Information Memorandum (“IM”) by no later than 30 June 2022 for the licensing of:</p> <p>6.3.1 the unsold sub-1 GHz Lot from the IMT spectrum auction; and</p> <p>6.3.2 any other IMT spectrum that is presently available for licensing except for the spectrum currently set-aside for the Wireless Open Access Network (WOAN).</p> <p>6.4. The IM, amongst others, is to consider the spectrum holdings emanating from the recently concluded auction, including the imbalances in sub-1 GHz spectrum and the impact of the outcome of the auction on competition in the mobile market.</p> <p>6.5. The Licensing of IMT Spectrum Council Committee (“the Committee”) formulated the consultation document in a quest to implement the terms of agreement reached between the Authority and Telkom.</p> <p>6.6. As part of the Planning Phase of the project, the Committee assessed all other frequency bands that could be ready for the immediate licensing with the assistance of the Licensing and Compliance Division as well as the Engineering and Technology Division.</p> <p>6.7. Various IMT spectrum bands were assessed and then the Committee concluded that available IMT Spectrum is the unsold Lot of IMT800 from the previous process, and the IMT2100. Other bands are not available immediately for licensing since they are still subjected to the consultation process relating to the Radio Frequency Spectrum Assignment</p>	




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	<p>Plans for International Mobile Telecommunications with the implementation date envisaged to start as of 1 April 2023.</p> <p>6.8. Noting the Constitutional Court judgement on the matter between e.tv and the Minister, the proportional payment will apply in an event that this process is concluded before the Analogue switch off date.</p> <p><u>Recommendation to Council:</u></p> <p>6.9. The Committee recommended that Council approves the consultation document on the second phase of the licensing of the available IMT spectrum.</p> <p><u>Comments made:</u></p> <p>6.10. Council resolved to include the following provision in the IM “Should any other Spectrum become available in advance of the auction, it may be added to the available spectrum.”</p> <p>6.11. Council resolved to approve the submission subject to the updating of table 2.</p> <p><u>Cell C Letter</u></p> <p>6.12. Cell C wrote a letter to Authority stating the following:</p> <p>6.13. “Cell C is pleased to report that it has completed its recapitalization exercise and the conclusion of the related agreements with its lenders and investor stakeholders. unfortunately, Cell C anticipates a delay in the financial payments derived through the recapitalisation process, which is due to meet the South African Reserve Bank Regulations and authorisations process.</p> <p>Funds are expected to be available by the last week of August 2022, after which the payment of the outstanding auction fee will be paid into the ICASA bank account. Therefore, Cell C wishes to confirm that the outstanding amount will be processed to be paid at the end of August.”</p>	



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	<p><u>Comments made:</u></p> <p>6.14. Council advised that should the Authority concede to Cell C's request for an extension, the Authority should explicitly state that no further extension requests made by Cell C will be considered.</p> <p>6.15. Council resolved to approve the request made by Cell C in-principle and further resolved that the request be finalised through a Round Robin Resolution.</p> <p>The submissions were approved by Council.</p>	
7.	<p>e.tv Application to amend Radio Frequency Spectrum Licence</p> <p>7.1. The purpose of the submission was <u>to</u> request Council to decline e.tv's application to be authorised to use the television analogue frequencies for a period not exceeding 31 December 2022. The submission was being re-tabled.</p> <p><u>Recommendation to Council:</u></p> <p>7.2. It was recommended that Council should reject e.tv's application to be authorised to use the television analogue frequencies for a period not exceeding 31 December 2022 based on the following:</p> <p>7.2.1 The application is not in accordance with the Digital Migration Regulations in that the Minister has announced the date for switch-off of the analogue signal and the end of dual illumination published in the Government Gazette number 45984 on 28 February 2022; and</p> <p>7.2.2 On 28 March 2022, the Pretoria High Court has ordered the analogue switch off to be completed by 30 June 2022 and therefore, the Authority cannot extend the analogue transmission beyond 30 June 2022 as suggested by the Applicant.</p>	CEO / Executive Licensing and Compliance



