



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY COUNCIL MEETING		
Date	30 July 2021	
Time:	08:00	
Venue:	Microsoft Teams	
Present		
	[REDACTED]	Chairperson
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
	[REDACTED]	Member
By Invitation		
	[REDACTED]	CEO
	[REDACTED]	Acting CFO
	[REDACTED]	Acting CAE
	[REDACTED]	Corporate Secretary
	[REDACTED]	Secretariat Officer
	[REDACTED]	Secretariat Officer
	[REDACTED]	Acting Corporate Secretary
Partial Attendees		
	[REDACTED]	Executive: Licensing
	[REDACTED]	Acting Executive: Legal, Risk & CCC
	[REDACTED]	Executive: HR
	[REDACTED]	Acting Executive: Regions and Consumer Affairs
	[REDACTED]	SM: Strategy & Programme Management
	[REDACTED]	Regional Manager: Gauteng Region
	[REDACTED]	AREDC Chairperson
	[REDACTED]	Senior Manager: Auditor General
	[REDACTED]	Audit Manager: Auditor General
	[REDACTED]	CAP Member
	[REDACTED]	CAP Member

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		CAP Member
Apologies		
		CAE
		Executive: Regions

No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>The Chairperson opened the meeting at 08:00 and welcomed all present.</p> <p>Apologies</p> <p>1.1 [REDACTED] was on sick leave.</p> <p>1.2 [REDACTED] was on leave.</p> <p>The opening and apologies were noted.</p>	Chairperson
2.	<p>Ratification of the Agenda</p> <p>2.1 The agenda was ratified, for the meeting to begin with submissions from E4, followed by E6 and Auditor General's Management and Audit Reports.</p> <p>2.2 Matters arising was deferred to the next Council meeting.</p> <p>2.3 E.2.1 was amended to be E2.1A.</p> <p>2.4 E2.1B was inserted to reflect the request to nominate and approve the appointment of the selection committee for the position of Executive: Legal, Risk and CCC.</p>	Council
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
4.	Minutes of Council	Council
4.1	Minutes of 22 June 2021 were approved.	

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No.	Action Item	Person Responsible
4.2	Minutes of 13 July 2021 were approved.	
5.	Matters Arising The Matters Arising document was noted.	CEO
6.	International Engagements (“Standing item”) There was no update on International Engagements.	
7.	Licensing of IMT (“Standing Item”) A Special Council meeting will be held on the 5 th of August 2021. The purpose of the meeting is for Senior Council to brief Council on the latest updates regarding the settlement negotiations.	
8.	Confiscated Equipment of Mogale FM, and its failure to comply with CCC recommendations The purpose of the submission was to request that Council approve the recommendation for criminal charges be laid against Mogale FM for failing to comply with an ICASA decision, and not to allow the return of confiscated radio equipment of Mogale FM. The Regional Manager: Gauteng Region, presented the item: 8.1 Gauteng Region referred Mogale FM to the CCC, due to their non-compliance with their licence terms and conditions. The hearing began on the 6th of November 2017, and ended on the 8th of February 2018. 8.2 The Gauteng inspectorate filed the following charges against Mogale FM: 8.2.1. Charge 1 - Mogale FM violated the terms and conditions of its spectrum licence as stipulated in Schedule B2 of the licence, by operating on 253W output power and deploying a two-stack dipole antenna (which adds 6dBs to their ERP) on their transmitting equipment while licensed to operate on	CEO/ER&CA

No.	Action Item	Person Responsible
	<p>80 W ERP (253W-80W = 173W excess) at the angle of 250 degrees (the station is broadcasting on 360 degrees). This was in violation of section 33(1)(a) of the Electronic Communications Act No 36 of 2005.</p> <p>8.2.2. Charge 2 - Mogale FM is self-providing a broadcasting signal using Sound Fusion Media as their signal distributor. This was done without a valid Electronic Communications Network Services (ECNS) licence. This is a contravention in terms of section 63(1) of the ECA.</p> <p>8.2.3. Charge 3 - Mogale FM is operating at a location (Kagiso Water Towers) that was not approved by the Authority. Thus, it is contravening the terms and conditions of its technical specifications, viz. Schedule B2 of its spectrum licence (approved location Helderkrui High site).</p> <p>8.2.4. Charge 4 - Despite numerous inspectors' notices, Mogale FM failed to comply by reducing the output power, applying for an ECNS licence, and moving their transmitters back to the licensed location, which is Helderkrui High Site.</p> <p>8.3 Mogale FM was issued a written non-compliance notice to apply for an ECNS Licence in January 2017, but Mogale FM ignored the notice.</p> <p>8.4 The CCC made the following recommendations to Council:</p> <p>Mogale FM be ordered to desist from the following conduct:</p> <p>8.4.1. Contravening the terms and conditions of its spectrum licence as stipulated in Schedule B2 (of the licence), by operating on 253W Output power and a two-stack dipole antenna (which adds 6dBs to their ERP) on their transmitting equipment while licensed to operate on 80 W ERP (253W-80W = 173W excess) at the angle of 250 degrees.</p> <p>8.4.2. Distributing a signal from a transmitter site that was not approved by the Authority in its broadcasting licence.</p>	

