

ICT Weekly Update

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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

ICASA

- ICASA published its annual report for 2008/9 on its website.

DTI

- The DTI published an information guide to the Consumer Protection Act on its website.

.za Domain Name Authority

- The AGM of the .za DNA will be held on **20 Nov 2009**.

Publications

- BNA International has published "Policy and Legislative Developments in the South African Electronic Communications Sector", by L Thornton.

- Public Service Broadcasting Bill, Charter for the SABC and Charter of Community Broadcasting Services. Comment due **7 Dec 2009**.

ICASA

- Tender: Consultant to conduct assessment study on consumer experiences and perception on availability, accessibility and reliability of electronic communications, broadcasting and postal services. Due date **19 Nov 2009**.

- Licensees responses to a questionnaire for the purpose of ICASA gathering information about wholesale call termination rates, due **20 Nov 2009**.

- Individual commercial free to air sound broadcasting licences in Gauteng, KwaZulu-Natal and the Western Cape are due **30 Nov 2009**.

NEW PROCEEDINGS

None

PENDING PROCEEDINGS - REPRESENTATIONS DUE

DoC / Minister of Communications

- Draft policy direction to ICASA in respect of interconnection rates. Comment due **24 Nov 2009**.
- Draft amendment to the policy direction regarding the licensing of Infraco. Comment due **24 Nov 2009**.

PENDING PROCEEDINGS - OUTCOME AWAITED

Parliament

- Protection of Personal Information Bill
- Nominations for SABC board members
- Recommendations for the appointment of an ICASA councillor

Minister of Communications

- Broadband policy
- Spectrum policy
- Strategy on local and digital content development
- Deletion of policy direction re the conversion of USALs to provincial under-serviced area licences
- Set top box manufacturing sector development strategy
- Study on the trends of digital local content and uptake rates
- Guidelines for the rapid deployment of electronic communications facilities (re undersea cables)
- ICT Charter regarding BEE

Department of Communications / Icasa

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

ICASA

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

- Digital terrestrial television regulations
- Regulations for competing spectrum applications
- Revised regulations for service licence applications
- Interconnection regulations
- Regulations re independently produced South African programming
- Numbering Plan Audit
- Terrestrial broadcasting radio frequency band plan
- Spectrum licence fee regulations
- Broadcasting advertising regulations and a supplementary code of practice
- 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
- * Methodology to define and identify relevant markets
- * Technical standards for power line communications
- * Technical standards for electronic communications equipment
- * Facilities Leasing Regulations
- * Essential Facilities Regulations
- * Regulations with regard to functional specification for geographic number portability
- * Findings in section 27 enquiry into a satellite licensing framework
- * Findings in section 27 enquiry into the use of the 5725-5975 MHz band for broadband fixed wireless
- * Findings in respect of the Discussion Paper on the Review of Community Sound Broadcasting Policy
- * Regulations regarding new standards for telecommunications equipment
- * Regulations with regard to telecommunications equipment approval
- * Regulations in respect of standards for analogue terminal equipment
- * Regulations regarding amateur radio
- * Regulations regarding local television

Competition Tribunal

- Decision in Dimension Data complaint against Telkom

USAASA

- * Recommendations on definitions of universal service, universal access, under serviced areas, and needy persons

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 the State Liability Bill
- Ratification of Council of Europe's Convention on Cyber crime (dealing with computer-related fraud and forgery and infringement of copyright). An 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 and Tourism

- Environmental impact assessment regulations

.za Domain Name Authority

- * Amended Memorandum and Articles of Association
- * .za Domain Policy and Procedure

Website Use Policy

This policy, developed in line with South African law, is for sale. If you would like to purchase it, please send a request to info@thornton.co.za.

Communications Systems Use Policy

This policy for employee and consultants' use of employers' communications systems, has been developed in line with South African law. If you would like to purchase the policy, please email a request to info@thornton.co.za.

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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 www.idrc.ca/en/ev-87910-201-1-DO_TOPIC.html, and link.wits.ac.za/papers/tele-download.

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.

- 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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