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	<p><u>Comments made:</u></p> <p>7.3. Council expressed concern over the reasons given for the recommendation, specifically that the reasons provided are inaccurate and do not reflect the current standing as per the Constitutional Court Judgement on the e.tv digital migration case.</p> <p>7.4. Council resolved to defer the submission as the recommendations of the have not been updated to factor new dates in light of the judgement on the e.tv digital migration Constitutional Court judgement.</p> <p>The submission was deferred.</p>	
8.	<p>Application for Exemption by Kagiso Media in respect of Central Media Group (Pty) Ltd</p> <p>The Project Leader presented the submission.</p> <p>8.1. The purpose of this submission was to recommend that Council approves the Renewals Committee’s recommendation to approve the exemption application submitted by Kagiso Media Pty Ltd (“the Applicant”) in relation to Central Media Group (Pty) Ltd (“OFM”).</p> <p>8.2. On 14 August 2019, following the Applicant’s submission of the renewal of the Individual Commercial broadcasting service and Radio Frequency Spectrum Licences in its stable in June 2018, the Independent Communications Authority of South Africa (“the Authority”) held a meeting with the representatives of the Applicant to advise it that the Authority is enjoined to regularise shareholding of its licences to be in line with section 65(2) read with section 66(5) of the Electronic Communications Act No.36 of 2005, as amended (“the EC Act”), through an amendment process in terms of section 10 of the EC Act. Further, before implementation in this regard, the Authority is required to embark on a consultation process with the Applicant.</p> <p>8.3. The Applicant posits that the Authority’s view that the deeming provision in section 66(5) also applies to the</p>	Cllr 



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	<p>restrictions on exercising control over FM sound broadcasting services in section 65(2) of the EC Act and the view that the Applicant does not comply with section 65(2)(a) regarding 20% or more of shares in more than two FM sound broadcasting licensees is flawed.</p> <p>8.4. The Applicant attached documentation dealing with the breakdown of Kagiso Media's shareholding, the legislative framework with regards to limitations of control found in section 65(2) (a), 65(5) and 66(5) of the EC Act, section 49 (2) the IBA Act.</p> <p>8.5. The Applicant submits that the MOI and Shareholders' Agreement does not contain any provisions that could be interpreted as affording the Applicant any control over the affairs of OFM.</p> <p>8.6. Be that as it may, the Committee is of the view that changes in the 'broadcast' environment as alluded to by the Applicant has, to some extent consequences on stability and issues of ownership. If these are not properly managed or attended to, they could disrupt the business plans and investments put in place by concerned parties and in this instance OFM. The Authority has an obligation to ensure stability in the ICT sector.</p> <p><u>Recommendation to Council:</u></p> <p>8.7. The Committee recommends that Council approves the Applicant's exemption application for the following reasons:</p> <p>8.7.1. The Applicant has shown good cause in support of its application for exemption in terms of section 65(6) read with section 65(2)(a) of the EC Act.</p> <p>8.7.2. The MOI and Shareholders' Agreement do not contain any provisions giving the Applicant any power to control the affairs of OFM.</p> <p>8.8. The Committee further recommends that Council notes that Radio Heart and iGagasi FM needs to be regularised to be</p>	



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	<p>in line with the limitations of control as contemplated in the EC Act. The Committee will continue to engage with Applicant to regularise these radio stations.</p> <p><u>Comments made:</u></p> <p>8.9. Council expressed a struggle to understand the issues that are listed as a good cause shown by the Applicant.</p> <p>8.10. Council sought clarity regarding the issue around regularising.</p> <p>8.11. The Committee informed Council that the licenses should be converted in no-less than favourable way. In terms of the ECA control vests from 20%. The legacy licenses that hold more than 20% as were granted by the repealed IBA Act, should be Regularised as per the legal opinion obtained to be in line with the ECA.</p> <p>8.12. The submission was approved by Council, with a firm process to ensure compliance with the following provision in the recommendation:</p> <p><i>“The Committee further recommends that Council notes that Radio Heart and iGagasi FM needs to be regularised to be in line with the limitations of control as contemplated in the EC Act. The Committee will continue to engage with Applicant to regularise these radio stations.”</i></p> <p>Submission was approved.</p>	
9.	<p>Revised Termination of Service Policy</p> <p>The Executive: Human Resources presented the item.</p> <p>9.1 The purpose of this submission was for Council to approve the revised Termination of Service Policy.</p> <p>9.2 The purpose of the Termination of Service Policy is to provide guidelines on the termination procedure at the end of employment of an employee with ICASA. The current Termination of Service Policy was last reviewed in 2018. The</p>	<p>CEO / Executive: Human Resources</p>



