



Independent Communications Authority of South Africa

MINUTES OF THE MEETING OF COUNCIL HELD ON 13 AUGUST 2024

Time:	09:00am	
Venue:	EP-CF Thabo Mbeki	
Present		Chairperson
		Councillor
		Councillor
		Councillor
		Councillor
		Councillor
		Councillor
		Councillor
By Invitation		CEO
		CFO
		CAE
		Executive: LRCCC
		Corporate Secretary
		Secretariat Officer
		Graduate, Council and Secretariat
Partial Attendees		Executive: Licensing and Compliance
		Executive: Corporate Services
		Manager: Communications & Reputational Management
		Manager: Broadcasting Frequency Coordination
		Manager Service Broadcasting
		Senior Manager: Spectrum Licensing
Apologies		Councillor

No.	Action Item	Person Responsible
1.	<p>Opening and apologies</p> <p>1.1. The Chairperson declared the meeting opened at 09:00 and welcomed all present.</p> <p>1.2. Councillor [REDACTED] was on leave.</p> <p>The opening and apology were noted.</p>	Chairperson
2.	<p>Ratification of agenda</p> <p>2.1 Item 9 (Performance Rewards - 2023/24FY) to be discussed in a Closed Council Session. Council was advised that the item will be presented by the HR&REMCO Chairperson.</p> <p>2.2 The CEO requested to brief Council regarding a letter received from the DCDT, advising the Authority of an upcoming induction for the newly appointed members of the Parliamentary Portfolio Committee on Communications and Digital Technologies ("PPCCDT"). Council agreed that the said brief be dealt with under General items on the agenda.</p> <p>The agenda was ratified with the above amendments.</p>	Council
3.	<p>Declaration of interest</p> <p>No conflict of interest was noted.</p>	Council
4.	<p>Council Minutes and Matters Arising</p> <p>This item was presented by the Corporate Secretary</p>	Secretariat
4.1	<p>Council Meeting held on 16 July 2024</p> <p>4.1.1 Paragraph 14.1 and sub-paragraph 15.1.2 of the minutes, to be rephrased.</p> <p>4.1.2 Council resolved that in all future Council minutes, leave should be recorded without specifying the type of leave.</p> <p>The minutes were approved, subject to the above editorial inputs.</p>	


No.	Action Item	Person Responsible
4.2	<p>Matters Arising</p> <p>[REDACTED]</p> <p><u>Item 1 (Recruitment of a CCC Member)</u></p> <p>4.2.1 Council advised that this item be categorised as “in progress” instead of “closed”.</p> <p><u>Item 3 (Hybrid Working Model)</u></p> <p>4.2.2 [REDACTED]</p> <p>4.2.3 Council urged management to finalise the matter expeditiously.</p> <p>Council resolved to note the matters arising update.</p>	
5.	<p>International Engagements</p> <p>The item was presented by the Executive: Corporate Services. The purpose of the submission was for Council to note the calendar of events from August 2024 to March 2025.</p> <p>5.1. Council recommended that the name of the standing agenda item be amended to “Council Engagements” as this would provide for both international and local Council engagements.</p> <p>5.2. Council highlighted that some of the dates in the memorandum have been captured incorrectly and some events been omitted from the submission. Furthermore, there are inconsistencies in that, whilst some events include a summary, others do not.</p> <p>5.3. Council raised concerns regarding external stakeholders such as the DCDT, who send invitations that predetermine which Councillor or official should attend an event. Council resolved that a governance model on trips supporting the DCDT must be developed indicating the support required and the budget implications on ICASA. Council also recognised a need for Executives to attend some of these events, to be empowered.</p>	<p>CEO / Executive: Corporate Services</p>

No.	Action Item	Person Responsible
	<p>5.4. Council reminded management that Council previously recommended that a Communications / International Engagements Committee, led by a Councillor, be established.</p> <p>5.5. Council noted that support divisions have previously been overlooked with regard to attendance of official engagements. Council highlighted the need for the inclusion of the support divisions in future official engagements, for upskilling purposes.</p> <p>Council resolved to note the submission, with the above-mentioned Council inputs.</p>	
6.	<p>Request to License Spare Coordinated Frequencies to Existing Community Sound Broadcasting Licensees</p> <p>The Executive: Licensing & Compliance and Manager: Broadcasting Frequency Coordination presented the submission</p> <p><u>Council Comments:</u></p> <p>6.1. Council recommended that paragraph 2.3 of the memorandum be deleted, as it was creating confusion.</p> <p>6.2. Council recognised the lack of a framework which deals with spare coordinate frequencies for community sound broadcasting services and resolved that the submission must be deferred until the said framework has been tabled and approved by Council.</p> <p>Council resolved to defer this matter until a submission is brought to Council dealing with a framework for the spare coordinated frequencies for community sound broadcasting services.</p>	CEO / Executive: Licensing & Compliance
7.	<p>Change and Update Licensee Information - Reflex Communications</p> <p>The Executive: Licensing & Compliance presented the item.</p> <p><u>Council Comments:</u></p> <p>7.1. Council recognised the need for a review of the Delegation of Authority ("DoA") to allow Licencing and Compliance division to process and approve applications which do not involve a change in shareholding and or where there are no controversies to expedite such requests.</p>	CEO / Executive: Licensing & Compliance

