



**Independent Communications Authority of South Africa**

<b>MINUTES OF AN ORDINARY MEETING OF COUNCIL</b>		
<b>Date</b>	<b>29 August 2023</b>	
<b>Time:</b>	<b>09:00 – 14:00</b>	
<b>Venue:</b>	<b>EP-CF Thabo-Mbeki</b>	
<b>Present</b>		
	[REDACTED]	Acting Chairperson
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
<b>By Invitation</b>		
	[REDACTED]	CEO
	[REDACTED]	Acting CFO
	[REDACTED]	Acting CAE
	[REDACTED]	Executive: LCCC
	[REDACTED]	Secretariat Officer
	[REDACTED]	Secretariat Officer
<b>Partial Attendees</b>		
	[REDACTED]	Executive: HR
	[REDACTED]	Executive: Corporate Services
	[REDACTED]	Researcher: PRA
	[REDACTED]	Acting Executive: Compliance and Licensing / Senior Manager: Compliance
	[REDACTED]	Manager: Service ECS\ECNS\Post: Licensing
	[REDACTED]	Manager: Numbering
	[REDACTED]	Senior Manager: Legal (Regulatory Support & Legislative Drafting)
	[REDACTED]	Meta
	[REDACTED]	Meta
<b>Apology</b>		
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	CEO
	[REDACTED]	Corporate Secretary

<b>No.</b>	<b>Action Item</b>	<b>Person Responsible</b>
1.	<p><b>Opening and apologies</b></p> <p>1.1. The Chairperson declared the meeting open at 09:00 and welcomed all present.</p> <p>1.2. Councillor [REDACTED] was on annual leave.</p> <p>1.3. [REDACTED] [REDACTED] [REDACTED]</p> <p>1.4. The Corporate Secretary was on annual leave.</p> <p><b>The opening and apologies were noted.</b></p>	<b>Chairperson</b>
2.	<p><b>Ratification of agenda</b></p> <p>2.1. The following items were added to the agenda under General:</p> <p>2.1.1 Item 16.2 was added – Regulatory Projects;</p> <p>2.1.2 Item 16.3 – SITA Annual GovTech Conference 12 – 14 September 2023; and</p> <p>2.1.3 Item 16.4 was added – Governance issues.</p> <p><b>The agenda was approved with the above amendments.</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.	<b>Adoption of Minutes of Council</b>	
4.1.	<p><b>Minutes of Council: 18 July 2023</b></p> <p><b>The minutes were approved as presented.</b></p>	
5.	<b>Matters Arising</b>	<b>CEO</b>

No.	Action Item	Person Responsible
	<p>The Executive: HR presented the Matters Arising on behalf of the CEO.</p> <p><u>Item 1 – Inquiry into Subscription Tv Broadcasting</u></p> <p>5.1. Council noted with concern the delays relating to the appointment of BSC members, and that as a result, milestones / targets of the project, may likely not be reached.</p> <p><u>Item 5 – Community Sound Broadcasting Applications</u></p> <p>5.2. Council requested to be apprised on progress of applicants/registrants who did not progress past to the first phase of community broadcasting licensing. Council was informed that action will take place through workshops which will be conducted in different regions, to assist/educate applicants who did not progress to the first phase due to process of compliance. Council indicated that the Authority needs to look into allowable means through which applicants can be assisted with the process pursuant to compliance.</p> <p><u>Audit Action Plan / Management Letter</u></p> <p>5.3. Council requested to be updated on the progress on a bi-weekly basis.</p> <p><u>International Travel Checklist</u></p> <p>5.4. Council directed that the International travel checklist and travelling policies be reviewed.</p>	
6.	<p><b>International Engagements (“Standing Item”)</b></p> <p>The Executive: Corporate Services presented the submission:</p> <p>6.1. The purpose of the submission dated 24 August 2023 was to request Council to note the list of identified meetings for the third quarter of 2023/24 Financial Year and nominate Councillors to attend the said meetings.</p>	<p><b>CEO/ Executive: Corporate Services</b></p>

