



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

COUNCIL DECISION- 22 March 2022

Item No.	Agenda Item	Council Decision
1.	<p>Recommendation by Complaints and Compliance Committee to Council in the matter between CCA Broadcasting Compliance and ESAT TV (Pty) Ltd.</p> <p>1.1. The purpose of the submission was to table the recommendation of the Complaints and Compliance Committee (“CCC”) in the matter between CCA Broadcasting Compliance (“Complainant”) and E.sat TV (“Respondent”).</p> <p>1.2. On 07 September 2020, the Broadcasting Compliance Unit of the Compliance & Consumer Affairs (“CCA”) lodged a complaint with the CCC against E.sat TV for the following allegations of contravention:</p> <p>1.2.1 That the Respondent has contravened Regulation 5(1) of the Standard Terms and Conditions for Individual Electronic Communications Services Regulations of 2010, as amended (“the Regulations”).</p> <p>1.2.2 The Complainant alleged that the Respondent was granted its Commercial Subscription TV Broadcasting Service Licence on 21 July 2009 and has to date failed to commence operations.</p> <p>1.2.3 That the Respondent has contravened Regulation 5(4) of the Regulations. Regulation 5(4) states that: “Where a Licensee fails to adhere to the extension, this will constitute non-compliance</p>	<p>RECOMMENDATION APPROVED BY COUNCIL</p>



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>and will be referred to the CCC to take a decision on cancelling the Licence in terms of section 14 of the Act and section 17D of the ICASA Act”.</p> <p>1.2.4 The Complainant alleges that the Respondent failed to commence operations in terms of the extension which it was granted by the Authority. The extension expired on 04 October 2013.</p> <p>1.3. The hearing of the CCC to hear oral arguments from the parties was held on 11 November 2021. The matter was initially set down for hearing on 22 April 2021. However, the parties requested postponement of the hearing to allow for a Settlement Agreement process and it was granted by the CCC.</p> <p><u>Recommendation to Council:</u></p> <p>1.4. The CCC recommends the following order:</p> <p>(a) A desist order; and</p> <p>(b) That the settlement agreement between CCA and E.sat TV (Pty) Ltd, marked “X” (E.sat) and dated 15 November 2021, be made an order of Council to the parties.</p> <p>The recommendation was approved.</p>	
2.	<p>Recommendation by CCC to Council in the matter between Ndiitwani Mutangwa and Vhembe FM</p> <p>2.1. The purpose of this submission was to table the recommendation of the CCC in the matter between Mr. Ndiitwani Mutangwa and Vhembe FM.</p>	<p>RECOMMENDATION APPROVED BY COUNCIL</p>



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>2.2. On 18 June 2021, Mr. Mutangwa (“the Complainant”) lodged a complaint with the CCC for investigation in terms of section 17B(a) of the Independent Communications Authority of South Africa (“ICASA”) Act No. 13 of 2000.</p> <p>2.3. Mr. Mutangwa alleged that Vhembe FM has contravened Regulation 3(1)–3(2), 11(2) – 11(3), 12(2) and 14(1) of the Regulations regarding the Code of Conduct for Broadcasting Service Licensees issued in terms of Section 54 of the Electronic Communications Act No. 36 of 2005 (“The Code of Conduct”).</p> <p>2.4. Violence and Hate speech- Regulation 3(1): -</p> <p>2.4.1 Mr. Mutangwa alleged that during a radio interview broadcast by Vhembe FM on 12 May 2021 between 11h00 and 12h00, Mr. Mukehethwa Ravhuhali (the presenter) and three residents of the Dzingahe village (Mr. Boston Tshabuse, Mr Rofhiwa Mahada and Tshivhase) uttered hate speech remarks on-air criticizing the community leadership, wrongfully alleging that stands were being sold to the people for R15 000 to R50 000 and that community funds were being loaned to some community members.</p> <p>2.4.2 Mr. Mutangwa alleged that Mr Mahada and Ms Tshivhase broadcast views promoting violence against him during the radio broadcast by stating that “Civic and Village Council members demanded sexual favours from the community</p>	



Independent Communications Authority of South Africa
 350 Witch-Hazel Avenue,
 Eco-Point Office Park
 Centurion

