



Independent Communications Authority of South Africa

MINUTES OF AN ORDINARY MEETING OF COUNCIL		
Date	31 October 2023	
Time:	09:00 – 14:00	
Venue:	EP-CF Thabo-Mbeki	
Present		
	██████████	Acting Chairperson
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
	██████████	Councillor
By Invitation		
	██████████	CEO
	██████████	Acting CFO / Executive: PRA
	██████████	Acting CAE
	██████████	Executive: LCCC
	██████████	Corporate Secretary
	██████████	Secretariat Officer
	██████████	Secretariate Officer
	██████████	Graduate, Council
Partial Attendees		
	██████████	Executive: Licensing and Compliance
	██████████	Executive: Corporate Services
	██████████	Chief Information Officer
	██████████	SM: Type Approval and Numbering
	██████████	SM: Legal, Regulatory
	██████████	SM: Compliance
	██████████	Manager: Service ECS\ECNS\Post: Licensing
	██████████	Executive: Engineering and Technology
	██████████	Specialist: Risk and Compliance Management
	██████████	SM: Facilities
	██████████	Manager: Service Broadcasting
	██████████	Manager: Broadcasting Frequency Co-ordination
Apologies		
	██████████	Councillor
	██████████	Councillor

No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>1.1. The Chairperson declared the meeting open at 10:07 and welcomed all present.</p> <p>1.2. Councillor [REDACTED] and Cllr [REDACTED] were attending provincial workshops on the elections in the Eastern Cape and the Western Cape respectively.</p> <p>The opening and apologies were noted.</p>	Chairperson
2.	<p>Ratification of agenda</p> <p>2.1. Item 8 - Licensing of IMT ("Standing Item") was deferred to the next meeting, as the Committee still had to obtain formal approval of certain documents at Committee level before the matter is discussed at Council.</p> <p>2.2. Approval of the Annual Performance Plan (APP) was added to the agenda after the Matters Arising. Council previously resolved to reserve approval in order to afford Councillors more time to consider the substance and make inputs.</p> <p>2.3. Item D1.1 – Draft Notice of an Inquiry on the Electricity Crisis was deferred to the next meeting, given that both Cllr [REDACTED] and Cllr N [REDACTED] the Councillors in the Committee, were not at the meeting to present the item.</p> <p>2.4. Item 4.1 - Minutes of Council for 15 September 2023 was deferred to the next meeting.</p> <p>The agenda was approved with the above amendments.</p>	Council
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
4.	Adoption of Minutes of Council	
4.1.	<p>Minutes of Council: 27 September 2023</p> <p>The minutes were approved as presented.</p>	Council

No.	Action Item	Person Responsible
5.	<p data-bbox="261 338 480 376">Matters Arising</p> <p data-bbox="261 409 647 443">The CEO presented the item.</p> <p data-bbox="261 477 1075 792">5.1. Item 1 – Council sought clarity on the exact date when the 12 months’ suspension period placed on the Super 5 licence comes to an end, as the specific date is not indicated. Council was informed that management will revert to Council with the correct date. Further, Council sought clarity on when Talk Sport will commence operation. Council was informed that Talk Sport will not commence operations until they have performed site repairs.</p> <p data-bbox="261 831 1075 972">5.2. Item 2 - Council sought clarity on what the surplus of 177 from the survey represents. Council was informed that the 177 means the outstanding information the division is still analysing.</p> <p data-bbox="261 1010 1075 1290">5.3. Item 8 - Council indicated that they would initiate an engagement with the Department with regards to the PMS, with concerns of possible delays if this matter is left to the Department. Council sought an update on the process for the appointment of the ninth member of Council. Council was informed that Secretariat will revert to Council with a written update from the Committee.</p> <p data-bbox="261 1328 1075 1435">5.4. Item 9 - [REDACTED]</p> <p data-bbox="261 1473 1075 1576">5.5. Item 12 – Council iterated that all IT-related matters must be remitted to the AREDC whilst the ITRC is not functional.</p> <p data-bbox="261 1615 1075 1935">5.6. Item 16 – Council sought clarity on the practicality of [REDACTED]</p> <p data-bbox="261 1973 1075 2040">5.7. Item 19 – Council sought clarity on the reasons why the matter is stagnant. Council was informed that Dark</p>	CEO