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	<p>Policy and Procedure Framework specifies that all policies within ICASA should be reviewed every three (3) years.</p> <p>9.3 The Termination of Service policy was reviewed in consultation with the Trade Union, Management Forum, Internal Audit and vetted by Legal and CCC, to which the inputs received were duly incorporated into the revised version of this policy. Extensive consultations with Management Forum, Internal Audit and Legal and CCC were done where further inputs were received and duly incorporated, as well as inputs from EXCO/OPCO and HR & REMCO, hence the Human Resources Division brings the policy before Council for approval.</p> <p><u>Recommendation to Council:</u></p> <p>9.4 It was recommended that Council approves the Termination of Service Policy.</p> <p><u>Comments made:</u></p> <p>9.5 Council inquired if a generic specification could be used under the definitions and the policy as an alternative to using Alexander Forbes.</p> <p>9.6 Council inquired if the Authority was in a position to make the exit interviews compulsory.</p> <p>9.7 Management informed Council that the suggestion to use an alternative description for Alexander Forbes will be implemented.</p> <p>9.8 Management informed Council that the Authority is not in a position to compel existing employees to partake in exit interviews, however attempts will be made to convince the employees to partake in the exit interviews.</p> <p>9.9 Council resolved that the contextualisation around Line Manager be rephrased.</p> <p>9.10 management informed Council that the compulsory retirement age does not affect Council and the Policy will be amended to</p>	



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	<p>clearly indicate which section apply to Councillors and which do not.</p> <p>9.11 The submission was approved subject to the comments made.</p> <p>The submission was approved.</p>	
<p>10.</p>	<p>Draft Quarter 1 Performance Information Report</p> <p>The Senior Manager: Strategy and Programme Management presented the item.</p> <p>10.1. The purpose of the submission was to table the ICASA Quarter 1 Performance Information Report for approval.</p> <p>10.2. The Department of Planning Monitoring and Evaluation Revised Framework for Strategic Plans and Annual Performance Plans of December 2019 requires a government institution to prepare a quarterly report 30 days after the end of each quarter implementation.</p> <p>10.3. The document presents the Independent Communications Authority of South Africa's ("the Authority") performance for the quarter ending 30th of June 2022. It is based on the Authority's Annual Performance Plan 2022/23 approved by the Authority's Council and tabled before Parliament in March 2022.</p> <p>10.4. A total of twenty-five (25) targets were set for the quarter in review, out of which the Authority achieved twenty-one (21) and did not achieve four (4).</p> <p>10.5. Four out of five sub-programmes under Programme 1 namely, Finance, Human Resources, Internal Audit and Legal Risk & Complaints & Compliance Committee achieved hundred percent (100%) of all the targets they set for the quarter under review, while Corporate Services achieved 86%. Programme 2, Licensing and Compliance and Programme 4, Engineering & Technology also achieved hundred percent (100%) of their targets as set for the quarter under review.</p>	<p>CEO / SM: Strategy and Programme Management</p>



No.	Action Item	Person Responsible
	<p>10.6. Programme 3: Policy Research & Analysis achieved sixty percent (60%), and Regions and Consumer Affairs achieved sixty-seven percent (67%). Reasons for the performance realised are explained in detail under each Programme in Section 6.</p> <p>10.7. The Authority's grant is received on quarterly basis from the Department of Communications and Digital Technologies (DCDT / Department). Total amount of R [REDACTED] relating to the normal grant was received cumulatively in the first quarter from the Department and was in line with the annual drawdown schedule which represented 100% of the full year allocation.</p> <p>10.8. Second tranche of [REDACTED] was received in the first quarter as part of the ring-fenced funding towards the spectrum related multifaceted projects which come following the successful auctioning of High Demand spectrum and including the licensing of the Wireless Open Access Network (WOAN). These funds are deferred as liability until expenditure is incurred.</p> <p>10.9. Total amount of R [REDACTED] ([REDACTED]) was earned during the year from the short-term investments against the budget of [REDACTED] and was more by R [REDACTED] [REDACTED]). The interest earned from proceeds of spectrum auctioning process was the main driver for the significant increase, on the other hand, an improved prime rate had a positive direct impact on the Authority's accrued interest earned. The total amount collected to date was inclusive of R [REDACTED] which was interest earned from thirty days' investment on the collected license fees.</p> <p>10.10. A total amount of R [REDACTED] was collected to date. Included in the total amount was an amount received from MICT SETA of [REDACTED] cumulatively. The difference of R [REDACTED] [REDACTED] related to the insurance claims and R [REDACTED] to the fair value adjustment to assets (gains).</p>	



