



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIC VAN SUID-AFRIKA

Vol. 558

Pretoria, 15 December 2011
Desember

No. 34863

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS • INHOUD*No.**Page
No. Gazette
No.***GENERAL NOTICES****Independent Communications Authority of South Africa***General Notices*

902	ICASA Act (13/2000): Compliance Procedure Manual Regulations, 2011	3	34863
903	Compliance Procedure Manual Regulations, 2011: Explanatory note	69	34863

GENERAL NOTICES

NOTICE 902 OF 2011



Independent Communications Authority of South Africa

Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

COMPLIANCE PROCEDURE MANUAL REGULATIONS

I, Dr Stephen Mncube, Chairperson of the Independent Communications Authority of South Africa ("The Authority") hereby confirm that the regulations contained herein were made in terms of section 4(3) (j) of the ICASA Act 13 of 2000, as amended, and approved for final publication by the Council of the Authority.

A handwritten signature in black ink, appearing to be 'Dr SS Mncube', written over a horizontal line.

Dr SS MNCUBE
CHAIRPERSON

SCHEDULE

1. DEFINITIONS

In these Regulations, any word or expression has the meaning assigned to it in the Electronic Communications Act, 2005 (Act No 36 of 2005), unless otherwise specified -

“Act” means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

“Authority” means the Independent Communications Authority of South Africa established by section 3 of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000);

“Authority’s Financial year end” means the period ending 31 March;

“Broadcasting Service (BS)” means a broadcasting service as defined in the Electronic Communications Act; 2005;

“Electronic Communications Network Services (ECNS)” means an electronic communications network services as defined in the Electronic Communications Act; 2005;

“Electronic Communications Services (ECS)” means an electronic communications services as defined in the Electronic Communications Act; 2005;

“Licensee” means the person named in the Licence;

“Reserved Postal Services (RPS)” means a service as defined in the Postal Services Act 124 of 1998 as amended; and

“Unreserved Postal Services (UPS)” means a service as defined in the Postal Services Act 124 of 1998 as amended.

2. PURPOSE OF THE REGULATIONS

The purpose of these regulations is to assist the Authority to proactively monitor compliance and to ensure that information is obtained in a consistent format.

3. APPLICATION

These regulations apply to all licensees issued with a licence in terms of chapters 3 and 9 of the Act and in terms of the Postal Services Act, 1998 (Act 124 of 1998).

4. SUBMISSION INSTRUCTIONS

- 4.1. Documents and other submissions in terms of these Regulations may be submitted to the Authority in hard copy and soft copy.
- 4.2. Where any document is required in terms of these Regulations, such information must be submitted to the Authority before 16h00 on the last working day applicable or the following working day, where the applicable date falls on a weekend or public holiday.
- 4.3. All submissions to the Authority must be signed by an authorised representative.

5. PRESCRIBED FORMS

- 5.1. Where a requirement exists in a licence or regulation with regard to the submission of information, these regulations set out the relevant forms to enable the licensee to show compliance with the said licence condition/regulation without creating a duplicate obligation.
- 5.2. The prescribed forms in these regulations are as follows:

GENERAL FORMS

- a) Form 1: Standard Terms and Conditions for ECS, ECNS and BS
- b) Form 2: Basic Financial Reporting
- c) Form 3: Universal Service and Access Obligations
- d) Form 4: E-rate Reporting
- e) Form 5: Tariff Reporting

SECTORAL PLANNING INFORMATION

- f) Form 6A: Electronic Communications
- g) Form 6B: Broadcasting Services

CODE OF CONDUCT

- h) Form 7A: Code of Conduct for ECS and ECNS
- i) Form 7B: Code of Practice for Postal Services
- j) Form 7C: Code on People with Disabilities