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	<p>8.4.3. The order in 8.4.1 be met before midnight on the day after the day on which this judgment is published.</p> <p>8.4.4. That the order in 8.4.2 and 8.4.3 be met within twenty-one calendar days from the day after the date that this judgment is published.</p> <p>8.4.5. That a fine of R50 000 (Fifty thousand Rand) be imposed on the licensee, and the fine be payable to ICASA within 60 calendar days from the date that this judgment is published.</p> <p>8.5 On 27 February 2018 the Council of the Authority ratified the recommendations and adopted all the above recommendations of the CCC.</p> <p>8.6 On the 21st of June 2018, the inspectorate in the Gauteng region seized broadcasting equipment and transmission equipment from Mogale FM, following the station's non-compliance with the CCC ruling.</p> <p>8.7 Mogale FM made a payment of R50 000 two years after the CCC ruling, which in essence is non-compliance with the stipulated period in the CCC ruling.</p> <p>8.8 Mogale FM made an application for the amendment of their spectrum licence to the Authority. This application was initially rejected because of possible harmful radio frequency interference to other broadcasters. However, Mogale FM has subsequently been granted a licence on the frequency 97.7 FM, and the transmission site is now in Krugersdorp and no longer in Helderkruin.</p> <p>8.9 According to legal advice received, the Inspectorate lacks the authority to release confiscated equipment. Thus, the equipment seized from Mogale FM can only be released by a court of law, and Mogale FM must apply to the court of law if they want the equipment returned to them.</p> <p><u>Recommendation</u></p> <p>It was recommended that Council approve that:</p> <p>8.10 Regions recommends criminal proceedings against Mogale FM for contravening section 17H(1)(f) of the Independent</p>	

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	<p>Communications Authority of South Africa Act, 2000, in that it failed to comply with a decision made by the Authority.</p> <p>8.11 Accordingly, the confiscated radio equipment is not returned to the licensee, as it will assist the relevant law enforcement agency to investigate the matter further.</p> <p>The following comments were made:</p> <p>8.12 Council sought clarity on the bearing on the approval of the recommendation, should the station decide to take the matter to court, and the court rules that the equipment be returned to Mogale FM.</p> <p>8.13 Further clarity was sought on whether Mogale FM is expected to have an ECNS licence or use a signal distributor.</p> <p>8.14 Council was concerned about the length of time that has lapsed in the process, and the measures that could have been taken to accelerate the process.</p> <p>8.15 Council reflected on whether the process of instituting criminal proceedings was worth the effort, considering the measures taken by Mogale FM to resolve some of the issues highlighted, and whether just confiscating the equipment was not the best solution to the matter.</p> <p>8.16 What proof does the Authority have, that the confiscated equipment does not belong to Mogale FM.</p> <p>Council resolved for the review of the submission, subject to the inputs made.</p>	
9	<p>Conditional Grant of exemption for Electronic Communications Service (ECS) and Electronic Communications Networks Service (ECNS) Licences</p> <p>The purpose of the submission was to request the Council to note and approve the conditional ECS/ECNS licence exemption to resell ECS/ECNS services obtained from a duly licensed service provider(s) in terms of Chapter 3 of the Electronic Communications Act No. 36 of 2005 ("ECA").</p>	CEO/ER&CA

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No.	Action Item	Person Responsible
	<p>The Acting Executive: Regions and Consumer Affairs presented the item:</p> <p>9.1 In June 2021, Capitec Bank Limited and Euphoria Telecom (Pty) Ltd ("the Applicants") each submitted notices to the Authority to register Electronic Communications Service (ECS) licence exemptions.</p> <p>9.2 The applications were submitted in accordance with Regulation 13 of the Processes and Procedures Regulations published in Government Gazette No 33297 of 14 June 2010, using the applicable Form M and the Regulation 3 of the Regulations regarding Licence Exempt Electronic Communications Network, Electronic Communications Networks Services and Electronic Communications Services in terms of Section 6 of the Electronic Communications Act, 2005 (Act No. 36 of 2005).</p> <p>9.3 Upon analysis of the two applications, it was identified that both applications were incomplete. Reseller agreements were not attached to the applications as required. Section 6(2)(b) of the ECA requires that a reseller agreement be attached to the application. Both applicants were requested to submit the outstanding documentations.</p> <p>9.4 In response to the Authority's request for submission of the outstanding reseller agreements, the applicants indicated that according to their interpretation, section 6(2)(b) of the Electronic Communications Act 36 of 2005 (ECA), and the prescribed Form M published under the Class Licensing Processes and Procedures Regulations, 2010, do not require submission of a signed commercial agreement for purposes of an exemption application.</p> <p>9.5 As a result, several applicants are disputing the Authority's interpretation of section 6(2)(b) and the term of "reseller" in the ECA has been observed with considerable concern. A meeting was held between Regions, Licensing and Legal Divisions, where it was resolved that:</p> <p>9.5.1 Licence exemption should be conditionally granted subject to submission of a reseller agreement; and</p> <p>9.5.2 Licensing Division to develop Guidelines to address the challenges that are raised.</p>	

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No.	Action Item	Person Responsible
	<p>Recommendation to Council</p> <p>It is recommended that Council notes, and approves, the conditional ECS/ECNS licence exemption to resell ECS/ECNS services obtained from a duly licensed service provider(s) in terms of Chapter 3 of the Electronic Communications Act No. 36 of 2005 ("ECA").</p> <p>The following comment was made:</p> <p>9.6 Clarity was sought on whether these are new set of guidelines being developed, or they are amendments on existing guidelines.</p> <p>9.7 Council enquired whether there was a need to update Form M, in order to make the clear recommendation being sought clear to applicants.</p> <p>9.8 The regulations might need to be amended, in order to indicate what documents are needed for a reseller application to be considered.</p> <p>9.9 Council indicated that section 6(2)(b) of the Electronic Communications Act 36 of 2005 (ECA), does not require submission of a signed commercial agreement for purposes of an exemption application. Therefore, the Authority cannot rely on this section in its approval of conditions exemptions.</p> <p>Council resolved to approve the recommendation.</p>	
10	<p>CAP Q1 Quarterly Report</p> <p>The purpose of the submission was to submit the 1st quarter report (April-June 2021) of the Consumer Advisory Panel (CAP) to Council.</p> <p>The Chairperson: CAP presented the item.</p> <p>10.1 Members of the Consumer Advisory Panel took their office as of 3rd of May 2020 after being appointed in terms of the CAP Regulations of 2017.</p>	<p>Clr</p> 