Item No.	Agenda Item	Council Decision
	<p>members before they could assist them with service delivery.”</p> <p>2.4.3 Mr. Mutangwa alleged that Vhembe FM allowed the hosts to make untruthful remarks without consideration of his privacy, dignity and reputation.</p> <p>2.4.4 Furthermore, Mr. Mutangwa alleged that Vhembe FM failed to afford the Dzingahe leadership a right of reply, thereby contravening Regulation 11(2) – 11(3) and 12(2).</p> <p>2.5. At the hearing on 21 October 2021, Mr Nyumani Nobride Maluleke as director of the Board, represented Vhembe FM. Mr. Maanu Dzebu from the Compliance and Consumer Division at ICASA presented the historical background at the hearing.</p> <p>2.6. The CCC noted the concerns regarding the faction fights among key players within the station that were raised. Mr Maluleke stated that Vhembe FM did not deliberately tarnish the names of leadership on the show broadcast and that the contentious topic of service delivery from Eskom spurred the debate.</p> <p>2.7. The CCC recommends that the following order be issued by Council of ICASA to direct Vhembe FM as follows:</p> <p>2.7.1 To desist from further contravening Regulation 14(1) of the Code of Conduct.</p> <p>2.7.2 Vhembe FM is directed to take the following remedial steps:</p>	



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>2.7.2.1 Issue an apology to the Complainant and that such apology be broadcast once just before the introduction of any regular/popular live show. During the same broadcast, Vhembe FM is directed to distance itself from the utterances of its guests concerning the Complainant made on 12 May 2021 during a talk show on 'lack of service delivery'.</p> <p>2.7.2.2 The broadcast in paragraphs 2.1.2.1. above be made within 14 days after ICASA has published its findings.</p> <p><u>Council approved the recommendations with the following conditions:</u></p> <p>"Issue an apology to the complainant and that such apology be broadcast once a day, just before the introduction of any popular live show that airs between 7am and 9am, and this should be done for three consecutive days. The apology airing dates will be concluded after consultation with the complainant"</p> <p>The recommendation was approved.</p>	
3.	<p>Recommendation by CCC to Council in the matter between Primedia (Pty) Ltd Versus Pretoria FM and its seven affiliate radio stations (Radio Dagbreek, Radio Kransberg, Radio Magaliesberg, Radio Naboom, Radio Tafelkop, Radio Wolkberg, And Radio Ysterburg)</p> <p>3.1 The purpose of this submission was to table the recommendations of the CCC in the matter between</p>	<p>THE RECOMMENDATION OF COUNCIL WAS NOT TO UPHOLD THE MATTER</p>



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>Primedia and Pretoria FM together with its seven (7) affiliate radio stations.</p> <p>3.2 On 31 May 2021, Primedia lodged the aforementioned matter for investigation by the CCC in terms of Section 17B(a) of the ICASA Act.</p> <p>3.3 The charges levelled against Pretoria FM and its seven (7) affiliate radio stations are as follows: -</p> <p>3.3.1 Clause 10(2) of the Community Broadcasting Service Regulations provides that “programme syndication or network and programme sharing shall not exceed twenty percent (20%) of the community broadcasting licensee’s programming. The allegation is that Pretoria FM, Radio Dagbreek, Radio Kransberg, Radio Magaliesberg, Radio Naboom, Radio Tafelkop, Radio Wolkberg, and Radio Ysterberg do not comply with the prohibition against programme sharing/networking.</p> <p>3.3.2 Clause 4(9) of the ICT Covid-19 Regulations provides that “Programme syndication must not exceed forty five percent (45%) per week of a broadcasting service licensee’s programming.” The allegation is that Pretoria FM has been programming sharing/or networking and/or programme syndicating hundred percent (100%) (above the specified limits) of its programming to its seven affiliate stations, since at least 2015.</p> <p>10.3.3 The allegation is that Pretoria FM’s broadcast coverage area is not limited to the greater Pretoria and its immediate surrounding areas</p>	



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>within the City of Tshwane Metropolitan Municipality in the Gauteng province as set in its licence. The licensee's coverage area has been greatly extended as a result of broadcasting its programming on all of the transmitters licensed to its seven affiliate stations.</p> <p>3.4 The CCC heard arguments from both parties on 23 September 2021. Primedia argued that Pretoria FM's admission that it is essentially broadcasting 100% of the same programming, is a replication of its own service, over all of its affiliate radio stations.</p> <p>3.5 ICASA issued different licences for each of the affiliate radio stations and each with their own spectrum licence. According to Primedia the issuing of these licences to each affiliate radio station is a clear indication that they are separately licenced services and not one licensee as stated by Pretoria FM.</p> <p>3.6 Pretoria FM made an unequivocal admission that they are broadcasting 100% of the same content with its affiliate radio stations. Pretoria FM stated that it is undisputed that ICASA issued different licences for its affiliate radio stations, however, there are similarities in all these licences.</p> <p>3.7 Firstly, Pretoria FM is reflected as the licensee in all the other licences. Secondly, the community to be served by the licensee is defined in all the licences under clause 4 of each licence, which is to provide services to a Boere Afrikaner community of interest residing within the geographic areas specified on each licence. Therefore, there is one licensee being</p>	



Independent Communications Authority of South Africa
 350 Witch-Hazel Avenue,
 Eco-Point Office Park
 Centurion

