

# ICT Weekly Update

## INDEX

### NEW FINDINGS, JUDGMENTS AND ANNOUNCEMENTS

Page 1

### NEW PROCEEDINGS

Page 1

### PENDING PROCEEDINGS - REPRESENTATIONS DUE

Pages 1

### PENDING PROCEEDINGS - OUTCOME AWAITED

Page 2

### LISA THORNTON INC PUBLICATIONS

Page 3

Feel free to forward this ICT Weekly Update, without alteration, to friends and colleagues.

If you would like to obtain copies of any of the documents mentioned in this ICT Weekly Update, please visit our website at [ICT Law and Regulation - South Africa](http://www.thornton.com). If you require additional information, or want assistance in responding in any proceeding, please contact [info@thornton.co.za](mailto:info@thornton.co.za).

If you would like to subscribe to this ICT Weekly Update, go to <http://lists.internet.org.za/mailman/listinfo/weeklyupdate>.

## Legal, regulatory and policy developments in the ICT industry

Prepared by Lisa Thornton Inc for clients and colleagues

### NEW FINDINGS, JUDGMENTS AND ANNOUNCEMENTS

#### LTI

- Are you looking to sell your iECNS/iECS business? If so, contact [info@thornton.co.za](mailto:info@thornton.co.za).

### NEW PROCEEDINGS

#### DoC

- The DoC has called for tenders, due **20 Jan 2012**:
  - for the appointment of a service provider to assist with the rolling out of ICT interventions in Rural Wards; and
  - for the appointment of a service provider to assist t the DoC to develop a 5-10 year foresight and planning report on the building of an information society in South Africa.

#### ICASA

- ICASA published an Issues Paper: A Review of the Broadcasting Regulatory Framework towards a Digitally Converged Environment, for public comment, due **16 March 2012**.

### PENDING PROCEEDINGS - REPRESENTATIONS DUE

None.

## **PENDING PROCEEDINGS - OUTCOME AWAITED**

### **Parliament**

- Protection of Information Bill
- Protection of Personal Information Bill

### **Minister of Communications**

- Amended broadcasting digital migration policy
- ICASA Amendment Bill
- Cyber-security Policy
- Strategy on local and digital content development
- Set top box manufacturing sector development strategy
- Study on the trends of digital local content and uptake rates

### **ICASA**

*[Pending decisions about individual licenses and complaints are not included in this list]*

- Reporting format with respect to regulation 6 of the End-User and Subscriber Service Charter
- Repeal the digital migration regulations and replacement with digital terrestrial television regulations.
- List of under-serviced areas
- Regulatory Framework for Broadcasting Transmission Services
- Introduction of local loop unbundling
- Compliance procedure manual
- Report re wholesale transmission services
- Report re universal service obligations
- Radio frequency spectrum fee regulations applicable to broadcasting
- Numbering Plan Regulations
- Ownership and control regulations
- Amended E-rate regulations
- Must carry obligations
- Schedule for periodic review of markets; Regulations for monitoring and investigating anti-competitive behavior; Significant market power determinations; Pro-competitive licence conditions; Methodology to determine effectiveness of competition; and Methodology to define and identify markets
- Technical standards for power line communications

- Essential facilities regulations

*[The following were initiated under the Telecommunications Act]*

- Findings in enquiry into a satellite licensing framework
- Findings re Community Sound Broadcasting Policy
- Regulations re telecommunications equipment approval
- Regulations re amateur radio
- Regulations re local TV

### **Dept Trade and Industry**

- ICT Sector Charter, Broad Based Black Economic Empowerment Act

### **Minister of Science and Technology**

- Regulations on radio astronomy protection levels in astronomy advantage areas.
- Regulations in terms of the Astronomy Advantage Areas Act

### **Minister of Justice and Constitutional Development**

- Promotion of Access to Information Amendment Bill
- 17th Amendment Bill to the Constitution, permitting national gov't to require municipalities to particulate in infrastructure plans
- 18th Amendment Bill to the Constitution and State Liability Bill
- Ratification of Council of Europe's Convention on Cyber crime (dealing with computer-related fraud and forgery and infringement of copyright). Additional protocol regarding racist and xenophobic acts committed through computer systems has yet to be signed by South Africa.

### **National Treasury**

- New Standardised PPP Provisions

### **Dept of Environmental Affairs**

- Amendments to the Environmental Impact Assessment Regulations, 2010
- Additional Implementation Guidelines (Sector Guidelines) in terms of National Environmental Management Act
- Implementation Guidelines in terms of National Environmental Management Act
- Guidelines on environmental impact assessments for facilities to be included

in the electricity plan and for strategically important developments of state owned enterprises

### **National Consumer Commission**

- Guidelines for the accreditation of Ombud Schemes
- Guidelines for the development of industry codes of conduct

### **.za Domain Name Authority**

- Amended Memorandum and Articles of Association of the Authority
- Registry and Registrar licensing regulations

### **City of Johannesburg**

- By-laws re rights of way for electronic communications facilities

### **South African Law Reform Commission**

- Issue Paper on electronic evidence
- Discussion Paper 122 on Project 25: Statutory law revision, legislation administered by DoC.

