



Independent Communications Authority of South Africa

MINUTES OF A SPECIAL MEETING OF COUNCIL		
Date	30 March 2022	
Time:	15:00	
Venue:	Microsoft Teams	
Present	[REDACTED]	Chairperson
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	Councillor
	[REDACTED]	
By Invitation	[REDACTED]	CEO
	[REDACTED]	Corporate Secretary
	[REDACTED]	Secretariat Officer
	[REDACTED]	Secretariat Officer
	[REDACTED]	Secretariat Officer
	[REDACTED]	
Partial Attendees	[REDACTED]	Specialist: Monitoring and Evaluation
Apologies	[REDACTED]	Councillor
	[REDACTED]	CFO
	[REDACTED]	CAE



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><u>The following apologies were noted:</u></p> <p>1.2. Councillor [REDACTED] was attending the CRASA AGM in Angola and joined the meeting later as she had connection issues.</p> <p>1.3. The Chief Financial Officer, Chief Audit Executive and the Senior Manager: SPM were attending the CRASA AGM in Angola.</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>The agenda was ratified.</p>	All
4.	<p>ICASA APP for 2022/23 FY</p> <p>The Specialist: Monitoring and Evaluation presented the item.</p> <p>4.1. The purpose of the submission was to table the ICASA Annual Performance Plan 2022/23 final draft for Council approval and subsequent submission to DPME, DCDT and Parliament.</p> <p>4.2. In terms of the DPME Revised Framework for Strategic Plans and Annual Performance Plans December 2019, government institutions must develop their annual performance plans in the year preceding the year of implementation. The first draft must be</p>	CEO / SPM



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	<p>developed by the end of October and submitted to the DPME for inputs. The final draft must be developed in time to allow for its tabling in Parliament by the end of March.</p> <p>4.3. ICASA developed the first draft of its APP2022/23 financial year and submitted it to the DPME for inputs as required by the DPME revised Framework for Strategic Plans and Annual Performance Plans of December 2019.</p> <p>4.4. ICASA received inputs from the DPME on 14th December 2021, ICASA received further inputs from DPME based on the 2nd Draft APP submission on the 10th March 2022.</p> <p>4.5. Further, on the 17th of March 2022, there was a CEOs forum meeting, where DCDT also made inputs based on their assessment of the draft ICASA APP 2022/23.</p> <p>4.6. The Administration then considered the inputs from DPME and DCDT, and gave responses, which were incorporated into the APP, and the APP was considered by EXCO and recommended for Council Approval.</p> <p><u>The following amendments were proposed:</u></p> <p>4.7. Under Table 3: Alignment to Operation Vulindlela “4G coverage of high demand spectrum allocated by end of 2020” was deleted.</p> <p>4.8. Under Corporate Services, for the MTEF Period, under 2022/23 the amount was updated to [REDACTED] and under 2023/24 the amount was updated to [REDACTED]</p> <p>4.9. The OHS annual plan implemented target was updated from 85% to 100% for the year 2022/23. Further, the target for 2023/24 was updated to 100% from 85% and the target for 2024/25 was updated to 100% from 90%.</p> <p>4.10. The EDRMS roll out plan implemented was amended as follows: the 2022/23 target of 85% was amended to 100%; whereas the</p>	