No.	Action Item	Person Responsible
	<p>Fibre is dissatisfied with the set duration period of twenty (20) years for individual licences. They want the licence duration to be for a period of seven (7) years. Additionally, they want to be issued with a license for transfer of ownership as well as the license for transfer of control.</p> <p>5.8. Item 23 – Council sought clarity on the status of the PMS Assessment. Council was informed that assessments for 2022/23FY and the first half of 2023/24FY are being conducted concurrently.</p> <p>5.9. Item 25 – Council [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>5.10. Item 28 – Regulators Forum – Council was advised that the Executive: Corporate Services would revert to Council with an update.</p> <p>5.11. Item 30 – The CEO acknowledged that the update on this matter is overdue and committed to bring the update at to Council expediently.</p> <p>5.12. Item 36 – Council indicated that the ECA Amendments Bill has not been brought to the Council Committees. Council was informed that there is a task team delegated to identify issues in the ECA and the ICASA Act. Once these issues have been identified the Committees will be consulted to make inputs. This matter is distinct from the formal process pursuant to the amendment of the ECA which is being run by Parliament currently. Council requested that the reporting on this matter should accurately reflect this.</p> <p>Council noted the matters arising.</p>	
6.	<p>Formal approval of the APP 2024/2025FY First Draft</p> <p>The CEO presented the item.</p> <p><u>Council decision</u></p>	CEO

No.	Action Item	Person Responsible
	<p>6.1 Council resolved to approve the submission subject to comments from GPME.</p> <p>Submission was approved.</p>	
6.	<p>International Engagements (“Standing Item”)</p> <p>There was no submission.</p>	CEO / Executive: Corporate Services
7.	<p>Litigation Update (“Standing Item”)</p> <p>The Executive: LRCCC made the presentation, as per the presentation circulated with the meeting pack.</p> <p><u>Comments made:</u></p> <p>7.1 Council raised concern regarding a pattern noted with Telkom seemingly seeking to stall regulatory processes through litigation.</p> <p>7.2 Telkom has tabled a settlement proposal in respect of the Call Termination Findings Document matter.</p> <p>7.3 Council further raised concerns with the delays for the appointment of the Authority’s panel of Attorneys.</p> <p>Council resolved to note the litigation update.</p>	CEO / Executive: LRCCC
8.	<p>Request for Radio Frequency Spectrum Coordination from the National Communications Institute of Mozambique</p> <p>The Executive: Licensing and Compliance.</p> <p>8.1. The purpose the submission dated 19 October 2023 was to advise Council of the application for frequency coordination received from the National Communications Institute of Mozambique (INCM) and to recommend that Council approves the rejection of the request from INCM.</p> <p><u>Recommendation to Council:</u></p> <p>8.2. It was recommended for Council to approve the rejection of the frequency coordination request from INCM based on the following:</p>	CEO / Executive: Licensing and Compliance

No.	Action Item	Person Responsible
	<p>8.2.1 To safeguard the autonomy of the country in relation to future radio frequency spectrum planning. This is in light of the fact that the proposed frequencies in Maputo (186 and 210 MHz) will cause harmful interference in Mbuzini (186 and 210 MHz), should these frequencies be allocated in future, and that the Mbuzini area will not be able to utilise this frequency band if the frequency coordination is granted to Mozambique.</p> <p>8.2.2 The Mbuzini frequencies are recorded and protected assignments in the MIFR of the ITU according to the GE06 plan.</p> <p><u>Resolution by Council:</u></p> <p>8.3. Council considered that this matter has a diplomatic bearing and further that the Authority should deal with the matter with tact so as not to harm relations with the Mozambican regulator.</p> <p>8.4. Council resolved that the DCDT be engaged with a view for them to facilitate engagements with the counterparts from Mozambique.</p> <p>8.5. Council resolved not to make a decision on this matter until the aforementioned suggestion has been exhausted.</p> <p>Council resolved to reserve its decision.</p>	
<p>9.</p>	<p>Change and Update of ICASA Licensee Information – Webstorm (Pty) Ltd</p> <p>The Executive: Licensing and Compliance presented the submission.</p> <p>9.1. The purpose of the submission dated 23 October 2023 was to advise Council of a notice from Webstorm, requesting the Authority to effect changes to its shareholding and contact details.</p> <p><u>Recommendation to Council:</u></p> <p>9.2. It was recommended that Council approves the submission.</p> <p><u>Comments made:</u></p>	<p>CEO / Executive: Licensing and Compliance</p>