No.	Action Item	Person Responsible
	<p><u>Recommendation to Council:</u></p> <p>6.2. It was recommended that Council:</p> <p>6.2.1. Notes the identified meetings for the third quarter of 2023/24; and</p> <p>6.2.2. Nominate Council representatives for the identified meetings.</p> <p><u>Comments made:</u></p> <p>6.3. Council suggested that the Councillors who are attending the WRC conference, be alternated so to ensure continuity.</p> <p><u>Resolutions by Council:</u></p> <p>6.4. Council resolved that Cllr [REDACTED] and Cllr [REDACTED] should attend the WRC conference.</p> <p>6.5. Council resolved that Corporate Services should look into how the two (2) Councillors can attend the WRC conference at different dates, while ensuring proper handover and continuity.</p>	
7.	<p><b>Litigation Update (“Standing Item”)</b></p> <p><b>The Executive: LRCCC presented this item as per the presentation shared in the meeting pack.</b></p>	<p><b>CEO / Executive: LRCCC</b></p>
8.	<p><b>Licensing of IMT (“Standing Item”)</b></p> <p>8.1. The IMT Committee Chairperson requested an IMT StreerCo meeting to be scheduled.</p> <p>8.2. Council resolved to schedule the IMT StreerCo meeting for 30 August 2023, at 14h00.</p>	<p><b>Cllr [REDACTED]</b></p>
9.	<p><b>Change and Update of ICASA Licensee Information -SMS PORTAL (Pty) Ltd</b></p>	<p><b>CEO / Executive:</b></p>

<b>No.</b>	<b>Action Item</b>	<b>Person Responsible</b>
	<p>The Senior Manager: Compliance presented the submission:</p> <p>9.1. The purpose of the submission dated 17 August 2023 was to advise Council of a notice from SMS Portal (Pty) Ltd (referred to as SMS Portal), requesting the Authority to effect changes to its contact details, addresses and shareholding structure and to recommend that Council approves the submission.</p> <p><u>Recommendation to Council:</u></p> <p>9.2. It was recommended that Council should approve the submission for the following reasons:</p> <p>9.2.1. The Licensee has complied with the Regulations on Processes and Procedures for Individual Licensees, 2020; and</p> <p>9.2.2. The changes do not amount to a transfer of control, as confirmed by the external Legal Opinion that was sought on the matter.</p> <p><u>Comments made:</u></p> <p>9.3. Council sought clarity on paragraph 2.5 (shareholding structure) of the submission. The Senior Manager: Compliance outlined the shareholding structure of the licensee.</p> <p><u>Resolutions by Council:</u></p> <p>9.4. Council resolved to approve the submission.</p>	<b>Licensing and Compliance</b>
<b>10.</b>	<p><b>Re-submission on Avoxi (Pty) Ltd I-ECNS and I-ECS licences surrender</b></p> <p>The Manager: Service ECS\ECNS\Post and Manager: Numbering presented the submission:</p> <p>10.1. The purpose of the submission dated 17 August 2023 was to recommend that Council notes the notice of surrender of the I-ECS and the I-ECNS licences held by Avoxi (Pty) Ltd (“the Applicant”).</p> <p><u>Recommendation to Council:</u></p>	<b>CEO / Executive: Licensing and Compliance</b>