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	<p>10.11. There was realization of R ██████ for deferred grants due to the spending incurred from the ring-fenced projects. The recognition of revenue is in line with the spending.</p> <p>10.12. The Authority's total revenue as at the end of June 2022 collected including ring-fenced fund was R ██████, against the budget of R ██████ which was R 4█████ more.</p> <p>10.13. The Authority's year to date total OPEX expenditure excluding normal projects and capital costs was R ██████ against the budget of R ██████. Total underspending at the end of the first quarter was R ██████</p> <p>10.14. There was no capital expenditure reported in the quarter against the budget of R ██████. The Fixed Assets Register was reconciled on monthly basis. The delays from divisions submitting ToRs for SCM to timeously to start their procurement has led to no spending in the quarter. The list below is mainly what the total is comprised of:</p> <p>10.14.1 ██████;</p> <p>10.14.2 ██████;</p> <p>10.14.3 Office Partitioning & Audio-Visual for the Spectrum War Room – ██████;</p> <p>10.14.4 Quality of service equipment (Drive Test Tool) – ██████</p> <p>10.14.5 New network servers ██████ and</p> <p>10.14.6 Security - walk thru detectors and CCTV for balconies – ██████.</p> <p><u>COVID-19 Report</u></p> <p>10.15. On 15th March 2020, the President of South Africa declared a state of National Disaster in response to the worldwide COVID-19 pandemic. Following the declaration, all government institutions were directed to come up with interventions to mitigate the impact of COVID-19 on their internal and service delivery environments.</p>	



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	<p>10.16. On 15th May 2020, the Department of Planning Monitoring and Evaluation issued the 2021 Guidelines for National Quarterly Performance Reports, giving national government institutions direction on how to report on COVID-19 interventions on a quarterly basis.</p> <p>10.17. Therefore, the ICASA Quarter 1 Performance Report is supplemented by the ICASA COVID COVID-19 Interventions Quarter 1 Report as per the 15th May 2020 direction from the Department of Planning Monitoring and Evaluation.</p> <p>10.18. The ICASA COVID-19 Interventions Report will be produced as a supplement to the normal ICASA Performance Information Report every quarter until ICASA ceases to implement any COVID-19 interventions or until government directs all government institutions to cease implementing any COVID-19 interventions.</p> <p><u>Recommendation to Council:</u></p> <p>10.19. It was recommended that Council approve the ICASA Quarter 1 Performance Information and COVID-19 Interventions Report.</p> <p>The submission was approved.</p>	
11.	<p>Q1 Comprehensive Quarterly Report</p> <p>The submission was deferred, as the report had not been provided to Secretariat for inclusion in the meeting pack. Council was advised that the Comprehensive Quarterly Report would subsequently be brought to Council and that the Authority would not suffer any prejudice insofar as prescribed timelines are concerned, for dealing with this matter at the next Council meeting.</p>	<p>CEO / SM Strategy and Programme Management</p>
12.	<p>Validation of Q1 Reports</p> <p>The Chief Audit Executive presented the submission.</p>	<p>CAE</p>



No.	Action Item	Person Responsible
	<p>12.1. The purpose of this submission was to apprise Council of Internal Audit's results of the validation process for the Quarter 1 performance.</p> <p>12.2. The report is submitted in line with Treasury Regulations 3.2.7 (d) which provide that, "to allow effective monitoring, a quarterly report will be submitted to the AREDC detailing Internal Audit's performance against the annual Internal Audit plan".</p> <p>12.3. This report entails key issues identified from the work conducted by Internal Audit. We confirm that same were discussed with management, comments and the related remedial action plans have thus been sought.</p> <p>12.4. The submission served before the EXCO meeting in line with AREDC's resolution. Furthermore, these have also been tabled before AREDC.</p> <p>12.5. The results were summarised as follows:</p> <p style="padding-left: 40px;">12.5.1 The validated performance confirmed the percentage achievement of 84%;</p> <p style="padding-left: 40px;">12.5.2 A significant improvement in the Performance Information Management process was noted, as only one area of improvement was reported. This related to an inconsistency within the APP as the Q1 target for both the "OHS annual plan implemented" and "percentage of EDRMS roll-out plan implemented" reflected a different percentage on the Technical Indicator Differentiator (TID) and the face of the APP;</p> <p style="padding-left: 40px;">12.5.3 Management agreed with the observation from Internal Audit and undertook to rectify the 2023/2024 APP as no changes are permitted on the approved 2022/2023 APP that is currently implemented.</p> <p><u>Recommendation to Council:</u></p> <p>12.6. Council was requested to note the submission.</p>	