BROADCASTING

- k) Form 8: Class Broadcasting Services (sound)
- l) Form 8A: General Log sheet
- m) Form 8B: Advertising Log
- n) Form 8C: Sponsorship Log
- o) Form 8D: Format Factor Log
- p) Form 8E: Music Log
- q) Form 9: Individual Broadcasting Services (commercial sound)
- r) Form 9A: General Log sheet
- s) Form 9B: Sponsorship Log
- t) Form 9C: Format Factor Log
- u) Form 10: Public Radio General Logsheet
- v) Form 11: Judgements

COMPLAINTS

- w) Form 12A: ECN/S and BS Complaints Reporting
- x) Form 12B: Postal Services Complaints

STANDARDS

- y) Form 13: Customer Care (RPS)
- z) Form 14: Courier Undertaking (UPS)

6. CONTRAVENTIONS AND PENALTIES

Upon a determination of non-compliance with these Regulations by the Complaints and Compliance Committee in terms of the ICASA Act, a fine not exceeding Fifty Thousand Rand (R50 000.00) per contravention may be imposed.

7. SPECIAL PROVISION

These Regulations apply to television broadcasting service licensees. However, television broadcasting service licensees are still required to demonstrate compliance with their specific licence terms and conditions, as contained in their licence.

8. SHORT TITLE AND COMMENCEMENT

These regulations are called the ICASA Compliance Procedure Manual Regulations, 2011 and shall come into effect on the date of Publication in the Government Gazette.

FORM 1

STANDARD TERMS AND CONDITIONS

FOR ECS, ECNS AND BS

This Form should be submitted in accordance with the regulations published in terms of section 8(1) of the Act, Regulations Regarding Standard Terms and Conditions for Class and Individual license and Specific terms and conditions contained in the licence issued to a Broadcasting Service Licensee.

This Form should be submitted annually in accordance with the Authority's Financial Year.

General Information

1. Licence information

Name of Licensee	
Licence/s held	
Date submitted	
Period under review	

2. Commencement date (to be provided in first year of operations only):

--

3. Organisation status (tick one column below)

<input type="checkbox"/>	Profit Company (specify type in terms of section 8 of the Companies Act, 71 of 2008)	<input type="checkbox"/>	Not for Profit Company
--------------------------	--	--------------------------	------------------------

3.1 Accounting Officer/ Auditor & Contact Details

--

4. Licensee Contact details

Name of Contact Person	
-------------------------------	--

Designation		Cell phone	
Telephone		Fax	
Email		Web address	

5. Information about Ownership

Licensee	% Foreign Ownership	% Local Ownership	% HDI	% Woman-owned	% Disabled

6. Information about Shareholders

Shareholders	Total Shareholding (%)	% HDI	% Woman-owned	% Disabled
1.				
2.				
3.				
4.				

7. Information about Directors

Names of Directors	Citizenship	Race	Gender
1.			
2.			
3.			
4.			

8. Information about Staff

Staff category	Local (SA Citizens)							Expatriates	
	African	Indian	Coloured	White	Male	Female	People with Disabilities	Male	Female
Technical									
Non-technical									
Management									
Non-management									
Interns									
Total									

9. Skills Development and Training (BS only)

The licensee is required to provide information on its Skills Development and Training Initiatives in all aspects of broadcasting including management, on-air presentation, news gathering and production, technical, sales, marketing and advertising.

10. Licence Area (ECNS and BS)

Area specified in the Licence	Actual area covered
-------------------------------	---------------------

The licensee is required to provide information in a spatial format relating to its coverage area by submitting GPS coordinates of existing transmitter sites or points of presence in a spreadsheet as an attachment to this form, or as a suitable Vector or Raster based GIS file. The information must be accompanied by a map showing the specified/required coverage area and the actual/current coverage area

11. Hours of operations (BS only)

--

12. I,, in my capacity as hereby verify that the information provided is true and correct.

13. Signature

Signature			
Designation		Date	

FORM 2

BASIC FINANCIAL REPORTING FORM

PAYMENT OF LICENCE AND USAF FEES

(I-ECNS, C-ECNS, I-ECS, C-ECS, I-BS, C-BS, and RPS)