No.	Action Item	Person Responsible
	<p>9.3. Council sought clarity on whether the submission is for approval or noting. Council was informed that the submission is for approval.</p> <p><u>Resolution by Council</u></p> <p>9.4. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
<p>10.</p>	<p>Change and Update of ICASA Licensee Information - VO Connect (Pty) Ltd</p> <p>The Executive: Licensing and Compliance presented the submission:</p> <p>10.1. The purpose of the submission dated 22 October 2023 was to advise Council of a notice from VO Connect (Pty) Ltd (VO Connect) requesting the Authority to effect changes to its shareholding, and to recommend that Council approves the submission.</p> <p><u>Recommendation to Council:</u></p> <p>10.2. It was recommended that Council approves the submission.</p> <p><u>Comments made:</u></p> <p>10.3. Council requested management to submit a project plan as to how the division will deal with the backlog of thirty-three (33) applications / notifications for change of licensee information. Council was informed that management will furnish Council with the project plan.</p> <p>10.4. Council sought clarity on whether the licensee complies with HDI 30% threshold. Council was informed that the applicant is already compliant.</p> <p><u>Resolutions by Council:</u></p> <p>10.5. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	<p>CEO / Executive: Licensing and Compliance</p>

No.	Action Item	Person Responsible
11.	<p>Change and Update of ICASA Licensee Information - Telkom SOC Limited</p> <p>The Executive: Licensing and Compliance presented the submission.</p> <p>11.1. The purpose of the submission dated 26 October 2023 was to advise Council of a notice from Telkom, requesting the Authority to effect changes to its shareholding and contact details and to recommend that Council approves the submission.</p> <p><u>Recommendation to Council:</u></p> <p>11.2. It was recommended that Council approves the submission.</p> <p><u>Comments made:</u></p> <p>11.3. Council noted that the shareholding percentages do not add up in the memo and that this is merely as a result of the rounding-up of the decimals.</p> <p><u>Resolutions by Council:</u></p> <p>11.4. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	<p>CEO / Executive: Licensing and Compliance</p>
12.	<p>Change and Update of ICASA Licensee Information - EOH Mthombo (Pty) Ltd</p> <p>The Executive: Licensing and Compliance presented the submission.</p> <p>12.1. The purpose of the submission dated 24 October 2023 was to advise Council of a notice from EOH Mthombo (Pty) Ltd (EOH Mthombo), requesting the Authority to effect changes to its shareholding and contact details, and to request Council to approve the submission.</p> <p><u>Recommendation to Council:</u></p> <p>12.2 It was recommended that Council approves the submission.</p> <p><u>Comments made:</u></p>	<p>CEO / Executive: Licensing and Compliance</p>

No.	Action Item	Person Responsible
	<p>12.2. Council sought clarity whether the HDG reflecting on the submission has been amended. Council was informed that the HDG has not been amended.</p> <p><u>Resolutions by Council:</u></p> <p>12.3. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
<p>13.</p>	<p>Transfer of the I-ECS and I-ECNS Licences vetted Reasons Document from Platformity cc to Grandcom Resources (Pty) Ltd</p> <p>The Executive: Licensing and Compliance presented the submission.</p> <p>13.1. The purpose of the submission dated 22 September 2023 was to recommend that Council approves the transfer of the I-ECS and I-ECNS licences (collectively referred to as “the licences”) from Platformity cc (“the Applicant”) to Grandcom Resources (Pty) Ltd (“the Transferee”), as well as the attached vetted Reasons Document.</p> <p><u>Recommendation to Council:</u></p> <p>13.2. It was recommended that the Council approves the transfer of I-ECS and I-ECNS licences for the following reasons:</p> <p>13.2.1. The Applicant has not been found guilty of any contravention by the CCC;</p> <p>13.2.2. The applicant has paid the licence fees due and payable at the date of the applications; and</p> <p>13.2.3. The Transferee has 30% ownership interest held by HDIs.</p> <p>13.3. It is further recommended that Council approves the vetted Reasons Document.</p> <p>Comments made:</p>	<p>CEO / Executive: Licensing and Compliance</p>