No.	Action Item	Person Responsible
	<p>The submission was noted.</p>	
<p>13.</p>	<p>Project Status Report</p> <p>The Senior Manager: Strategy and Programme Management presented the item.</p> <p>13.1 The purpose of the submission was to table the ICASA Quarter 1 Council Committees and Strategic Projects Report to Council for noting.</p> <p>13.2 The methodology that was followed to produce the report involved development of a template and its distribution to Programmes for population with projects performance data on the basis of eight key variables namely; scope management, time management, cost management, quality management, risk management, human resources management, procurement management, stakeholder management. The Programmes submitted the projects data to the Strategy & Programme Management Unit in the Office of the CEO for analysis and gleaning of project performance information to make findings.</p> <p>13.3 The following conclusions were drawn from the findings:</p> <p>13.3.1 Maintain adherence to not changing project scope,</p> <p>13.3.2 Accelerate delivery of quarterly deliverables within set timelines,</p> <p>13.3.3 Improve the spending of funds allocated for projects,</p> <p>13.3.4 Keep up maintenance of projects team composition,</p> <p>13.3.5 Maintain momentum in increasing vigilance on materialisation of identified potential risks that may derail project success and implement mitigation measures promptly,</p> <p>13.3.6 Intensely accelerate planned procurement and commit all the funds that have been allocated so that the Authority does not have find itself faced with the dreaded call by National Treasury to return unused funds,</p>	<p>CEO / SM: Strategy and Programme Management</p>



No.	Action Item	Person Responsible
	<p>13.3.7 Maintain cordial relationship with stakeholders to ensure that they make and not break projects,</p> <p>13.3.8 Vigilant project management is emphasised on the part of all project managers across the board,</p> <p>13.3.9 Strict adherence to reporting deadlines that are set by the Strategy & Programme Management Unit in the Office of the CEO for all Programmes must be sine qua non.</p> <p><u>Recommendation to Council:</u></p> <p>13.4 It was recommended that Council notes the ICASA Quarter 1 Council Committees and Strategic Projects Report as approved by ARDEC.</p> <p>The submission was noted by Council.</p>	
14.	<p>ICASA Strategic Plan 2020/21 – 2024/25 Mid-Term Assessment, Implementation Framework and Report Format</p> <p>The Senior Manager: Strategy and Programme Management presented the submission.</p> <p>14.1 The purpose of the submission was for Council to note management’s preparation to undertake the ICASA Strategic Plan 2020/21 – 2024/25 Mid-Term Assessment, EXCO approved Implementation Framework for the Mid-Term Assessment and a Report Format which will be used to report the mid-term assessment findings.</p> <p>14.2 The 2022/23FY marked the beginning of the third year in the implementation of the ICASA Strategic Plan 2020/21 – 2024/25. The Authority will reach two and a half years of implementation of the Strategic Plan 2020/21 – 2024/25 by 31 September 2022. In line with the Department of Planning Monitoring and Evaluation Revised Framework for Strategic Plans and Annual Performance Plans of December 2019 prescripts as cited above, the Authority must do a mid-term assessment of its Strategic Plan 2020/21 – 2024/25 and submit a report to Parliament, the Department of Planning Monitoring and Evaluation and publish it on the Authority’s website.</p>	<p>CEO / SM: Strategy and Programme Management</p>



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	<p>14.3 The value proposition of the mid-term assessment is planning improvement for the Authority strategic plan's remaining financial years. It could result in the revision and re-tabling of the Authority strategic plan or modifications of outputs and activities in the Authority's annual performance plan or annual operational plan respectively.</p> <p>14.4 The Department of Planning Monitoring and Evaluation Revised Framework for Strategic Plans and Annual Performance Plans of December 2019 does not prescribe any mid-term assessment implementation framework/tool nor report format. Therefore, the Strategy & Programme Management Unit in the Office of the Chief Executive Officer has developed the ICASA mid-term assessment implementation framework/tool and report format which was approved by EXCO on 18 July 2022. The implementation framework and report format will be used to assess and report on the mid-term assessment of ICASA Strategic Plan 2020/21 – 2024/25 respectively.</p> <p><u>Recommendation to Council:</u></p> <p>14.5 It was recommended that Council note management preparations for the mid-term assessment of ICASA Strategic Plan 2020/21 – 2024/25 so that Council can anticipate submission of the mid-term assessment report to Council for approval once it is completed.</p> <p>The submission was noted by Council.</p>	
15.	<p>Review of the EXCO and OPCO Terms of Reference</p> <p>The Corporate Secretary presented the item.</p> <p>15.1. The purpose of this submission was to request Council to consider the inputs made by EXCO and OPCO and any further input to be made by Council and to approve that the TORs be updated accordingly.</p>	<p>CEO / Secretariat Unit</p>