Item No.	Agenda Item	Council Decision
	<p>Pretoria FM and it is licensed to broadcast to seven (7) different areas.</p> <p><u>Recommendation to Council:</u></p> <p>3.8 The CCC's finding is that the complaint is not upheld, therefore no order is advised to Council.</p> <p><u>The following comment was made:</u></p> <p>3.9 Council expressed the view that when a complaint is not upheld by the CCC, the recommendation by the CCC should be to request Council to approve the recommendation of no order being granted. Council requested that in future that order should have that reflection.</p> <p>3.10 Council resolved to approve that the complaint in the matter is not upheld.</p> <p>The resolution was to not uphold the matter.</p>	
4.	<p>Recommendation by CCC to Council in the matters between:</p> <p>(1) Kagiso Media (Pty) Ltd and Classic FM SA (Pty) Ltd</p> <p>(2) Primedia (Pty) Ltd and Classic FM SA</p> <p>4.1. The purpose of this submission was to table the recommendations of the CCC in the matters between Kagiso Media, Primedia (Complainants) against Classic FM (Respondent to Council).</p>	<p>THE RECOMMEDATION WAS APPROVED</p>



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>4.2. On 6 July 2021 and 31 August 2021, Primedia and Kagiso Media lodged similar complaints against Classic FM respectively, with the CCC for investigation in terms of section 17B(a) of the ICASA Act.</p> <p>4.3. The Complainants allege that Classic FM has contravened Clause 1 and 5 of the Schedule of its Individual Broadcasting Service Licence, Regulation 11(3) of the 2010 Regulations Regarding Standard Terms and Conditions for Individual Licences (as amended) and sections 5(12) and 10 of the Electronic Communications Act No. 36 of 2005 which provides as follows:</p> <p>4.3.1 Clause 1 of the Schedule to the Licence: - “Name of Station-Classic FM 1027.” The Complainants allege that Classic FM unilaterally and unlawfully changed the name of its station, from Classic FM 1027 to Hot FM 1027 without following the prescribed procedure.</p> <p>4.3.2 Clause 5 of the Schedule to the Licence: - “Format- The Licensee shall provide 50% Classical Music and 50% Old Skool and R&B Music.”</p> <p>4.4. The CCC heard the first matter, Kagiso v Classic FM on 18 November 2021 while the second matter, Primedia v Classic FM, was heard on 19 November 2021. In both matters the facts as well as the issues to be determined were identical. The submissions by the parties’ counsel overlapped, which necessitated the combination of the two proceedings in one judgment.</p> <p><u>The following recommendation was made to Council:</u></p>	



Independent Communications Authority of South Africa
 350 Witch-Hazel Avenue,
 Eco-Point Office Park
 Centurion

Item No.	Agenda Item	Council Decision
	<p>4.5. The CCC recommends that the following order be issued by Council of ICASA to direct Classic FM as follows:</p> <p>4.5.1 To desist from any further contravention of the Act, the Regulations and its licence terms and conditions, relating to the change of name of the station and the format obligations.</p> <p>4.5.2 Classic FM to take the following remedial step:</p> <p>4.5.2.1 Within 7 days after ICASA has published its findings, apply for a licence amendment to ICASA in the prescribed form with a view to changing the name of the station.</p> <p>4.5.2.2 Classic to pay a fine in the amount of R25 000 of which R10 000 would be payable immediately and the balance suspended for 24 months on condition that there is no repeated non-compliance during the period of suspension.</p> <p>The recommendation was approved.</p>	
5.	<p>Recommendation by CCC to Council in the matter between Avhaphani Nemakhavhani and Choice FM</p> <p>5.1. The purpose of this submission was to table the recommendation of the CCC in the matter between Avhaphani Nemakhavhani and Choice FM.</p> <p>5.2. On 29 March 2021, the Complainant (Mr. Avhaphani Nemakhavhani) lodged the above-mentioned matter to the CCC for investigation in terms of section 17B(a) of the ICASA Act No.13 of 2000.</p>	<p>THE RECOMMENDATION WAS APPROVED</p>



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>5.3. The charges levelled against Choice FM are outlined as follows: -</p> <p>5.3.1 Schedule 1, regulation 10A(7)(d) of the Standard Terms and Conditions Regulations for Class Licences, as amended states that; "The Board of Directors/ Trustees and Station Management must not occupy dual roles with regard to being managers/presenters at the radio station". The Complainant alleged that Mr. Shonisani Muleya is occupying dual roles as a presenter, part of the management and Trustee of Choice FM.</p> <p>5.3.2 Regulation 13(1), (2) and (5) of the Community Broadcasting Services Regulations read with Schedule 1, Regulation 10A(7)(a) and (b) of the Standard Terms and Conditions Regulations for Class Licences as amended states that; (a) "A Licensee must be owned by Community members with the Board of Directors as custodian of the License".</p> <p>5.3.3 The Complainant alleged that Choice FM is not owned by Thulamela Community members. (b) "A Licensee must encourage the community members within its coverage area to participate in ownership, management of television station or radio station". The Complainant alleged that the Board of Trustees for Choice FM do not allow the community members to participate in the affairs of Choice FM.</p> <p>5.3.4 The Complainant alleged that Choice FM does not broadcast local originating programmes, within</p>	