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	<p>10.2 As per the CAP Regulations, the Chairperson of CAP must appraise Council on CAP activities quarterly and annually.</p> <p>10.3 The following activities were undertaken by CAP over a period of three months (April-June 2021):</p> <p>10.3.1 Finalisation of the CAP Operation Plan FY2021/22: As part of kicking-off the practical implementation of the CAP Work Plan FY2021/22, CAP held an Operation Planning Meeting 29 April 2021, which culminated in the production of the consolidated Operational Plan FY2021/22.</p> <p>10.3.2 The conducting of Stakeholder Engagement Consultations in the KZN Region 11-14 May 2021: CAP undertook a three-day Stakeholder Engagement and Consumer Advocacy in the KwaZulu Natal Province. The team visited Pietermaritzburg, Richmond, Umzimkhulu, Kokstad, Port Shepstone, Amanzimtoti and Margate on 11th to 14th of May 2021.</p> <p>10.3.3 Consumer Goods Council of South Africa Comments on the Draft White Paper on Audio and Audio-Visual Content: This is pursuant to an invitation to attend Consumer Goods Council of SA's comments presentation on the Draft White Paper on audio and audio-visual content.</p> <p>10.3.4 Attendance by the CAP of the Workshop for Contribution to the Regional Assessment Report of Member States on ICT Accessibility in Africa Region. ICASA representatives were invited to attend the workshop via online webinar on Zoom on 15 April 2021. ICASA management formally requested the attendance of the CAP at this workshop. The purpose of the workshop was to inform attendees from across Southern Africa about the ITU tools and resources.</p> <p>10.3.5 Desktop benchmarking exercise on the consumer protection function: CAP conducted a desk-top benchmarking exercise comparing the consumer protection function with several countries on the continent and regulators' website accessibility. This exercise is pursuant to a response to the experiences of persons with disabilities.</p>	

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No.	Action Item	Person Responsible
	<p>10.3.6 Commenting on two pieces of regulations issued by ICASA: CAP made comments on the ICASA's Draft Amendment of Customer Care Standards Regulations Applicable to Postal Service Licensees. The second commentary piece was the CAP Commentary on ICASA Review of ICT Covid-19 National Disaster Regulations, which, though worked on by members, was subsequently not accepted by the Committee as it was 6 minutes late.</p> <p>10.3.7 Finalisation of the Concept Document for Indicator No. 3.1.6.1 Proposal on Effectiveness of ICASA's Complaints & Enforcement Mechanism due in Q4: During the First Quarter, the CAP Research Task team was pre-occupied with the process of finalising a concept document on how to execute and achieve Indicator No. 3.1.6.1.</p> <p>10.4 Of the nine (9) Annual Work Plan performance indicators, only two (2) indicators were due for achievement in the 1st Quarter.</p> <p>Recommendation to Council</p> <p>It was recommended that Council approves the 1st Quarter Report for the 2021/2022 of the Consumer Advisory Panel.</p> <p>The following comments were made:</p> <p>10.5 Council requested that when CAP is conducting stakeholder engagement consultations in the different areas, the Committee must take advantage of the visits by engaging with the public via community radio stations to explain the role of CAP.</p> <p>10.6 Clarity was sought on why CAP was reporting about the comments made on the Draft White Paper on Audio and Audio-Visual Content by the Consumer Goods Council of South Africa.</p> <p>10.7 Further clarity on the process and reliability of the proposal to conduct a survey on consumer complaints was sought.</p> <p>10.8 Council indicated that the report should have elaborated in more detail the methodology used in the benchmarking the</p>	

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	<p>accessibility of communications platforms, and also benchmarked against developed countries.</p> <p>10.9 Council indicated that in the consumer survey, the Committee should not only look into CCC rulings, and but should expand to CECA complaints also.</p> <p>Council resolved to approve the recommendation, subject to the inputs made.</p>	
11	<p>Request for Council to dissolve the Digital Sound Broadcasting Council Committee</p> <p>Council resolved to defer the submissions to the next Council meeting.</p>	Cllr [REDACTED]
12	<p>CCA V VUMA FM</p> <p>Council resolved to defer the submissions to the next Council meeting.</p>	Cllr [REDACTED]
13	<p>Request for Council to approve supplementary comments on the Draft White Paper on Audio and Audiovisual Content Services Policy Framework: A New Vision for South Africa 2020 (“Draft White Paper”)</p> <p>The purpose of the submission was to request Council to approve supplementary comments on the Draft White Paper on Audio and Audiovisual Content Services Policy Framework: A New Vision for South Africa 2020.</p> <p>Cllr [REDACTED] presented the item:</p> <p>13.1 On 09 October 2020, the Department of Communications and Digital Technologies (“DCDT”) published the Draft White Paper. The Authority submitted its comments by 15 February 2021.</p> <p>13.2 The DCDT convened public hearings and ICASA made oral representations on 14 June 2021. Council delegated Cllr Qocha and Cllr Mkumatela to lead the ICASA delegation to the public hearings.</p> <p>13.3 The DCDT requested the Authority to make supplementary submissions to address specific questions raised by the Department. The deadline for the submission of the supplementary comments is 30 July 2021.</p>	Cllr [REDACTED]