No.	Action Item	Person Responsible
	<p>7.2. Council conceded that this would improve turnaround times with regard to matters which pertain to change of licensee information without a change of shareholding. Council requested the LRCCC Division to look into the issue of the aforementioned DoA and revert to Council.</p> <p>Council resolved to approve the recommendation.</p>	
8.	<p>Recommendations of the CCC in the matter between ICASA CCA and Siyaya Free To Air tv</p> <p>Councillor Mushi presented the item on behalf of the Complaints and Compliance Committee (“CCC”).</p> <p><u>Council Comments:</u></p> <p>8.1. Council noted that in addition to the order as contemplated in the CCC judgement, the memorandum makes certain recommendations to Council.</p> <p>8.2. Council sought clarity on why the Authority cannot revoke a licence, under this instance where 6-months after submitting its business plan, Siyaya tv had still not commenced with operations.</p> <p>8.3. Council was advised that contrary to the Standard Terms and Condition for Individual licensees regulations (“the regulations”), its section 17E(2)(b) of the Independent Communications Act of South Africa Act, 2000 (Act No. 13 of 2000) (“the ICASA Act”), the CCC may only recommend that a licence be revoked, where the licensee is a repeat offender. Council was advised that Siyaya tv made this case as part of its arguments in the CCC hearing. Council recognised that regulatory amendments are necessary to deal with this legislative contradiction.</p> <p>8.4. Clarity was sought on whether the ECA allows for a licensee who has not been operating from 2015-2024, to keep their license. Council was informed that the regulations indicate that a licensee should commence with operations within 24 months after receiving its license.</p> <p>8.5. Council sought that licensees who are in a similar situation as Siyaya tv (including non-responsive licensees), be urgently identified from the Authority’s database by the Licensing and Compliance Division, in</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	<p>order for Council to deliberate on a uniform way forward to deal with those licensees.</p> <p>8.6. Council directed that the CCC order be amended as follows: That, an “and” should be inserted between (i) and (ii) of the CCC order.</p> <p>Council resolved to approve the recommendation, with the above mentioned amendment of the CCC order.</p>	
9.	<p>Performance Rewards 2023/24FY</p> <p>[REDACTED]</p> <p>9.1 [REDACTED]</p> <p>9.2 [REDACTED]</p> <p>9.3 [REDACTED]</p> <p>9.4 [REDACTED]</p> <p>9.5 [REDACTED]</p> <p>[REDACTED]</p>	HR&REMCO Chairperson
10.	General	
10.1	<p><u>Smart Africa Transform Africa Summit and 14th Meeting of the Council of African Regulators, Nairobi, Kenya</u></p> <p>10.1.1 Cllr [REDACTED] sensitised Council that the date of the Smart Africa has been moved and would be confirmed in due course.</p>	Cllr [REDACTED]

No.	Action Item	Person Responsible
	10.1.2 The Corporate Secretary advised that he would phrase the resolution to reflect that the Council approval stands notwithstanding that the new date of the event is still to be confirmed.	
10.2	<p><u>Report of the Outcomes from the WWRF Huddle held in Berlin, Germany</u></p> <p>This item was presented by Cllr Faye.</p> <p>Council resolved to note the submission and to approve that: (1) Cllr Faye be appointed to the Steering Board of the WWRF; and (2) Cllr Faye to attend the WWRF meeting scheduled to take place in London during September 2024.</p>	Cllr [REDACTED]
10.3	<p><u>Invitation to the International Bar Association (IBA) Panel, Mexico</u></p> <p>This item was presented by Cllr Nontombana.</p> <p>Council resolved to approve the recommendation in the submission, namely that Cllr [REDACTED] should attend and participate as panel members in the IBA conference to be held in Mexico.</p>	Cllr [REDACTED]
11.	<p>Closure</p> <p>The Chairperson thanked all who were present at the meeting and declared the meeting adjourned.</p>	Chairperson

Signed: 
Mothibi Ramusu
(Chairperson)

Date: 30 September 2024