Independent Communications Authority of South Africa
 350 Witch-Hazel Avenue,
 Eco-Point Office Park
 Centurion

Item No.	Agenda Item	Council Decision
	<p>its coverage area. Choice FM is dependent on programming by Energy FM for news bulletins, current affairs, sports programmes and breakfast shows.</p> <p>5.3.5 The Complainant alleged that Choice FM does not have policies dealing with mechanisms for community participation, programming format and language policy.</p> <p>5.3.6 The Complainant alleged that the radio station does not have programming committees, which enable community members to participate in the programming of Choice FM.</p> <p>5.4. The CCC heard oral arguments from both parties on 6 October 2021.</p> <p>5.5. The CCC made the following finding:</p> <p>5.5.1 That the charge in respect of schedule 1 Regulation 10A (7)(d) of the Regulations on Standard Terms and Conditions for Class Licences as amended on 30 March 2016, is upheld.</p> <p>5.5.2 That the charge in respect of regulation 13(1), (2) and 5 of the Community Broadcasting Services Regulations read with Schedule 1 regulation 10(A)(7)(a) and (b) of the Standard Terms and Conditions Regulations for Class Licences as amended, is upheld.</p>	



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>5.5.3 That the charge in respect of regulation 10(1) of the Community Broadcasting Services Regulations of 2019 - Complaint is not upheld.</p> <p>5.5.4 That the charge in respect of regulation 10(3) of the Community Broadcasting Services Regulations of 2019 - Complaint is upheld.</p> <p>5.5.5 That the charge in respect of regulation 13 (3) and 4 of the Community Broadcasting Services Regulations - Complaint is upheld.</p> <p><u>The CCC's recommendation to Council</u></p> <p>5.6. The CCC recommends Council issues the following order in terms of section 17E (2) of the ICASA Act No. 13 of 2000:</p> <p>5.6.1 The Licensee is directed to desist from any further contravention of the above-mentioned Regulations; and</p> <p>5.6.2 The Licensee is directed to take the following remedial action:</p> <p>5.6.2.1 Convene an Annual General Meeting (AGM) at which an election of members of the Board shall take place, within forty-five (45) days after ICASA has published its Finding and Order;</p> <p>5.6.2.2 Give notice to the public of the AGM concerned by announcing the venue, date and time of the AGM on air, once at the end of news bulletins, daily, one week before the date of the meeting.</p>	



Independent Communications Authority of South Africa
 350 Witch-Hazel Avenue,
 Eco-Point Office Park
 Centurion

Item No.	Agenda Item	Council Decision
	<p>5.6.2.3 The Licensee is directed to pay as a fine an amount of R15000 in respect of the non-compliance mentioned in paragraph 4.2.1 above. Such fine to be paid within 30 days after ICASA has published its decision.</p> <p>The recommendation was approved.</p>	
6.	<p>Report regarding the licensing process for Digital Community Television Broadcasting Services and Radio Frequency Spectrum Licences on MUX 1 frequencies</p> <p>6.1. The purpose of this submission was to apprise Council on the licensing process for the Digital Community Television Broadcasting Services ("D-CTBS") and Radio Frequency Spectrum ("RFS") licences on MUX 1 frequencies and the interventions undertaken by the Committee after the high levels of non-compliance by the Applicants during this licensing process, and to recommend that Council approves the submission by the Committee.</p> <p>6.2. On 12 March 2020, the Authority published an ITP-R for D-CTBS and RFS licences. The closing date for the submission of applications was on 15 January 2021. By the closing date of 15 January 2021, the Authority had received forty-two (42) applications.</p> <p>6.3. All forty-two (42) applications have been disqualified from proceeding to Phase 2 of the licensing process due to non-compliance. In the DTT Committee's assessment, these applications have failed to comply with the procedural aspects as contained in the ITP-</p>	<p>THE RECOMMENDATION WAS APPROVED</p>



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>R. The defects included one or a combination of the following:</p> <p>6.3.1 no submission of tax clearance certificate;</p> <p>6.3.2 NPO not registered/ or not in existence for 2 years at the time of application as provided for in the ITP-R;</p> <p>6.3.3 no declaration of interest submitted;</p> <p>6.3.4 Form B not completed/submitted as required;</p> <p>6.3.5 Schedule I (RFS application) not completed/submitted as required;</p> <p>6.3.6 need support and demand not demonstrated;</p> <p>6.3.7 51% quorum for AGM's not complied with;</p> <p>6.3.8 no membership and appeal mechanism provision in case membership is rejected;</p> <p>6.3.9 no founding documents; and</p> <p>6.3.10 no letter of support from signal distributor.</p> <p>6.4. Based on the receipt of non-competent applications, the Committee resolved to conduct a workshop on 8 December 2021, to determine what the challenges have been, over and above what the Committee has</p>	