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No.	Action Item	Person Responsible
	<p>13.4 The specific questions raised by the Department were in regards with the following:</p> <p>13.4.1 Amalgamation of regulatory entities;</p> <p>13.4.2 Competition in the sports rights market;</p> <p>13.4.3 Jurisdiction and enforcement of AVVCS not physically based in South Africa;</p> <p>13.4.4 Events and Sports of National interest;</p> <p>13.4.5 Thresholds for class and individual licences;</p> <p>13.4.6 Foreign ownership; and</p> <p>13.4.7 Digital media literacy.</p> <p>13.5 The relevant Councillors, working together with Consumer Affairs, Engineering & Technology, Legal, Risk & CCC, Licensing and Compliance, and Policy, Research & Analysis divisions have considered the questions raised by the Department and prepared comments for Council's consideration.</p> <p>Recommendation to Council</p> <p>It was recommended that Council approves the Authority's supplementary comments on the Draft White Paper for submission to the DCDT.</p> <p>Following comment was made:</p> <p>13.6 Council indicated that the issue of broadcasting of events and sports of national interest rights, requires continues monitoring.</p> <p>13.7 Council requested a joint Steerco with the Subscription Committee, and Sports Broadcasting Services Committee, to discuss how the promulgation of regulations could be managed and monitored better.</p>	

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No.	Action Item	Person Responsible
	<p>13.8 The comments on the Draft White Paper should also indicate the regulatory frameworks that restrict the Authority regarding sport broadcasting.</p> <p>Council resolved to approve the recommendation, subject to the inputs made.</p>	
14	<p>Recommendation of the Complaints and Compliance Committee regarding Matatiele Concerned Community and The Voice of Matatiele Community Radio</p> <p>Council resolved to defer this submission to the next Council meeting.</p>	Cllr [REDACTED]
15	<p>AGA Council Committee Quarter 1 Report</p> <p>The purpose of the submission was to request Council to approve the Notice to hold public hearings on the Review of the Independent Broadcasting Authority (IBA) (Advertising, Infomercials and Programme Sponsorship) Regulations, 1999, Discussion Document for publication in the Government Gazette. The public hearings will be held on 14 July 2021.</p> <p>Cllr [REDACTED] presented the item:</p> <p>15.1 The Review of the Advertising, Infomercials and Programme Sponsorship Regulations Committee is in the process of reviewing the IBA (Advertising, Infomercials and Programme Sponsorship) Regulations, 1999, published in Government Gazette No 6487 of 01 April 1999.</p> <p>15.2 The Authority published a Discussion Document on the Review of the Independent Broadcasting Authority (Advertising, Infomercials and Programme Sponsorship) Regulations, 1999, in Government Gazette No 44333 of 26 March 2021. The closing date for written submissions was 07 June 2021.</p> <p>15.3 The Authority received seven (7) written submissions from stakeholders: namely, eMedia Investments, MultiChoice, Media Monitoring Africa, NAB, Outsurance, SABC and SASFED. Four (4) stakeholders indicated that they are interested in making oral presentations at the public hearings.</p> <p>Recommendations</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p>15.4 It is recommended that Council approve the Notice to hold public hearings on the Review of the IBA (Advertising, Infomercials and Programme Sponsorship) Regulations Discussion Document, for publication in the Government Gazette.</p> <p>Council resolved to approve the recommendation.</p>	
<p>16</p>	<p>Request to nominate and approve the appointment of the selection committee for the position of Executive: Engineering and Technology (E&T)</p> <p>The purpose of the submission was to request Council to nominate and approve the selection committee to assist in the filling of the position of Executive: Engineering and Technology (E&T).</p> <p>The Chief Executive Officer presented the item:</p> <p>16.1 [REDACTED]</p> <p>16.2 Since January 2021, [REDACTED]</p> <p>16.3 In respect of the Executive positions, Council nominates and approves the selection committee which will review all screened applicants, conduct interviews and recommend the most suitable candidate/s for the appointment.</p> <p>16.4 The proposed composition of the panel for this position is as follows:</p> <p>16.4.1 [REDACTED] – Panel Member;</p> <p>16.4.2 Mr [REDACTED] – (Interview Chairperson and Hiring Manager);</p> <p>16.4.3 Councillor [REDACTED]</p> <p>16.4.4 Human Resources Representative.</p>	<p>CEO/ EHR</p>

No.	Action Item	Person Responsible
	<p>Recommendations</p> <p>It is recommended that Council nominates and approves the selection committee for the vacant position of Executive: Engineering and Technology (E&T).</p> <p>Following comments were made:</p> <p>16.5 The ITRC Chairperson and Councillor [REDACTED] will join the panel.</p> <p>Council resolved to approve the recommendation</p>	
17	<p>Request to nominate and approve the appointment of the selection committee for the position of Executive: Legal, Risk & CCC</p> <p>The purpose of the submission was to request Council to nominate and approve the selection committee to assist in the filling of the position of Executive: Legal, Risk & CCC.</p> <p>The Chief Executive Officer presented the item:</p> <p>17.1 The position has been vacant since the previous Executive: Legal, Risk & CCC was appointed as the new Executive: PRA.</p> <p>17.2 [REDACTED]</p> <p>17.2 [REDACTED]</p> <p>17.2 In respect of the Executive positions, Council nominates and approves the selection committee which will review all screened applicants, conduct interviews and recommend the most suitable candidate/s for the appointment.</p> <p>Recommendations</p> <p>It is recommended that Council nominates and approves the selection committee for the vacant position of Executive: Legal, Risk & CCC.</p> <p>The following comments were made:</p> <p>17.3 The proposed composition of the panel for this position is as follows:</p>	