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	<p>target for 2023/24 was amended to 100% and the target for 2024/25 was updated from 90% to 100%.</p> <p>4.11. Under the Finance Division, the additional funding of R [REDACTED] that was given to the Authority, was captured.</p> <p>4.12. Under the Licensing Division, the Process to Assign Broadband Spectrum, the project output indicator might need to be amended to align with the project closure report.</p> <p>4.13. The project output under the Process on the Licensing of an Individual Electronic Communications Network Service completed needed to be aligned with the policy direction that was issued by the Minister.</p> <p>4.14. Under Policy Research and Analysis Division the project output under the Regulations on subscription television broadcasting market required amendment as the target for the current financial year was not achieved.</p> <p><u>Recommendation made to Council:</u></p> <p>4.15. It was recommended that Council considers and approves the ICASA's Final Draft APP 2022/23FY for submission to the Minister of Communications and Digital Technologies so that it can be tabled in Parliament before the end of March.</p> <p><u>The following comments were made by Council:</u></p> <p>4.16. There will be a meeting between the Minister and Council, on the 3rd of May 2022, the purpose of which meeting will be to discuss the performance of Council.</p> <p>4.17. In relation to the Process to Assign Broadband Spectrum Project, Council was advised that the project has achieved its target. There are still outstanding licensing matters that need to be concluded. There was a recommendation that the output should reflect the 100% target on the issuance of licences and</p>	



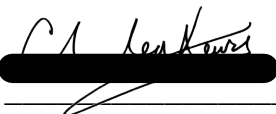
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	<p>that the consultation on the social and coverage obligations would conclude the process.</p> <p>4.18. Council inquired if the update of the definitions under-served Areas was part of the APP or OPP, as it was not in the draft presented.</p> <p>4.19. Management informed Council that the amendment to the definition was in the OPP, and further that it was an involved process. Management informed Council that if there was a request to include it to the APP the request would be obliged.</p> <p>4.20. Management recommended that, being mindful that the consultation process that the Department has initiated and dovetailing with the recent decision by Council that the Authority would undertake comparative studies on how the WOAN has come out in other jurisdictions, the project output could be rephrased as follows “the Committee to produce a report on the benchmark studies for the licensing of an Individual Electronic Communications Network Service Provider”.</p> <p>4.21. Council recommended that the output be captured as “written participation in the consultation process”, and further that the evidence will be whatever the Committee projects.</p> <p>4.22. Management recommended that, in order to comply, the project output should be measurable, and further suggested the following: “percentage of participation in the consultative process” and that the percentages should be defined.</p> <p>4.23. Management suggested that under the PRA project (the Regulations on subscription television broadcasting market required) the target for the current year should be carried to the 2022/23 year and have the final Regulations as a target for the 2023/24 year.</p> <p>4.24. Council resolved that the proposal by Management regarding the Regulations on subscription television broadcasting market be approved.</p>	



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	<p>4.25. Management inquired whether Council was amenable with the decision of not including the Council KPAs in the APP, as it was previously requested by the DCDT.</p> <p>4.26. Council approved the decision and recommended that the Council KPAs would be better tabled in the OPP.</p> <p>The submission was approved subject to the amendments made.</p>	
5.	<p>General</p> <p>The Letter to the Litigants in Re: TELKOM SA SOC // ICASA AND OTHERS – CASE NO. 116/2022</p> <p>5.1 The letter was projected on the screen for Council to note. The letter was sent by the Chairperson to Telkom the previous day, pleading with Telkom to withdraw its litigation in relation to the IMT ITA (with each party to pay its legal costs), considering, amongst other things, the following:</p> <p>5.1.1 The Policy Directive for the WOAN issued by the Minister was suspended on 9 March 2022 and is currently being revised and enhanced. The consultative process thereto will allow Telkom an opportunity to participate.</p> <p>5.1.2 The spectrum auction was concluded on 17 March 2022, wherein Telkom participated fully.</p> <p>5.1.3 2 X 10Mhz remains unassigned from the auction, which allows the Authority to embark on a consultative process for the licensing of the unassigned spectrum, a process which will afford Telkom an opportunity to participate fully.</p> <p>5.1.4 The court judgement in relation to the e.tv matter is in favour of the Minister, and this has created certainty on the completion of the digital migration process.</p>	All



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	5.2 A copy of the letter was to be shared with Council by the Corporate Secretary. The letter was noted by Council.	
6.	Closure The Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 16:00.	Council

Signed: 

Dr Charley Lewis
(Acting Chairperson)

Date: 2022-08-18