

ICT Weekly Upda

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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://ictlawandregulation.co.za/). If you require additional information, or want assistance in responding in any proceeding, please contact info@thornton.co.za.

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Legal, regulatory and policy developments in the ICT industry

Prepared by Lisa Thornton Inc for clients and colleagues

NEW FINDINGS, JUDGMENTS AND ANNOUNCEMENTS

Parliament

- The Portfolio Committee on Communications has reportedly called six candidates for interviews on 24 May 2010, in order to recommend two candidates for appointment to ICASA Council.

Minister of Communications

- The Minister delivered his budget speech to Parliament on 20 April 2010. Read more [here](#).

ICASA

- ICASA published a Findings and Reasons Document on the Sports Broadcasting Services Regulations, 2010.
- ICASA published ordering systems specifications for geographic number portability, gave notice that number portability will be implemented from **26 April 2010**, and published Consumer Guidelines.
- ICASA hearings on discussion document on ownership and control, will be held **5-7 May 2010**.

NEW PROCEEDINGS

ICASA

- Tenders: website hosting, content support and maintenance due **19 May 2010**; assistance with Transmission and Content Market Reviews due **11 May 2010**.

PENDING PROCEEDINGS - REPRESENTATIONS DUE

ICASA

- ICASA published draft Compliance Procedure Manual Regulations for comment, due **7 May 2010**.
 - ICASA issued an ITA for spectrum licences for Mobile TV broadcasting. Applications due **7 May 2010**.
 - ICASA published draft Call Termination Regulations, together with a Wholesale Call Termination Market Review for the period 2010-2013, for comment due **2 June 2010**.
- #### SALRC
- The Law Reform Commission published an Issue Paper on electronic evidence for public comment, due **30 June 2010**.

PENDING PROCEEDINGS - OUTCOME AWAITED

Parliament

- Intellectual Property Laws Amendment Bill
- Recommendations for appointment of four ICASA Councillors
- Protection of Personal Information Bill

Minister of Communications

- Cyber-security Policy
- Appointments to the Broadcast Production Advisory Body
- Policy directions re spectrum for SKA
- Public Service Broadcasting Bill
- Broadband policy
- Strategy on local and digital content development
- Repeal of policy direction re the conversion of USALs
- Set top box manufacturing sector development strategy
- Study on the trends of digital local content and uptake rates
- Guidelines re electronic communications facilities (undersea cables)
- ICT Charter regarding BEE

Department of Communications / Icasa

- * Under-serviced area licences (second and third rounds)

ICASA

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

- Discussion document on Internet Protocol TV
- Rules and procedures for the Complaints and Compliance Committee
- Ownership and control regulations
- Handset subsidy regulations
- Amended E-rate regulations
- Facilities leasing regulations
- Regulations concerning procedures for ICASA inspectors
- Regulations for competing spectrum applications

- Revised regulations for service licence applications
- Spectrum licence fee regulations
- Carrier pre-selection regulations
- Radio frequency band plan
- Must carry obligations
- Schedule for periodic review of relevant markets; Regulations for monitoring and investigating anti-competitive behavior; Significant market power determinations; Pro-competitive licence terms and conditions; Methodology to determine effectiveness of competition; and Methodology to define and identify relevant markets
- Technical standards for power line communications
- Essential facilities regulations *[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

Minister of Science and Technology

- Appointments of the South African National Space Agency Board
- Regulations in terms of the Astronomy Advantage Areas Act

Minister of Justice and Constitutional Development

- 17th Amendment Bill to the Constitution, permitting national gov't to require municipalities to participate 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.

Dept of Trade and Industry

- Corrections to the Companies Act
- Companies Regulations

National Treasury

- New Standardised PPP Provisions

Dept of Environmental Affairs

- Environmental impact assessment regulations
- Guidelines on environmental impact assessments for facilities to be included in the electricity plan and for strategically important developments of state owned enterprises

.za Domain Name Authority

- Licensing regulations for .za registries and registrars
- Amended Memorandum and Articles of Association of the Authority

City of Johannesburg

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

ISP Standard Terms and Conditions

With the adoption of the STC, an ISP is able to sign one page service agreements with customers. If you are interested in adopting the STC and having us draft your simple ISP Service Agreement, please send a request to 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.

LISA THORNTON INC PUBLICATIONS

International Comparative Legal Guide (IPLG)

The South African chapter of the International Comparative Legal Guide to Telecommunications Law and Regulations 2010 can be found at http://www.iclg.co.uk/index.php?area=4&country_results=1&kh_publications_id=114&chapters_id=3114.

Telecommunications Law in South Africa

If you would like to purchase Telecommunications Law in South Africa, contact STE publishers at 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.

World Communications Regulation Report

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

- 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

Recent Papers Presented

- Electronic Communications Regulatory Review: Proposed Amendments to the Electronic Communications Act, prepared for The Edge Institute and Shuttleworth Foundation, June 2009.

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