No.	Action Item	Person Responsible
	<p>17.3.1 [REDACTED] – Panel Member;</p> <p>17.3.2 Mr [REDACTED] – (Interview Chairperson and Hiring Manager);</p> <p>17.3.3 Councillor [REDACTED] – Panel member;</p> <p>17.3.4 HR & REMCO Chairperson; and</p> <p>17.3.5 Human Resources Representative.</p> <p>Council resolved to approve the recommendation</p>	
18	<p>Request approval from Council for the initiation of the recruitment process to fill the positions of Human Resources and Remuneration Committee (HR & REMCO) and Audit, Risk, Ethics and Disclosure Committee (AREDC)</p> <p>Council resolved to defer the submissions to the next Council meeting.</p>	CEO/ EHR
19	<p>Quarter 1 PIR and Covid - 19 Report</p> <p>The purpose of the submission was for Council to note the COVID – 19 Interventions Quarter 1 Report.</p> <p>The Senior Manager: S&PM presented the item:</p> <p>19.1 This report is being produced at a time when South Africa is experiencing the third wave of the COVID-19 pandemic.</p> <p>19.2 The Authority reported twenty (20) COVID-19 positive cases among its employee as of 30th June 2021, and out of which nineteen (19) recovered.</p> <p>19.3 During the period under review, that is 01 April 2021 – 30 June 2021, no employee has passed away due to COVID-19, and at the time of writing the report, no employee was awaiting COVID-19 test results.</p> <p>19.4 Corporate Services</p>	CEO/ S&PM SM:

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No.	Action Item	Person Responsible
	<p>19.4.1 Essential services staff were given laptops and desktop computers in quarter one.</p> <p>19.4.2 Essential services staff were given WIFI adapters in quarter one.</p> <p>19.4.3 All ICASA employees get data every month to enable them to work from home.</p> <p>19.5 Finance</p> <p>19.5.1 SCM had to introduce group emails for the responses relating to RFQs from service providers responding to ICASA invitations.</p> <p>19.5.2 Essential staff of 35 were identified, and have they been working mostly from their homes, and data was purchased to enable connectivity.</p> <p>19.6 Human Resources</p> <p>19.6.1 The leave policy and work from home policy were approved, as interventions to combat COVID-19 infections at head office.</p> <p>19.6.2 Wellness services were made available to employees.</p> <p>19.6.3 The disciplinary code was approved, to make it an offence not to obey Covid-19 regulations.</p> <p>19.7 Legal, Risk & CCC</p> <p>19.7.1 The draft amendments to the ICT National State of Disaster Regulations, were done so to ensure continued provision of ICT services to consumers.</p> <p>19.7.2 Crisis Management Committee's interventions ensured that the was business continuity for internal and external stakeholders.</p> <p>19.8 Licensing and Compliance – subsequent to the implementations of interventions, the Authority published the Fifth Amendment of Information and Communications Technology (“ICT”) Covid-19 National Disaster Regulations on 28 May 2021, with the following key amendments:</p>	

No.	Action Item	Person Responsible
	<p>19.8.1 Access to the temporary assigned spectrum was extended from 31 May 2021 to 31 August 2021;</p> <p>19.8.2 Provision of connectivity to virtual classrooms by holders of temporary assigned spectrum, was increased to 17 months from the date of confirmation of deployment up from 14 months;</p> <p>19.8.3 The validity of all type approval certificates issued under these regulations was extended in line with the validity of the temporary assigned spectrum;</p> <p>19.8.4 The exemptions relating to holding of AGMs by Community Broadcasters were extended;</p> <p>19.8.5 The exemptions in relation to local content regulations for broadcasting service licensees were amended to provide minimum quotas to be complied with; and</p> <p>19.8.6 Timelines and processes in relation to consumer complaints and Tariffs Notifications were clarified.</p> <p>19.9 Policy Research and Analysis</p> <p>19.9.1 Any tariffs, subject to approval or notification in terms of the applicable Regulations, could be lodged with the Authority one (1) day prior to the launch or commencement.</p> <p>19.9.2 Any reduced prices, associated with a service in terms of the Act, which are intended to be applicable only during the National State of Disaster, could be lodged with the Authority within one (1) day prior their operation/commencement. This resulted in reduced prices for consumers of communication services.</p> <p>19.9.3 Any reduced prices, associated with a service in terms of the Act, which are intended to be applicable only during the National State of Disaster, could be lodged with the Authority within one (1) day prior their operation/commencement. This resulted in reduced prices, increased quality of service and consumer choice for customers.</p> <p>19.10 Engineering & Technology</p>	