No.	Action Item	Person Responsible
	<p>13.4. It was confirmed that this application does not involve any change of shareholding, specifically any change in the HDG.</p> <p><u>Resolutions by Council:</u></p> <p>13.5. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
<p>14.</p>	<p>Notice of Amendment RFSAP – IMT2300</p> <p>Councillor ██████ presented the submission.</p> <p>14.1 The purpose of this submission dated 26 October 2023 was to request Council, to:</p> <p style="padding-left: 40px;">14.1.1. Approve the notice regarding the Draft Amendment to the Final Radio Frequency Spectrum Assignment Plan (RFSAP) for International Mobile Telecommunications (IMT) Systems in Band IMT2300 (Annexure A).</p> <p><u>Recommendation to Council:</u></p> <p>14.2. It was recommended that Council:</p> <p style="padding-left: 40px;">14.2.1. Approve The Notice regarding Draft Amendment to the Radio Frequency Assignment Plan for the IMT2300 band, in terms of Regulation 3 of the Radio Frequency Spectrum Regulations, 2015 (Annexure A - all substantive changes to the existing RFSAP are highlighted in yellow), to be published for public consultation in the Government Gazette and on the Authority’s website.</p> <p><u>Resolutions by Council:</u></p> <p>14.3. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	<p>Cllr ██████</p>
<p>15.</p>	<p>Hybrid Working Model Benchmark Study Report</p> <p>The Executive: CS presented the submission.</p>	<p>CEO / Executive: CS</p>

No.	Action Item	Person Responsible
	<p>15.1. The purpose of the submission dated 17 October 2023 was to provide a benchmark study report on the hybrid working model for Council's consideration and approval.</p> <p><u>Recommendation to Council:</u></p> <p>15.2. The Hybrid Working Model Committee recommends as follows:</p> <p>15.2.1. Option 1: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>15.2.2. Option 2: [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>15.2.3. Option 3: [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Comments made:</u></p> <p>15.3. Council sought clarity [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED].</p> <p>15.4. Council sought clarity [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>15.5. Council sought clarity [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p>	

No.	Action Item	Person Responsible
	<p>15.6. Council sought clarity [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>15.7. Council requested that [REDACTED] [REDACTED] [REDACTED]</p> <p>15.8. Council requested confirmation [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>15.9. Mindful that, with the submission [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>15.10. Council re-iterated that the gist [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Resolution by Council:</u></p> <p>15.11. Council reserved its decision on the matter until the matter is brought back to Council. The Team will revert to Council once they have done a proper cost benefit analysis.</p> <p>15.12. Council re-iterated that managers must “manage” their subordinates with focus being on productivity, failing which, consequence management will be implemented.</p>	
16.	International Relations Checklist, SOP and Framework	CEO / Executive: CS

No.	Action Item	Person Responsible
	<p>The Executive: CS presented the submission.</p> <p>16.1. The purpose of the submission dated 17 October 2023 was for Council to note the International Relations (IR) framework, Standard Operating Procedure and Checklist to guide the IR engagements.</p> <p><u>Recommendation to Council:</u></p> <p>16.2. It was recommended that Council notes the International Relations Framework, the Standard Operating Procedures and the Checklist to guide adherence to Passport and Visa requirements.</p> <p><u>Comments made:</u></p> <p>16.3. Council commended [REDACTED]</p> <p>16.4. Council requested [REDACTED]</p> <p>16.5. Council sought clarity [REDACTED]</p> <p>16.6. Council sought c [REDACTED]</p> <p><u>Resolution by Council:</u></p> <p>16.7. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
17.	<p>Q1 Risk and Compliance Report</p> <p>The Specialist: Risk and Compliance Management, Legal & CCC tabled a brief presentation on the item.</p> <p>17.1. The purpose of the submission dated 18 September 2023 was to provide Council with the Risk and Compliance Management progress report for quarter one, for noting.</p>	CEO / Executive LRCCC