Independent Communications Authority of South Africa
 350 Witch-Hazel Avenue,
 Eco-Point Office Park
 Centurion

Item No.	Agenda Item	Council Decision
	<p>found during the analysis of applications. Over one hundred and fifty (150) people attended the workshop</p> <p><u>Recommendation to Council</u></p> <p>6.5. It was recommended that Council approves the report regarding the licensing process for DTT Community TV on MUX 1 Frequencies.</p> <p>The recommendation was approved.</p>	
7.	<p>Equipment Authorisation Regulations</p> <p>7.1. The purpose of this submission was to request Council to approve the Equipment Authorisation Regulations and the Reasons Document for publication in the Government Gazette.</p> <p>7.2. The process of developing Equipment Authorisation Regulations takes place against the backdrop of the Authority's Regulatory Position on Equipment Exemptions (Government Gazette No. 40733, 30 March 2017) that it will develop a regulatory framework that will incorporate the exemption of equipment, and the Conformity Assessment Framework for Equipment Authorisation ("Conformity Assessment Framework", Government Gazette No. 43047, 25 February 2020).</p> <p>7.3. On 31 March 2021, the Authority published Draft Equipment Authorisation Regulations ("Draft Regulations") in Government Gazette No. 44371, soliciting inputs from the stakeholders and the general public.</p>	<p>THE RECOMMENDATION WAS APPROVED</p>



Independent Communications Authority of South Africa
 350 Witch-Hazel Avenue,
 Eco-Point Office Park
 Centurion

Item No.	Agenda Item	Council Decision
	<p>7.4. The Authority received thirty-five (35) written submissions by the stipulated deadline, and therefore decided to hold public hearings.</p> <p>7.5. Twenty-one (21) stakeholders, who had made written submissions, participated and made oral representations in the public hearings that were held from 25 to 27 August 2021.</p> <p>7.6. Follow-up information was solicited and received from four (4) stakeholders. The Regulations were then developed to support and implement the Conformity Assessment Framework, which provides the regulatory framework.</p> <p>7.7. On 11 February 2022, the Committee received the vetted Regulations from LRCCC with comments and proposals for the Committee consideration, and the Committee attuned the Regulations, integrating most of the suggestions made by LRCCC.</p> <p><u>Recommendation to Council</u></p> <p>7.8. The Committee requests Council approval of the Equipment Authorisation Regulations and the accompanying Reasons Document for publication in the Government Gazette.</p> <p>The recommendation was approved.</p>	
8.	<p>Final amendment Regulations and Reasons Document in respect of the 2010 regulations governing aspects of the procedures of the Complaints and Compliance Committee of ICASA</p>	<p>THE RECOMMENDATION WAS APPROVED</p>



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>8.1. The purpose of this submission was to request Council to approve the vetted 2022 Final Amendment Regulations and Reasons Document on the CCC Regulations for publication in the Government Gazette.</p> <p>8.2. The Authority is empowered, under section 4 of the Electronic Communications Act No. 36 of 2005 (“the ECA”), read together with sections 4 (3)(j) and 17C (5) of the Independent Communications Authority of South Africa Act 13 of 2000 (“ICASA Act”), to enact the CCC Regulations.</p> <p>8.3. The CCC Regulations, are aimed at providing details of the procedures to be followed when the CCC executes its mandate in accordance with section 17B of the ICASA Act which is to investigate, to hear if appropriate and make findings on:</p> <ul style="list-style-type: none"> (i) all matters referred to it by the Authority; (ii) complaints received by it; and (iii) allegations of non-compliance with this Act or the underlying statutes received by it. <p>8.4. In terms of the Authority’s Annual Performance Plan (APP) for 2021/22, Council must approve the Amended CCC Regulations by 31 March 2022.</p> <p>8.5. On 26 November 2021, the Authority published the Draft Amendment Regulations Governing Aspects of the Procedures of the CCC of the ICASA (“Draft</p>	



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>Regulations”), in Government Gazette No. 45553 (General Notice No. 689 of 2021).</p> <p>8.6. Interested parties were invited to submit written representations to the Authority within thirty (30) working days subsequent to the publication thereof. On 3 December 2021, the Authority informed the Minister of Communications and Digital Technologies of the published draft regulations and invited the Ministry to make comments.</p> <p>8.7. The initial closing date for written submissions was 10 January 2022. However, on 3 December 2021, the Authority received a request for extension from one of the stakeholders. On 15 December 2021, the Authority granted an extension of the closing date for public submissions on the Draft Regulations to 20 January 2022.</p> <p>8.8. By the closing date, the Authority received seven (7) written submissions from stakeholders. Five (5) stakeholders indicated their expression of interest in making oral representations at the public hearings. All written representations received from the public hearings, during the above process were made available on the Authority’s website.</p> <p>8.9. The Authority conducted public hearings on 14 February 2022. All interested parties except the CCC and CAP, who submitted written representations on the Draft Regulations, participated in the public hearings. At the public hearings, two (2) stakeholders indicated that supplementary written submissions to</p>	



