



## Independent Communications Authority of South Africa

### MINUTES OF THE MEETING OF COUNCIL HELD ON 30 JULY 2024

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Time:	09:00am	
Venue:	EP-CF Thabo Mbeki	
Present		Chairperson
		Councillor
		Councillor
		Councillor
		Councillor
		Councillor
		Councillor
By Invitation		CEO
		CFO
		CAE
		Executive: LCCC
		Corporate Secretary
		Secretariat Officer
Partial Attendees		Executive: Policy Research and Regulation
		Executive: Licensing and Compliance
		Chief Information Officer
		Executive: Human Resources
		Manager: Internal Audit
		Manager: Communications & Reputational Management
		Specialist Monitoring and Evaluation
		CCC Chairperson
		CAP Chairperson
		CAP Member
		CAP Member
		Complaints Officer, CCA
		Auditor-General South Africa (“AGSA”)
		AGSA
		AGSA

		AGSA
<b>Apologies</b>		Councillor
		Councillor

No.	Action Item	Person Responsible
<b>1.</b>	<b>Opening and apologies</b> 1.1. The Chairperson declared the meeting open at 09:00 and welcomed all present. 1.2. Councillor [REDACTED] was on leave. 1.3. Councillor [REDACTED] was attending IoDSA training. <b>The opening and apologies were noted.</b>	<b>Chairperson</b>
<b>2.</b>	<b>Ratification of agenda</b> <b>The agenda was approved with no amendments.</b>	<b>Council</b>
<b>3.</b>	<b>Declaration of interest</b> No conflict of interest was noted.	<b>Council</b>
<b>4.</b>	<b>Council Minutes and Matters Arising</b> These items were presented by the Corporate Secretary	<b>Secretariat</b>
<b>4.1</b>	<b>Council Meeting held on 16 July 2024</b> Paragraph 9.2 of the minutes to be rephrased. Council resolved that the cut-off time for Councillors to submit inputs on draft minutes must be two (2) days before the meeting at which those minutes will be tabled. <b>The minutes were approved, subject to the above editorial input.</b>	
<b>4.2</b>	<b>Matters Arising</b> <u>Item 1 (Recruitment of a CCC Member)</u>	

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	<p>4.2.1 Council was informed of the imminent end of the term of a CCC member. Council resolved that both the existing vacancy as well as the imminent vacancy, should be consolidated in one advert, highlighting the requisite skills for each vacancy as well as the respective commencement dates.</p> <p>4.2.2 Council was advised that the CEO will bring a consolidated Council submission on this matter</p> <p><u>Item 2 (Procurement of a software for the management of Council meeting packs)</u></p> <p>4.2.3 Council iterated the urgency for the finalisation of this matter. Council resolved that, given budgetary constraints, the software should be procured only for Council and the Executives, with a view to include Senior Managers in due course once the budget allows.</p> <p>4.2.4 The Corporate Secretary advised that the target date for the publication of the RFQ is Friday, 9 August 2024.</p> <p><u>Item 3 (Hybrid Working Model)</u></p> <p>4.2.5 [REDACTED]</p> <p><u>Item 4 (Finance Policies outstanding review)</u></p> <p>4.2.6 Council iterated the urgency of the finalisation of the review of all policies.</p> <p>4.2.7 Council indicated that finance policies should not only be reviewed due to audit findings but should be continuously evaluated to ensure compliance and alignment with industry best practices.</p> <p>4.2.8 The CEO advised Council that she would share an action plan for reviewing policies and indicated that the review of the finance policies would take into account the outcomes of the audit report.</p> <p><u>Item 6 (International Engagements)</u></p> <p>4.2.9 Council deliberated extensively on the different views regarding what constitutes “International” engagements.</p>	