No.	Action Item	Person Responsible
	<p>10.2. It was recommended that Council should note the notice for the surrender of the Applicant's I-ECS and I-ECNS licences given that the Applicant has met all the relevant requirements of section 12 of the ECA and Regulation 13 of the Processes and Procedures Regulations relating to the surrender of its Services Licences.</p> <p><u>Comments made:</u></p> <p>10.3. Council sought clarity on whether all the used numbers have been returned to the Authority. Council was informed that numbers assigned to the applicant will be returned. Council was further informed that the issue of non-compliance, has been transferred to the Compliance division, as the CCC cannot investigate a non-licensee.</p> <p><u>Resolutions by Council:</u></p> <p>10.4. Council resolved that legal guidance / opinion was needed on whether the Compliance division is able to investigate the issue non-compliance after Council has approved the submission.</p> <p>10.5. Council resolved to defer the submission.</p> <p><b>The submission was deferred, pending submission of the legal opinion.</b></p>	
11.	<p><b>Review of Conveyance of Mail Regulations Committee</b></p> <p>Cllr [REDACTED] and the Researcher: PRA presented the submission:</p> <p>11.1. The purpose of the submission dated 19 July 2023 was to request Council to approve the recommendation of the Review of the Conveyance of Mail Regulations Committee (“Committee”) to accept late submissions received from the Department of Communications and Digital Technologies (“DCDT”), and Tape Aids for the Blinds on the Discussion Document on the Review of Conveyance of Mail Regulations, 2009.</p> <p><u>Recommendation to Council:</u></p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p>11.2. It was recommended that Council should approve the Committee's recommendation to accept both late submissions based on reasons stated in the memo to Council dated 19 July 2023.</p> <p><u>Comments made:</u></p> <p>11.3. Council sought clarity on whether the acceptance of the late submissions will not create a wrong precedence. Council was informed that the process is still in the inquiry phase, and the Act does allow for the deviation.</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>COMESA Peer Exchange Programme</b></p> <p>The Executive: Corporate Services presented the submission.</p> <p>12.1 The purpose of the submission dated 25 August 2023 was to apprise Council of the planned Peer Exchange programme to ICASA for the Regional ICT Associations (RICTAs) falling under COMESA, taking place from 30 – 31 August 2023 at ICASA Head Office.</p> <p><u>Recommendation to Council:</u></p> <p>12.2 It was recommended that Council should:</p> <p>12.1.1 Note the update on the peer exchange programme from COMESA; and</p> <p>12.1.2 Due to the nature of the delegation, to nominate a Councillor who will host the delegation from COMESA and one to give opening remarks at the event.</p> <p><u>Resolutions by Council:</u></p> <p>12.1.3 Council resolved that the Acting Chairperson, Cllr ██████ should host the delegation and give the opening / welcoming remarks.</p>	<p><b>CEO / Executive: Corporate Services</b></p>

No.	Action Item	Person Responsible
	12.1.4 Council resolved to note the submission.	
13.	<p><b>Recruitment of ITRC Members (Retabling)</b></p> <p>The Executive: HR presented the submission:</p> <p>13.1 The purpose of the submission dated 24 August 2023 was to apprise Council on the status regarding the members of the Information Technology Review Committee (ITRC) and to seek approval to commence with the recruitment process.</p> <p><u>Recommendation to Council:</u></p> <p>13.2 It was recommended that Council should approve the commencement of the recruitment process for the ITRC members to afford adequate time for handover.</p> <p><u>Comments made:</u></p> <p>13.3 Council iterated that the governance calendar should include dates for the governance Committees.</p> <p>13.4 Council sought clarity on why ITRC meetings have not been facilitated through AREDC while the issue of the ITRC being reconstituted is being resolved, given Council's decision earlier this year that the ITRC be co-opted in to AREDC. Council was informed that the AREDC Chairperson has indicated that the ITRC meeting will be scheduled before the end of September 2023.</p> <p>13.5 Council expressed that the external governance Committee members need to do their part to ensure their availability to attend scheduled meetings as per their contracts.</p> <p><u>Resolutions by Council:</u></p> <p>13.6 Council resolved to approve the submission.</p> <p><b>The submission was approved.</b></p>	CEO/ Executive: HR




No.	Action Item	Person Responsible
14.	<p><b>Appointment of four (4) Standards Liaison Committee Members</b></p> <p><b>Councillor [REDACTED] chaired this session of the meeting as Acting Chairperson is a member of this Committee.</b></p> <p>The Executive: HR presented the submission:</p> <p>14.1 The purpose of the submission dated 17 August 2023 was to request approval for the appointment of four (4) advertised positions of Standards Liaison Committee (SLC) Members, for a period of three (3) years, effective from the date of assumption of duty, namely:</p> <p>14.1.1 [REDACTED]  14.1.2 [REDACTED]  14.1.3 [REDACTED] and  14.1.4 [REDACTED]</p> <p><u>Recommendation to Council:</u></p> <p>14.2 It was recommended that Council should approve the appointment of four (4) advertised positions of Standards Liaison Committee (SLC) Members for a period of three (3) years, effective from the date of assumption of duty, namely:</p> <p>14.2.1 [REDACTED]  14.2.2 [REDACTED]  14.2.3 [REDACTED] and  14.2.4 [REDACTED]</p> <p><u>Comments made:</u></p> <p>14.3 Council highlighted that all the candidates were males, and thus requested that female representation should be ensured in the next round. Council was informed that there was a female candidate but she withdrew from the process.</p> <p><u>Resolutions by Council:</u></p> <p>14.4 Council resolved to approve the submission.</p> <p><b>The submission was approved.</b></p>	<p><b>CEO / Executive: HR</b></p>