Independent Communications Authority of South Africa
 350 Witch-Hazel Avenue,
 Eco-Point Office Park
 Centurion

Item No.	Agenda Item	Council Decision
	<p>address various issues arising from their respective presentations would be filed with the Authority on 21 February 2022.</p> <p>8.10. The Committee specifically amended the following regulations and sub-regulations in the Draft Regulations:</p> <p>(a) Deleted sub-regulation (c) in the CCC Regulations under the heading “Purpose of the Regulations”.</p> <p>(b) Regulation 1 – Grammatical edification of the definition of “CCC Assessor”. Amended the reference to the word “majority” to “minimum” in the definition of “quorum”.</p> <p>(c) Regulation 4A (2) and (3) – The Committee amended these subregulations relating to withdrawals and settlement agreements.</p> <p>(d) Regulation 5A (2) – The Committee amended the requirement from “an application for approval by the CCC Chairperson of witnesses” to “the notification and provision of the list of witnesses to the Co-ordinator.”</p> <p>(e) Regulation 7(1A) – Amended “Any interested person” to “Either party”.</p> <p>(f) Schedule – The Committee effected minor grammatical changes.</p>	



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p><u>Recommendation to Council</u></p> <p>8.11. It was recommended that Council approves the vetted Final Amendment CCC Regulations and Reasons Document, for publication in the Government Gazette.</p> <p>The recommendation was approved.</p>	
9.	<p>Notice regarding the Radio Frequency Spectrum assignment plans for International Mobile Telecommunications</p> <p>9.1. The purpose of this submission was to request Council to:</p> <p>9.1.1 Note the Summary Report on the Analysis of the Stakeholder Feedback on the ten (10) International Mobile Telecommunications bands in response to the “Notice regarding the findings of its inquiry (Government Gazette No 45247 of 30 September 2021), the Authority’s position, and the invitation for comments on the draft Implementation of the Radio Frequency Migration Plan and of the International Mobile Telecommunications (IMT) Roadmap” (Government Gazette No 45690, 24 December 2021); and</p> <p>9.1.2 Approve the following Ten (10) Draft Radio Frequency Spectrum Assignment Plans (RFSAPs) for International Mobile Telecommunications (IMT) Systems for public consultation.</p>	<p>THE RECOMMENDATION WAS APPROVED</p>



Independent Communications Authority of South Africa
 350 Witch-Hazel Avenue,
 Eco-Point Office Park
 Centurion

Item No.	Agenda Item	Council Decision
	<p>9.1.2.1 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 450 MHz to 470 MHz for public consultation;</p> <p>9.1.2.2.Draft Radio Frequency Spectrum Assignment Plan for the frequency band 703 to 733 MHz and 758 to 788 MHz for public consultation;</p> <p>9.1.2.3 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 733 MHz to 758 MHz for public consultation;</p> <p>9.1.2.4 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 791 to 821 MHz and 832 to 862 MHz for public;</p> <p>9.1.2.5 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 825 MHz to 830 MHz and 870 MHz to 875 MHz for public consultation;</p> <p>9.1.2.6 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 880 MHz to 915 MHz and 925 MHz to 960 MHz for public consultation;</p> <p>9.1.2.7 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 1452 MHz to 1492 MHz for public consultation;</p>	



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>9.1.2.8 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 2300 MHz to 2400 MHz for public consultation;</p> <p>9.1.2.9 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 3300 MHz to 3400 MHz for public consultation; and</p> <p>9.1.2.10 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 3400 MHz to 3600 MHz for public consultation.</p> <p>9.2. The Authority is in the process of developing implementation plans for the Radio Frequency Migration Plan 2013 and 2019, as well the implementations plan of the IMT Roadmap 2014 and 2019, and the development of the respective consequential Radio Frequency Spectrum Assignment Plans (“RFSAPs”).</p> <p>9.3. The notice regarding the Draft RFSAPs of IMT Systems for Public consultation is aimed at achieving a two hundred and fifteen percent (215%) increase of the available high-demand spectrum for licensing through a competitive process in terms of section 31(3)(a) of the ECA, by the Financial Year 2024/2025.</p> <p>9.4. The assignment of spectrum must be on a technology and service neutral basis in terms of section 2(c) of the ECA, to encourage mobile operators to re-farm their spectrum assignments in order to keep pace with technology generations and developments.</p>	