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	<p>4.2.10 Council conceded that, with regard to all Council engagements, regardless of whether its international or regional engagements, Council will strive to derive maximum value from each engagement, this done through, <i>inter alia</i>, the selection of a proper delegation and the consideration of other factors outlined in relevant policy prescripts.</p> <p>4.2.11 A suggestion was made to have a dedicated session to reflect on the international engagements strategy to ensure that all participants understand the purpose and objectives of their travels and how these align with the organisational goals.</p> <p>4.2.12 Council resolved that, with respect to Q2 engagements, the Executive: Corporate Services should bring a Council submission, wherein she will present to Council all identified engagements for the remainder of the current financial year.</p> <p>4.2.13 The CEO advised Council that in terms of paragraph 13.4 of the ICASA Subsistence and Travel Policy, 2019, all Councillors' international travel must be tabled at Council.</p> <p><b>Council resolved to note the submission.</b></p>	
5.	<p><b>CAP Report – Q1 2024/25FY</b></p> <p><b>Presented by the CAP Chairperson, assisted by two CAP Members.</b></p> <p><u>Council Comments:</u></p> <p>5.1 The CAP Chairperson clarified that, in addition to the CAP quarter one report being presented to Council for noting, the submission also seeks Council approval of the CAP Annual Business Plan and the budget allocation for the 2024/25FY.</p> <p>5.2 Council raised concerns and sought assurance that the CAP budget for research would it be adequate. Furthermore, Council requested clarity regarding the distinction between the research to be done by CAP versus research work carried out</p>	CAP Chairperson

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	<p>by the ICASA Policy, Research and Analysis Division ("PRA").</p> <p>5.3 Council was advised that the contemplated CAP research aligns with the legislative mandate given to the CAP and the CAP regulations prescripts.</p> <p>5.4 The CAP delegation assured Council that CAP will efficiently work within the proposed budget for research, albeit the small size of the budget.</p> <p><b>Council resolved to approve the CAP Annual Business Plan and Budget allocation for 2024/25FY and to note the CAP Report for Q1 2024/25FY.</b></p>	
6.	<p><b>CCC Report – Q1 2024/25FY</b></p> <p><b>The CCC Chairperson presented the item.</b></p> <p><u>Council Comments:</u></p> <p>6.1. Council requested clarity regarding the relief being sought by the CCC from Council in relation to the Siyaya tv matter.</p> <p>6.2. Council was advised that the CCC recommended that the Authority direct Siyaya tv to submit a compliance plan and to implement the plan within 12 months.</p> <p>6.3. Council was informed that the Council submission in relation to the Siyaya tv judgement, has been finalised by the CCC and will be brought to Council for tabling.</p> <p>6.4. Council iterated that for purposes of the next CCC quarter report, it must be noted that Q1 contemplates the period from 1 March – 31 May.</p> <p>6.5. In light of the above, the Executive: LCCC advised that she would share with Council, the amended CCC report, outlining all Q1 2024/25FY matters considered by the CCC.</p> <p><b>Council resolved to note the submission.</b></p>	CCC Chairperson

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7.	<p><b>AREDC Report – Q1 2024/25FY</b></p> <p><b>No submission.</b></p> <p>Council was advised by the CEO that the AREDC Q1 2024/25FY meeting was deferred on account of a special AREDC meeting to discuss the AG Statutory Reports, which are on the agenda of this Council meeting. Once the Q1 2024/25FY meeting is held, the AREDC Q1 report will be brought to Council and presented by the AREDC Chairperson.</p>	<b>AREDC Chairperson</b>
8.	<p><b>HR &amp; REMCO – Q1 2024/25FY</b></p> <p><b>No submission.</b></p> <p>The CEO advised the Council that the HR &amp; REMCO Q1 Report will be tabled by the HR &amp; REMCO Chairperson, after the HR &amp; REMCO has held its Q1 2024/25FY meeting.</p>	<b>HR&amp;REMCO Chairperson</b>
9.	<p><b>ITRC Report – Q1 2024/25FY</b></p> <p><b>No submission.</b></p> <p>Council was informed that the appointment letters of the two ITRC members have been disseminated and the Authority is awaiting their acceptance of the offer.</p>	<b>ITRC Chairperson</b>
10.	<p><b>PIR and Comprehensive Report - Q1 2024/25FY</b></p> <p><u>Council Comments</u></p> <p>10.1. Council was advised that management was awaiting the recommendation of the AREDC for management to table the report to Council.</p> <p>10.2. Council sensitised management of the statutory deadline for the submission of the PIR to the DPME and DCDT. It urged management to urgently engage with the AREDC to confirm its position regarding the PIR, with a view to having the PIR tabled at a Council special meeting as soon as the AREDC gives its recommendations.</p>	<b>CEO / SM: SPM</b>