No.	Action Item	Person Responsible
	<p><u>Recommendation to Council:</u></p> <p>17.2. It was recommended that the Council notes the quarter one Risk and Compliance Management report.</p> <p><u>Comments made:</u></p> <p>17.3. Council suggested [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>17.4. Council sought clarity [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>17.5. Council resolved to note the submission.</p> <p>The submission was noted.</p>	
18.	<p>Compliance Universe for the FY 2023/2024</p> <p>The Specialist: Risk and Compliance Management made the presentation.</p> <p>18.1 The purpose of the submission dated 11 September 2023 is to request Council to approve the Compliance Universe for the financial year 2023/2024.</p> <p><u>Recommendations to council:</u></p> <p>18.2 It was recommended that Council approves the Compliance Universe for the financial year 2023/2024.</p> <p><u>Comments made:</u></p> <p>18.3 Council requested that a slide that details legislation and policies be included on the report presentation.</p> <p>18.4 Council requested that, for ease of reference, a summary slide presenting the policies that emanate from the legislations be included on the presentation.</p>	CEO / Specialist: Risk and Compliance Management

No.	Action Item	Person Responsible
	<p><u>Resolution by Council:</u></p> <p>18.4. Council resolved to approve the submission.</p> <p>The submission was approved.</p>	
<p>19.</p>	<p>Financial Disclosure and Whistle-blower</p> <p>The Specialist: Risk and Compliance Management, Legal & CCC made a brief presentation on the item.</p> <p>19.1 The purpose of this submission was to provide Council [REDACTED].</p> <p><u>Recommendations to council:</u></p> <p>19.2 It was recommended that [REDACTED] [REDACTED]</p> <p><u>Comments made:</u></p> <p>19.3 Council sought clarity [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]</p> <p>19.4 Council raised [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Resolution by Council:</u></p> <p>19.6. Council resolved to note the submission.</p> <p>The submission was noted.</p>	<p>CEO / Specialist: Risk and Compliance Management</p>
<p>20.</p>	<p>Fraud and Corruption Prevention Policy</p> <p>The Specialist: Risk and Compliance Management, Legal & CCC presented the item.</p> <p>20.1 The purpose of the submission dated 11 September [REDACTED] [REDACTED]</p>	<p>CEO / Specialist: Risk and Compliance Management</p>

No.	Action Item	Person Responsible
	<p><u>Recommendation to Council:</u></p> <p>20.2 It was recommended that [REDACTED] [REDACTED] [REDACTED]</p> <p><u>Resolutions by Council:</u></p> <p>20.3 Council resolved to note the submission.</p> <p>The submission was noted.</p>	
21.	<p>Financial Interest Register in the Annual Report and ICASA Library</p> <p>The Specialist: Risk and Compliance Management, Legal & CCC presented the item.</p> <p>21.1 The purpose of the submission dated 18 September 2023 was to request Council approval for the inclusion of the financial disclosure register for Councillors and the CEO in the Annual Report and the ICASA library.</p> <p><u>Recommendation to Council:</u></p> <p>21.2 Council is requested to note the submission and provide input where required.</p> <p><u>Comments made:</u></p> <p>21.3 Council requested time to review the submission.</p> <p><u>Resolutions by Council:</u></p> <p>21.4 Council resolved to defer the submission, subject to the above reason.</p> <p>The submission was deferred.</p>	CEO/ Executive LRCCC
22.	<p>General</p> <p><u>Invitation for ICASA Acting Chairperson to speak at Africa 5G Summit at AfriCom 2023</u></p> <p>22.1 Council resolved that Cllr [REDACTED]e, alternatively Cllr [REDACTED] if Cllr [REDACTED] is not available, by virtue of them being Chairperson / co-Chairperson respectively</p>	Acting Chairperson

No.	Action Item	Person Responsible
	<p>of the Council 5G Committee, should represent Council at this event.</p> <p><u>Invitation from the US Embassy for ICASA to be on the panel to discuss LOE Satellites</u></p> <p>22.2 Council resolved that Cllr ██████ should attend the event.</p> <p>22.3 Notwithstanding the latter, Council directed that the CEO and the Executive: Corporate Services should first look into this matter and confirm role of / involvement of the FCC in this engagement.</p>	
23.	<p>Closure</p> <p>The Acting Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 16:02.</p>	Acting Chairperson

Signed:  ██████████
 Yolisa Kedama
 (Acting Chairperson)

Date: 28-11-2023