Independent Communications Authority of South Africa
 350 Witch-Hazel Avenue,
 Eco-Point Office Park
 Centurion

Item No.	Agenda Item	Council Decision
	<p>9.5. The IMT Roadmap includes all the frequency bands allocated to mobile services and identified for the deployment of all generations of technologies, which are assigned on a technology-neutral basis.</p> <p>9.6. The Structure of the Radio Frequency Spectrum Assignment Plans is in accordance with the Regulation 3 of the Radio Frequency Spectrum Regulations 2013 and the Radio Frequency Migration Regulation 2013. The Radio Frequency Spectrum Assignment Plan provides for the rules for services operating in the frequency bands.</p> <p><u>Recommendation to Council</u></p> <p>9.7. Council was requested to:</p> <p style="padding-left: 40px;">9.7.1 Note the Summary Report on the Analysis of the Stakeholder Feedback on the ten (10) International Mobile Telecommunications in response to the “Notice regarding the findings of its inquiry (Government Gazette No 45247 of 30 September 2021), the Authority’s position and the invitation for comments on the draft Implementation of the Radio Frequency Migration Plan and of the International Mobile Telecommunications (IMT) Roadmap”, published on 24 December 2021; and</p> <p style="padding-left: 40px;">9.7.2 Approve the following Ten (10) Draft Radio Frequency Spectrum Assignment Plans (RFSAPs) for International Mobile</p>	



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p style="text-align: center;">Telecommunications (IMT) Systems to be gazetted for public consultation.</p> <p><u>The following comment was made:</u></p> <p>9.8. Council requested that the Committee go through the submission, and effect amendments on the documents before publishing.</p> <p>The recommendation was approved.</p>	
10.	<p>Call Termination Findings Document</p> <p>10.1. The purpose of the submission was to request Council to approve the Findings Document on the review of the 2014 pro-competitive remedies imposed on licensees in terms of the Call Termination Regulations, 2014 ("the Regulations") for publication in the Government Gazette.</p> <p>10.2. On 28 May 2021, the Authority published a questionnaire on its website and a notice of intention to review the pro-competitive conditions imposed on licensees in terms of the Call Termination Regulations, 2014 ("the 2014 Regulations").</p> <p>10.3. Following the publication of the notice and the questionnaire, the Authority held a virtual stakeholder workshop on 11 June 2021. The purpose of the workshop was to discuss questions of clarity on the process and the questionnaire.</p> <p>10.4. On 21 June 2021, the Authority received written questions of clarity from Vodacom, Cell C, MTN,</p>	<p>THE RECOMMENDATION WAS APPROVED</p>



Independent Communications Authority of South Africa
 350 Witch-Hazel Avenue,
 Eco-Point Office Park
 Centurion

Item No.	Agenda Item	Council Decision
	<p>Telkom and Switchtel. The Authority published the briefing note with consolidated responses to the questions of clarity.</p> <p>10.5. On 5 November 2021, the Authority published the Discussion Document (Government Gazette No. 45426) setting out its preliminary views with regard to the review of the 2014 pro-competitive conditions.</p> <p>10.6. The Authority rejected requests for extension of the forty-five working days submission deadline of responses to the Discussion Document from Vodacom, Telkom and SACF.</p> <p>10.7. The Authority held virtual hearings on the Discussion Document on 7 February 2022. The Authority received written responses from Vodacom, Cell C, Telkom and Switch Telecom responses to the questions raised by the Authority during the public hearings held on 7 February 2022.</p> <p><u>Recommendation to Council</u></p> <p>10.8. It was recommended that Council approve the attached Findings Document on the review of the 2014 pro-competitive remedies imposed on licensees in terms of the Call Termination Regulations, 2014 ("the Regulations") for publication in the Government Gazette.</p> <p>The recommendation was approved.</p>	



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
11.	<p>Amendment of Sentech SOC Ltd Universal Service and Access Obligations</p> <p>11.1. To request Council to note and approve the Amendment of Universal Service and Access Licence Obligations (“USAOs”) for Sentech SOC Limited (“Sentech”) and publication thereof in the Government Gazette.</p> <p>11.2. On 30 November 2004, Sentech was granted and issued a licence to provide Multimedia Services, to enable it to provide the licensed services. In terms of its USAOs, Sentech was required to provide Internet access to 1500 (one thousand and five hundred) rural public schools.</p> <p>11.3. In 2016, The Universal Service and Access Obligations (USAO) Project Committee was constituted to amend the USAOs. Sentech was subsequently consulted on new Universal Service and Access Licence obligations.</p> <p>11.4. Thereafter the Department of Higher Education & Training (the “Department”) then requested the Authority to provide connectivity to Community Education and Training Colleges (“CETs”) and Community Learning Centres (“CLCs”) instead of TVETs because the Department had already provided connectivity to most TVETs through Sector Education Training Authorities (“SETAs”).</p> <p>11.5. On 19 January 2022, the Authority published the Draft Amendment of USAOs for Sentech SOC Limited in Government Gazette No 45774. The Authority</p>	<p>THE RECOMMENDATION WAS APPROVED</p>