### **Regulatory Compliance Manual for licensees and licence exempt entities**

This compliance manual for EC Act licensees and licence exempt entities covers the EC Act, the ECT Act and the interception legislation. If you are interested in purchasing the manual, please send an email to [info@thornton.co.za](mailto:info@thornton.co.za) with an indication of the price you are willing to pay.

### **ISP Standard Terms and Conditions**

With the adoption of Standard Terms and Conditions (STC) an ISP is able to sign one page service agreements with customers. If you are interested in purchasing the STC and a simple ISP Service Agreement, please send a request to [info@thornton.co.za](mailto:info@thornton.co.za).

### **Communications Systems and Website Use Policies**

These policies for employee and consultants' use of employers' communications systems, and for inclusion in websites, respectively, which have been developed in line with South African law. If you would like to purchase the policies, please email a request to [info@thornton.co.za](mailto:info@thornton.co.za).

## LISA THORNTON INC PUBLICATIONS

### International Comparative Legal Guide (IPLG)

The South African chapter of the International Comparative Legal Guide to Telecommunications Law and Regulations 2011 can be found at [http://www.iclg.co.uk/index.php?area=4&country\\_results=1&kh\\_publications\\_id=157&chapters\\_id=3897](http://www.iclg.co.uk/index.php?area=4&country_results=1&kh_publications_id=157&chapters_id=3897).

### Telecommunications Law in South Africa

If you would like to purchase Telecommunications Law in South Africa, contact STE publishers at [angela@ste.co.za](mailto:angela@ste.co.za). It is available online at [ICT Law and Regulation - South Africa](#).

### The State of Competition in the Telecommunications Sector in South Africa

This report is available online at [internationalcompetitionnetwork.org/media/library/conference\\_5th\\_capetown\\_2006/AppendixIII.pdf](http://internationalcompetitionnetwork.org/media/library/conference_5th_capetown_2006/AppendixIII.pdf).

### World Communications Regulation Report

BNA International has published a series of articles by Lisa Thornton Inc on South African ICT issues.

- Re-shaping the Electronic Communications Regulator, Aug 2010
- Broadcasting Regulatory Developments, March 2010
- Policy and Legislative Developments, Nov 2009
- Suggested Amendments to the Electronic Communications Act - Universal Service, Aug 2009
- Suggested Amendments - Competition Matters, July 2009
- Suggested Amendments - Interconnection, June 2009
- Suggested Amendments - Licensing, May 2009
- South Africa's New Service Licence Fees, April 2009
- Numbering Plans and Number Portability, March 2009
- Court Rulings, Licence Conversion, and the Future of Electronic Communications in South Africa, Dec 2008

- Radio Frequency Spectrum, October 2008
- High Court Ruling Paves the Way for Competition, Sept 2008
- Recent Legal Challenges, May 2008
- Update on the Licence Conversion Process, April 2008
- A New Broadband Infrastructure Company, Feb 2008
- Regulation of Submarine Communications Networks, November 2007
- Interception of Electronic Communications, October 2007
- The Minister's Policy and Policy Directions, September 2007
- How the Communications Regulator exercises its Powers and Functions, July 2007
- The Making of subordinate Legislation, May 2007
- Rights of Way, April 2007
- Competition Matters, March 2007
- Universal Service, Feb 2007
- The Regulation of Broadcasting Services, Dec 2006
- Interconnection and Facilities Leasing, November 2006
- The Powers of the Minister and of the Independent Regulator, October 2006
- The Electronic Communications Act, Sept 2006

This ICT Weekly Update is subject to copyright protection. Reproduction or distribution of it or its content, or any part thereof, except as otherwise permitted herein, other than for educational purposes or personal use, without the consent of Lisa Thornton Inc, is prohibited.

Although every attempt is made to ensure that the information contained in this ICT Weekly Update is accurate, all liability for the accuracy and comprehensiveness of the information provided is disclaimed.

If you want to unsubscribe, go to <http://lists.internet.org.za/mailman/listinfo/weeklyupdate>.

### Lisa Thornton Inc

PO Box 1377, Saxonwold, 2132,  
South Africa

+ 5025709078 (USA); + (0)  
834445025 (SA)

[info@thornton.co.za](mailto:info@thornton.co.za); <http://thornton.co.za/>