No.	Action Item	Person Responsible
15.	<p><b>Draft MOA Between ICASA and the MDDA</b></p> <p>The Senior Manager: Legal (Regulatory Support &amp; Legislative Drafting) presented the submission:</p> <p>15.1 The purpose of the submission dated 17 August 2023 was to appraise Council of the Memorandum of Agreement (MOA) between the Authority and the Media Development and Diversity Agency (MDDA) and to recommend that Council approves the MOA for signature.</p> <p><u>Recommendation to Council:</u></p> <p>15.2 It was recommended that Council should approve the MOA between ICASA and the MDDA for signature by the Chairperson.</p> <p><u>Comments made:</u></p> <p>15.3 Council indicated that the heading of paragraph 16 and 17 needed to be corrected.</p> <p>15.4 Council requested that the MOA be re-visited to correct the spelling errors.</p> <p><u>Resolutions by Council:</u></p> <p>15.5 Council resolved that the MOU will be reviewed every three (3) years.</p> <p>15.6 Council resolved to approve the submission, subject to the implementation of the abovementioned inputs.</p> <p><b>The submission was approved, subject to the implementation of the abovementioned inputs.</b></p>	<p><b>CEO / Executive: LRCCC</b></p>
16.	<b>General</b>	
16.1	<p><b>Meta X ICASA Council – Presentation</b></p> <p>The Meta delegation made a presentation.</p>	<b>Meta delegates</b>

<b>No.</b>	<b>Action Item</b>	<b>Person Responsible</b>
	<p>16.1.1 The presentation highlighted Meta’s investments in connectivity, and how it is ensuring meaningful connectivity.</p> <p>16.1.2 Council expressed an interest in Meta’s view on the issue of fair share.</p> <p>16.1.3 Council highlighted that satellite connectivity, especially in rural areas, needed to be affordable.</p>	
<b>16.2</b>	<p><b>Regulatory Projects</b></p> <p>The following projects were briefly discussed;</p> <p>16.3 Council requested an update on the ECA amendment process and the workshop that is planned with staff members for inputs pursuant to the ECA amendments.</p> <p>16.4 Council advised that in future, the Women in ICT event, should not be limited to women in ICT only, but the invite should be extended to young and unemployed women.</p> <p>16.5 Council raised concerns regarding the leaking of the Authority’s information to the media.</p>	<b>Acting Chairperson</b>
<b>16.6</b>	<p><b>SITA Annual GOVTECH Conference 12 – 14 September 2023</b></p> <p>16.6.1 Council resolved that one Councillor and two (2) officials will attend the Govtech conference.</p>	<b>Acting Chairperson</b>
<b>16.7</b>	<p><b>Governance issues</b></p> <p>16.7.1 Council indicated that a system / software solution needs to be procured to assist with the handling of critical governance activities such as compiling and distribution of meeting packs, RRR, meeting registers, amongst others. The system will assess the performance of EXCO when it comes to the making of submissions.</p> <p>16.7.2 HR must look into arranging a board assessment training for Councillors, which is being offered by IoDSA.</p>	<b>Cllr █████</b>

<b>No.</b>	<b>Action Item</b>	<b>Person Responsible</b>
17.	<b>Closure</b> The Acting Chairperson thanked all who were present at the meeting and declared the meeting adjourned.	<b>Council</b>

Signed:  \_\_\_\_\_  
Yolisa Kedama  
(Acting Chairperson)

Date: 24-10-2023 \_\_\_\_\_