No.	Action Item	Person Responsible
	Council resolved to defer the submission to 31 July 2024, pending the inputs and the recommendations of the AREDC.	
11.	<p><b>Assurance Report – PIR</b></p> <p>The submission was deferred, in light of the reasons stated in item 10 <i>supra</i>.</p>	CAE
12.	<p><b>Presentation of the 2023/24FY Management and Audit Reports</b></p> <p>The AGSA team presented the item.</p> <p><u>Council Comments:</u></p> <p><u>Key message – non achievement of target number 1 (Findings Document on Subscription Television Broadcasting Market)</u></p> <p>12.1. Management raised concern regarding the accuracy of the AG's assertion that "<i>the non-delivery has an impact on OTTs like SABC</i>", given that the AG only consulted the SABC regarding this matter. The Authority and other critical stakeholders on this matter were not consulted.</p> <p><u>Key message – non achievement of target number 2 (To review the 2018 Call Termination Regulations)</u></p> <p>12.2. Management raised concern regarding the finding, in that, notwithstanding the market review conducted during the year 2020, the 2018 regulations remain in force. Therefore, the alleged implications of the non-achievement of the target are misstated.</p> <p><u>Other Comments</u></p> <p>12.3. Management requested that it be clarified in the report that issues of incapacitation and vacancy rate, are caused by lack of funding.</p> <p>12.4. AG indicated that the issue of the [REDACTED] ring-fenced grant, which was reported as revenue for the last two years, is now recorded as if Treasury is our creditor on the balance sheet. AG conceded to an oversight on their part on this</p>	AGSA

No.	Action Item	Person Responsible
	<p>matter but iterated that the change in the manner the funds are recorded in the financial statements will not change the governance related to these funds.</p> <p>12.5. Management noted the report with concern, and highlighted that a submission will be brought to Council in this regard outlining the action plan in response to the audit findings.</p> <p><b>The submission was noted.</b></p>	
13.	<p><b>Q1 Financial Statements (Income v Expenditure)</b></p> <p><b>No submission.</b></p>	<b>CEO / CFO</b>
14.	<p><b>■■■■ Payment Plan Request</b></p> <p><b>Councillor ■■■■ chaired this session of the meeting. The CFO presented the item.</b></p> <p><u>Council Comments</u></p> <p>14.1. Council requested clarity regarding the relief sought from Council, namely to either approve or to note the submission. Council was advised by the CEO that, in terms of the ICASA Delegations of Authority, the CFO is delegated to consider and approve requests made by licensees for payment plans. Accordingly, the submission was brought to Council for noting.</p> <p>14.2. Notwithstanding the latter, Council was advised that in terms of section 4(4)(e) of the ICASA Act, 2000 (Act No.13 of 2000), Council is not divested from exercising any power it has delegated, in order to amend or to revoke a decision made in terms of a delegation, if this does not result in prejudice to the respective licensee.</p> <p><b>Council resolved to approve the recommendation.</b></p>	<b>CEO / CFO</b>



No.	Action Item	Person Responsible
15.	<b>General</b>	
15.1.	<p><u>World Telecommunication Standardization Assembly (WTSA-24), New Delhi, India</u></p> <p>15.1.1. Council requested the Corporate Services Division to expedite the tabling of a Council submission regarding the WTSA-24, cognisant of the urgency for Council to resolve on the Councillors to attend the event. A proposal was made recommending that the CEO should attend the WTSA-24.</p> <p>15.1.2. Council noted that a preparatory meeting for the WTSA-24 was scheduled to take place in Sandton during the week starting on 12 August ending the 16<sup>th</sup> of August 2024.</p>	<b>Chairperson</b>
15.2.	<p><u>Update regarding the appointment of the panel of Attorneys</u></p> <p>Council resolved to discuss this matter in a closed session.</p>	<b>CEO</b>
16.	<p><b>Closure</b></p> <p>The Chairperson thanked all who were present at the meeting and declared the meeting adjourned at 15:20.</p>	<b>Chairperson</b>

Signed:   
Mothibi Ramusi  
(Chairperson)

Date: 13 August 2024