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No.	Action Item	Person Responsible
	<p>19.10.1 The Authority received deployment reports from the licensees that had been issued with temporary Radio Frequency Spectrum licences in the high demand spectrum bands.</p> <p>19.10.2 Using GIS technology, the Authority was able to Map the distribution and geographical extent where deployment occurred to cater for increased demand for data services in the metropolitan areas.</p> <p>19.10.3 The intent of mapping these deployments was to understand the pattern of deployment and to ensure that under-serviced areas are not excluded.</p> <p>19.10.4 In conclusion, the deployments of infrastructure during the State of Disaster occurred throughout the 9 nine provinces, with a huge concentration in the urban areas with high population concentration.</p> <p>Recommendation to Council</p> <p>It is recommended that Council considers and approves the ICASA Quarter 1 PIR and Covid - 19 Report.</p> <p>Council resolved to approve the recommendation.</p>	
20	<p>Quarter 1 Project Status Report</p> <p>The submission was referred to the Council Steering Committee, before it is tabled to Council, as per the recommendation by AREDC.</p>	CEO/ S&PM SM:
21	<p>Quarter 1 Comprehensive Quarterly Report</p> <p>The purpose of the submission was to table ICASA's Quarter 1 Comprehensive Quarterly Report to Council for consideration and approval.</p> <p>The Senior Manager: S&PM presented the item:</p>	CEO/ S&PM SM:

No.	Action Item	Person Responsible
	<p>21.1 On 2nd March 2021, the Authority held a meeting with the DCDT Entity Oversight Branch. The purpose of the meeting was to discuss the Authority's APP 2021/22 alignment with the DCDT's APP2021/22 and the Minister's performance agreement.</p> <p>21.2 One of the resolutions of the meeting was that the Authority must report to the DCDT on a quarterly basis, to allow the Minister to have a holistic picture of the performance of the Authority and its general state of health.</p> <p>21.3 The production of ICASA's comprehensive quarterly report followed a similar format to the one that has been followed to produce the quarterly performance information report over the years. Data was collected from Programmes and consolidation using all the inputs received.</p> <p>21.4 It was noted that Council comprised of eight (8) members, as opposed to a full complement of nine (9) as required by the ICASA Act. However, this did not impact in the execution of Council's functions.</p> <p>21.5 A total of twenty-five targets (25) were set and sixteen (16) were achieved, resulting in the overall performance of sixty-four percent (64%) for the quarter.</p> <p>21.6 The human resources (HR) division maintained a vacancy rate below 7%, maintained a headcount of 356 employees, a balance between racial and gender representation, and developing employees.</p> <p>21.7 During the quarter under review, three (3) employment contract terminations were recorded.</p> <p>21.8 Sick leave is considered absenteeism, because it disrupts an employee's availability to fulfil their duties at work. Unlike sick leave, other leave types are planned, and the manager is aware of such absences and can make alternative arrangements for the work that needs to be done.</p> <p>21.9 Sick leave taken overall amounted to 131,5 days. In April 50 employees took sick leave, and in June 62,5 people took leave. It was noted that most leave days were taken on Mondays.</p>	

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No.	Action Item	Person Responsible
	<p>21.10 Twenty-three percent (23%) of the revenue that the Authority expects to collect in licence fees over one financial year was collected during the quarter under review.</p> <p>21.11 Income Statement (Allocation vs Expenditure)</p> <p>21.11.1 Only ██████████ of the overall budget of ██████████ was used by programmes. The underspending across most programmes, resulted from a variety of issues, primary amongst them being the following:</p> <p>21.11.1.1 Repairs and Maintenance on LS system reduced as the system is no longer in use;</p> <p>21.11.1.2 Travel Costs were significantly reduced due to travel restrictions;</p> <p>21.11.1.3 Protective clothing procurement was also reduced due to reduced enforcement activities;</p> <p>21.11.1.4 Most of the vacant positions within the organisational divisions were not filled due to the moratorium on recruitment;</p> <p>21.11.1.5 Training was reduced due to the Covid-19 lockdown, with most training occurring virtually at a reduced cost;</p> <p>21.11.1.6 Recruitment costs were reduced due to recruitment being limited only to critical positions.</p> <p>21.12 Balance Sheet (Assets vs Liabilities)</p> <p>21.12.1 ██████████ ██████████ ██████████ ██████████ ██████████ ██████████</p> <p>21.13 Cashflow Statement</p>	

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No.	Action Item	Person Responsible
	<p data-bbox="357 286 1246 510">21.13.1 [REDACTED]</p> <p data-bbox="258 542 919 577">21.14 Payment of Suppliers within 30 days</p> <p data-bbox="357 640 1235 819">21.14.1 Council was notified that the information on the payment of suppliers within 30 days was not available, due to the fact that the requested was being obtained manually, and therefore was it not ready to be circulated to the Council.</p> <p data-bbox="258 887 561 922">21.15 Procurement</p> <p data-bbox="357 958 1235 1102">21.15.1 The procurement plan/report for all transactions exceeding R500 000 was submitted to the National Treasury at the beginning of the financial year, with R158 921 864, 00 budgeted for 59 projects.</p> <p data-bbox="357 1142 1235 1321">21.15.2 During the quarter under review, thirty-five (35) Terms of References (TORs) were received by Supply Chain Management from Programmes, and sixteen (16) TORs are still to be submitted to Supply Chain Management.</p> <p data-bbox="357 1361 1235 1541">21.15.3 Two (2) bids were advertised during the quarter under review; one (1) bid was completed and six (6) were cancelled or withdrawn. The cancellations were due to bids being non-responsive, and bidders failing to meet functionality criteria.</p> <p data-bbox="264 1581 1114 1617">21.16 Unauthorised Fruitless and Wasteful Expenditure</p> <p data-bbox="357 1657 1235 1765">21.16.1 Zero (0) transactions were identified or reported as Irregular, Unauthorised or Fruitless and Wasteful Expenditure during the quarter under review.</p> <p data-bbox="258 1827 638 1863">21.17 Risk Management</p> <p data-bbox="357 1904 1235 2011">21.17.1 The Authority has a Risk Management Policy, Risk Management Framework and Strategy with a risk appetite statement which is approved by Council with</p>	