No.	Action Item	Person Responsible
	<p>15.2. The ICASA Executive Committee (EXCO) Terms of Reference (EXCO TORs) were last reviewed on or about 11 July 2016. Whereas, whilst the ICASA Operations Committee (OPCO) Terms of Reference (OPCO TORs) were created in May 2015 and approved on 21 June 2016, the TORs have since then not been reviewed.</p> <p>15.3. Both the EXCO TORs and the OPCO TORs are now overdue for review. Accordingly, inputs have been solicited from EXCO and OPCO and consolidated.</p> <p>15.4. The Executive Committee of ICASA ("EXCO") and Operational Management Committee ("OPCO") were constituted as standing committees in terms of section 17 of the Independent Communications Authority of South Africa Act, 2000 (No. 13 of 2000) ("ICASA Act").</p> <p>15.5. Paragraph 9.1 of the EXCO TORS state the following:</p> <p style="padding-left: 40px;"><i>"9.1 These terms of reference shall be reviewed annually and amended as required, subject to approval of Council"</i></p> <p>15.6. The OPCO TORS have a similar provision, providing as follows:</p> <p style="padding-left: 40px;"><i>"The terms of reference were approved by Council on 21 June 2016 and shall be reviewed every two years and amended as required, subject to the approval of the Council".</i></p> <p><u>Recommendation to Council:</u></p> <p>15.7. It was recommended that Council should consider the proposed changes to the EXCO and OPCO TORs as outlined in Annexure A, approve that these changes be effected.</p> <p><u>Comments made:</u></p> <p>15.8. Council requested that "Support of OPCO members to Council as and when required" should rather be a standard provision (i.e. without the "as and when required").</p>	



No.	Action Item	Person Responsible
	<p>15.9. Council resolved that the TOR should be reviewed every (3) three years.</p> <p>The submission was approved by Council.</p>	
<p>16.</p>	<p>General</p> <p>Presentation of the Final Draft 2021/2022 Management and Audit Report</p> <p>The AGSA team presented the submission.</p> <p>16.1. The purpose of the management report was to communicate audit findings and [REDACTED]</p> <p>16.2. The report does not constitute public information. [REDACTED]</p> <p>16.3. This management report consists [REDACTED]</p> <p>16.4. The auditor's report [REDACTED]</p>	<p>AGSA</p>



No.	Action Item	Person Responsible
	<p>[REDACTED]</p> <p>[REDACTED]</p> <p><u>The key AGSA comments:</u></p> <p>16.5. The audit outcome in terms [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>16.6. The constitutional entity [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>16.7. The was an improvement [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>16.8. The financial health of ICASA [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>16.9. The Annual Performance Report [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>16.10. The GCR review concluded [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	



No.	Action Item	Person Responsible
	<p>[REDACTED]</p> <p>[REDACTED].</p> <p><u>Recommendations from the report</u></p> <p>16.11. The entity should consider implementing the following in order to improve the overall audit outcome:</p> <p>16.11.1 [REDACTED] [REDACTED]</p> <p>16.11.2 [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>16.11.3 [REDACTED] [REDACTED] [REDACTED]</p> <p>16.11.4 [REDACTED] [REDACTED]</p> <p>Management Comments:</p> <p>16.12 Management has implemented [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>The submission was noted.</p>	
17.	<p>Telkom’s request for a meeting to address Authority on Telkom Group 2021/22 Financial Results, factors that influenced performance as well as impact of regulation to the sector and operator performance</p> <p>Council resolved to approve the request, and further that the response be drafted to Telkom. Council resolved that the suitable time will be confirmed at a later stage.</p>	Chairperson / CEO



No.	Action Item	Person Responsible
18.	<p>Invitation to attend and participate in the Southern Africa Telecommunication Networks and Applications Conference (SATNAC)</p> <p>Council resolved to approve the invitation.</p>	Chairperson
19.	<p>Letter from the Association of Comms and Technology (ACT) in relation to IMT Spectrum Social Obligations</p> <p>Council resolved that the submission be remitted to the IMT</p>	Chairperson
20.	<p>Closure</p> <p>The Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 13:43pm.</p>	Council

Signed: _____

Date: 2023-03-16 _____

Dr Charles Lewis
(Acting Chairperson)