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>received two (02) formal submissions from the stakeholders, viz from Nedbank Limited and Rain Network.</p> <p>11.6. Nedbank sought clarity on the reference to “licensee” and whether this was a tendering process. The Committee wrote back, explaining that the reference to “Licensee” was to SENTECH, and that any tendering process associated with the imposed USAOs will only be handled by and is the sole responsibility of Sentech.</p> <p>11.7. Rain Networks sought clarity on the necessity of having to submit a Service Level Agreement between the Licensee (Rain Networks) and Sentech. The Committee wrote back, explaining the importance of concluding a Service Level Agreement between Rain Networks and Sentech, and explaining the process that must be followed. Rain Networks accepted the explanation and committed to conclude the relevant Service Level Agreement with Sentech.</p> <p><u>Recommendation to Council</u></p> <p>11.8. It was recommended that:</p> <p style="padding-left: 40px;">11.8.1 Council notes and approves the Amendment of Universal Service and Access Licence Obligations for Sentech SOC Limited for publication; and</p> <p style="padding-left: 40px;">11.8.2 The Chairperson signs off the General Notice: Amendment of Universal Service and Access Licence Obligations for Sentech SOC Limited for publication in the Government Gazette.</p>	



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	The recommendation was approved.	
12.	<p>Draft EUSSC Amendment Regulations</p> <p>12.1. The purpose of this submission was to submit to Council the End-user and Subscriber Service Charter Amendment Regulations Applicable to the ECN and ECNS Licensees, 2022 and Reasons Document.</p> <p>12.2. The Authority has decided to amend the End-user and Subscriber Service Charter Amendment Regulations applicable to the ECN and ECNS Licensees, 2016 published in Government Gazette No 39898 (Notice No 189).</p> <p>12.3. The amendment aims to strengthen provision of quality of service for electronic communications services through setting out minimum standards to protect and promote the interests of customers. The amendment will also enable the Authority to monitor and enforce compliance with the customer care standards provided.</p> <p>12.4. The proposed amendment will achieve the above by providing clarity and consistency of usage of terms, and by aligning regulations to the related customer protection legislation and to current practices, clarifying roles and processes in customer complaints resolution.</p> <p>12.5. The proposed amendment will serve to protect consumers from losing unused data balances, voice</p>	THE RECOMMENDATION TO COUNCIL



Independent Communications Authority of South Africa
350 Witch-Hazel Avenue,
Eco-Point Office Park
Centurion

Item No.	Agenda Item	Council Decision
	<p>minutes and SMSs without leaving it to licensees to prescribe their own terms and conditions, which may be unfair to the consumers.</p> <p><u>Recommendation to Council</u></p> <p>12.6. It was recommended that Council approve the attached for publication in the Government Gazette.</p> <p>The recommendation was approved.</p>	
13.	<p>ICASA's comments on the draft Classification Guidelines for the classification of films, games and certain publications</p> <p>13.1 The purpose of the submission was:</p> <p>13.1.1 To advise Council of the Draft Classification Guidelines for Classification of Films, Games and Certain Publications ("Draft Classification Guidelines") published on 4 February 2022 by the Films and Publication Board ("FPB");</p> <p>13.1.2 To request Council to approve the Authority's comments on the Draft Classification Guidelines; and</p> <p>13.1.3 To approve the draft letter to the FPB.</p> <p>13.2 On 4 February 2022, the FPB published the Draft Classification Guidelines in the Government Gazette</p>	<p>THE RECOMMENDATION WAS APPROVED</p>



Independent Communications Authority of South Africa
 350 Witch-Hazel Avenue,
 Eco-Point Office Park
 Centurion

Item No.	Agenda Item	Council Decision
	<p>No. 45859 (Notice No.1717), for public comments. Interested persons who wish to comment on the Draft Classification Guidelines may submit their written representations within 30 (thirty) days of publication of the Draft Classification Guidelines.</p> <p>13.3 Subsequent to the publication of the Draft Classification Guidelines, an ICASA Task Team was assembled for purposes of analysing the Draft Classification Guidelines and prepare the Authority's comments document.</p> <p>13.4 The Task Team has considered the Draft Classification Guidelines and has accordingly prepared the Authority's comments document for consideration and approval by Council.</p> <p>13.5 It was recommended that Council:</p> <p style="padding-left: 40px;">13.5.1 Consider and approve the attached comments document in relation to the Draft Classification Guidelines; and</p> <p style="padding-left: 40px;">13.5.2 Approve the cover letter to be sent to the FPB.</p> <p>The recommendation was approved.</p>	