No.	Action Item	Person Responsible
	<p>tolerance levels per key activities. Programme-based risk champions track, monitor and report on adequacy and effectiveness of controls for all the risks identified across the Authority, including all APP output risks on a quarterly basis.</p> <p>21.17.2 Several identified output risks materialised during the quarter under review, but the respective programmes were able to formulate mitigation measures in respect of all identified risks, and the measures are being implemented.</p> <p>21.18 Fraud Management</p> <p>22.18.1 The organisation has a fraud and Prevention Corruption Policy and Implementation Management Strategy.</p> <p>22.18.2 The Fraud Line, which is managed by an external service provider, is also available for employees and other stakeholders to report any incidents of fraud. During the quarter, one incident of fraud was reported via the fraud line and preliminary investigations are at advanced stage.</p> <p>21.19 Assurance</p> <p>21.19.1 Internal Audit division provides the third line of assurance on the Authority's work. It also performs consulting assignments, which are meant to add value to some elements of the Authority's work.</p> <p>21.19.2 The assurance reviews covered assets verification, occupational health and safety, and three cyclical reviews on the quality of Performance Information and Annual Financial Statements. Also consulting reviews were covered, for the Council-led project on the National Radio Frequency Plan (NRFP) and an ad-hoc review on the payment of discretionary performance rewards.</p> <p>21.20 Auditor General Findings Audit Plan</p> <p>21.20.1 The Auditor General is currently finalising the 2021FY audit, and progress on the implementation of the audit</p>	

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No.	Action Item	Person Responsible
	<p>findings plan will be monitored and reported on quarterly.</p> <p>21.21 Litigations</p> <p>21.21.1 The Authority initiated settlement negotiations with all active litigants in the Telkom SA SOC Ltd & Others and the MTN (Pty) Ltd & Others matters; related to the process for the licensing of high demand spectrum and wireless open access network operator.</p> <p>Recommendation to Council</p> <p>It is recommended that Council considers and approves the ICASA Quarter 1 Comprehensive Quarterly Report.</p> <p>Following comments were made:</p> <p>21.22 Clarity was sought on the reasons the project status report is being referred to the Council Steering Committee.</p> <p>21.23 Council indicated that AREDC should be the one presenting, giving Council assurance on the report, and highlighting aspects that need the attention of Council.</p> <p>21.24 The tone of the report should reflect the current environment the Authority is governing under, and align to the best governance principles</p> <p>21.25 Clarity was sought on who is the Head of the Risk Management division.</p> <p>21.26 The issue of the readiness of information, in regard to the payment of suppliers within 30 days needs to be addressed. Considering the issue of payment of suppliers within 30 days is one of the factors hindering the Authority from receiving a clean audit.</p> <p>Council resolved to approve the recommendation.</p>	
22	<p>Settlement in the matter regarding a claim made by Two Step Trading CC ("Two Step") against the Authority</p>	<p>CEO/ Acting Executive: LRCCC</p>

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No.	Action Item	Person Responsible
	<p>Council resolved to defer the submissions to the next Council meeting.</p>	
<p>23</p>	<p>Internal Audit Assurance review – Draft Q1 PI Report</p> <p>The Acting CAE: Internal Audit presented the item:</p> <p>The purpose of the presentation was for Council to note the outcome of the Internal Audit Assurance review of the Q1 Performance Information.</p> <p>23.1 Twenty-five (25) targets were planned for the quarter, and sixteen (16) out of the Twenty-five (25) targets were achieved. This constituted an overall performance of 64%.</p> <p>23.2 One of the nine (9) targets assessed as not achieved in Q1, was achieved in the 2020/21 financial year.</p> <p>23.3 A challenge of incomplete evidence being submitted as evidence for targets was experienced.</p> <p>23.4 The number of Draft Regulations on Television Broadcasting Market was a 2020/21 target, which was carried over to the 2021/22 financial year. It was reported as achieved in the APR, but Internal Audit could not assess the target as achieved, because the target was already assessed as achieved in quarter 4.</p> <p>23.5 The number of final Regulations on Mobile Broadband Services Market promulgated target was overachieved in the prior financial year, even though it was a 2021/22 financial year target. Internal Audit assessed the target as achieved for the quarter under review.</p> <p>23.6 Inadequate reasons furnished for noted variances, and corrections noted, were both subsequently effected by management through ongoing engagement.</p> <p>Recommendation to Council</p> <p>It is recommended that Council notes the outcome of the Internal Audit Assurance review of the Q1 Performance Information.</p> <p>Following comments were made:</p>	<p>Acting CAE</p>

No.	Action Item	Person Responsible
	<p>23.7 Council sought clarity on the reason the Internal Audit Assurance review – Draft Q1 PI Report was not included in the meeting pack.</p> <p>23.8 Council requested that moving forward the report must also be submitted.</p> <p>Council resolved to note the recommendation.</p>	
24	<p>Draft Management Report</p> <p>The purpose of the management report was for Council to approve the Draft Management Report.</p> <p>The Senior Manager: AGSA presented the item:</p> <p>24.1 The following types of audit opinions were shared with Council for information purposes:</p> <ul style="list-style-type: none"> 24.1.1 Unqualified opinion with no findings (clean audit); 24.1.2 Financially unqualified opinion with findings; 24.1.3 Qualified opinion; 24.1.4 Adverse opinion; 24.1.5 Disclaimer opinion. <p>24.2 The Authority received an unqualified audit opinion with findings for the past 3 years, from the 2018/19, 2019/20 until the 2021/22 financial year.</p> <p>24.3 Audit outcomes on three audit areas:</p> <ul style="list-style-type: none"> 24.3.1 Financial statements - findings individually were not material: <ul style="list-style-type: none"> 24.3.1.1 Payable/completeness (not accrued for); 24.3.1.2 Cash flow statement; 24.3.1.3 Provision of bonus; 24.3.1.4 Accounting policy (PPE); 	AGSA

No.	Action Item	Person Responsible
	<p>24.3.1.5 Finance lease liability.</p> <p>24.3.2 Compliance with legislation - noncompliance impacted the audit report:</p> <p>24.3.2.1 Payments were not made within 30 days as required by treasury regulations;</p> <p>24.3.2.2 Accounting officer did not prevent irregular expenditure as required by PFMA.</p> <p>24.3.3 Performance information - misstatements were adjusted, therefore no findings reported on the audit report:</p> <p>24.3.3.1 Consistency between planned targets and reported targets;</p> <p>24.3.3.2 Completeness of reported targets.</p> <p>24.4 It was noted that IT audit findings, on governance, User access, programme change control, service continuity, security management, are historic findings that are yet to be resolved.</p> <p>24.5 The key issues and message as per the draft management report were as follows:</p> <p>24.5.1 Supply Chain Management - Internal control deficiency and non-compliance were identified;</p> <p>24.5.2 Compliance - Management did not take adequate steps to ensure that payments to suppliers is made within the 30 days;</p> <p>24.5.3 Financial Health - Even though the overall financial health improved from prior years, indicators relating to the expenditure management remains a concern for the entity.</p> <p>Recommendation to Council</p> <p>It is recommended that Council approves the draft management report.</p>	

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No.	Action Item	Person Responsible
	<p>Following comments were made</p> <p>24.6 Council requested that AG, AREDC and management to work together to ensure in this financial year, the Authority receives a clean audit.</p> <p>24.7 The recommendations made by the AG team are welcomed, and the Authority will strive to record a clean audit.</p> <p>24.8 A concern was raised on the financial disclosure of Councillors interests.</p> <p>24.9 Further clarity was sought on the risks associated with oversight responsibilities of Councillors.</p> <p>24.10 The AG report is silent on any auditing of the IMT spectrum project and processes, given the public interest on the matter and the funding given to the Authority execute the project.</p> <p>24.11 Council sought clarity on the reporting of the IT governance issues, especially the IT strategy not being reviewed. Noting that the Authority has an IT Review Committee.</p> <p>24.12 Council enquired on whether the IT Security Manager position has been filled.</p> <p>Council resolved to approve the recommendation.</p>	
24	<p>Draft Audit Report</p> <p>The purpose of the report was for Council to approve the draft audit report.</p> <p>The Senior Manager: AGSA presented the item:</p> <p>24.1 Although AGSA recognises the significant progress has been made by the Authority, the opinion expressed has remained stagnant in the past 5 years.</p> <p>24.2 Improvements have been noted in most areas. Only expenditure management remains as non-compliant.</p> <p>24.3 No material audit adjustments were reported on the Financial Statement.</p>	AGSA

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No.	Action Item	Person Responsible
	<p>24.4 The financial health of the Authority has remained good, but it was highlighted that, on average, it takes 61 days to make payments to creditors compared to 47 days from prior year.</p> <p>24.5 ICASA will be implementing requirements of material irregularity (MI) for the financial year 2021/22, after the phased-in approach for the last two years.</p> <p>24.6 As a result of the COVID-19 pandemic, it was noted that on average it takes 8 days to receive requested information.</p> <p>24.7 The following key recommendations were indicated:</p> <p>24.7.1 Management needs to ensure continued compliance with principles on expenditure management. This will enable the Authority to achieve a clean audit.</p> <p>24.7.2 Oversight will be implemented over compliance with laws and regulations.</p> <p>24.7.3 The financial health of the entity will be consistently monitored in future.</p> <p>24.7.4 Follow-up will be undertaken on the implementation of action plans in response to external and internal audit findings. These must be monitored by the assurance providers.</p> <p>24.7.5 Management should ensure they implement daily, and monthly internal controls in transactions recognition.</p> <p>Recommendation to Council</p> <p>It is recommended that Council approves the draft audit report.</p> <p>Council resolved to approve the recommendation.</p>	
25	<p>General</p> <ul style="list-style-type: none"> It is noted that the CEO of MTN intends sending rugby shirts for Councillors and the CEO, and has requested T-shirt sizes. Therefore, Councillors' PAs need to liaise with the Secretariat office regarding this matter. 	

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No.	Action Item	Person Responsible
	<ul style="list-style-type: none"> • Council omitted to allocate a Deputy Chairperson for the Digital Television Content Advisory Group Committee. As such, Councillor Mkumatela has been allocated the position. • CEO notified Council that Ms [REDACTED] as not accepted the offer of appointment as CFO, [REDACTED]. As a result, the offer was presented to Ms [REDACTED], who accepted, and will be starting her contract with Authority on the 1st of September 2021. • Council wished the outgoing Corporate Secretary well in his career. 	
26	Invitations	
27	<p>Closure</p> <p>The Chairperson thanked all present at the meeting and closed the meeting at 12:50</p>	Chairperson
28	Date of next meeting: TBA	Secretariat

Signed: _____

(Chairperson)

Date: 20/09/2021