This Form should be submitted in accordance with the Licence Fees, Standard Terms and Conditions, USAF Regulations and specific terms and conditions where applicable

1. Licensee details

Licensee Name:
Licence Number(s):
Financial Year-end:
Period Under Review:

2. Have the financial statements been audited? **Yes / No**

3. Name of Accounting Officer/ Auditor

--

4. Auditor / Officer Contact Details

5. Format:

CALCULATION OF LICENCE FEES		
REGULATED REVENUE		
1. Revenue from Licensed Services* as disclosed in Audited Annual Financial Statements		R 0.00

2. Breakdown of Revenue from Other Services		R 0.00
Total Revenue as per AFS		R 0.00
REGULATED COSTS		
1. Breakdown of Costs from Licensed Services as disclosed in Audited Annual Financial Statements		R 0.00
2. Other Operating Costs		R 0.00
Total Costs as per Audited Annual Financial Statements		R 0.00
Revenue from Licensed Services		R 0.00
Costs from Licensed Services		R 0.00
Gross Profit		R 0.00
Payable licence fees @1.5%		R 0.00

CALCULATION OF USAF CONTRIBUTION		
Annual Turnover		R 0.00
Less allowable deductions		R 0.00
USAF Fee at 0.2% of Annual Turnover		R 0.00

*A licensed service is any revenue that a Licensee generates as a result of the licence issued by the Authority.

6. The Authority may, in the course of carrying out its obligations, request any other relevant information that may be required
7. I,, in my capacity as hereby verify that the information provided is true and correct and have been reviewed by an Auditor/Accounting Officer.
8. Signature

Signature			
Designation		Date	

FORM 3

UNIVERSAL SERVICE AND ACCESS OBLIGATIONS (ECNS, BS and Postal Service Licensees where applicable)

This Form must be submitted in accordance with Specific Terms and Conditions of the licences issued to each Licensee.

SECTION A: To be completed by ECNS, ECS and BS

This Form should be submitted bi-annually in accordance with the Authority's Financial Year.

1. Licence information

Name of Licensee	
Licence/s held	
Registration or ID Number	
Date submitted	
Period under review	

2. Obligations – complete the form below and provide a supplementary report using the same headings to provide further detail, if required.

Licence/Regulation/other where obligation is set out			
Reporting Period			
Description of Licence Obligation			
Measure	Requirement/ Obligation	Achievement	Comments
Quantum, if any			

Distribution			
Type of Rollout			
Service Provided			
Tariffs			
Discounts			
Monitoring & Evaluations			

SECTION B: To be completed by Reserved Postal Services.

This Form should be submitted Quarterly in accordance with the Authority's Financial Year end within 21 days of the end of each relevant period

3. Postal Addresses (RPS)

Address Roll - Out	Target	Achieved
Street addresses		
Post Boxes		
Total Addresses		
Total Addresses (Underserviced Areas)		

4. Retail Outlet Roll-Out (RPS)

Targets are applicable as per approved licence conditions.

Province	Number of existing outlets	Number of outlets to be rolled out (Target)		Outlets Relocated		Outlets Refurbished / upgraded	
		Target	Actual	Target	Actual	Target	Actual
Eastern Cape							
Free State							

Gauteng							
Kwa-Zulu Natal							
Limpopo							
Mpumalanga							
Northern Cape							
North West							
Western Cape							

5. Delivery Standards (RPS)

Category	Standard	Achieved	Percentage
Across Town			
Between Mail Centres			

6. I,, in my capacity as hereby verify that the information provided is true and correct.

7. Signature

Signature			
Designation		Date	

FORM 4

E-RATE FORM

(I-ECS, I-ECNS, C-ECS and C-ECNS)

The Form must be submitted in accordance with the E-Rate regulation published in terms of section 73 of the Act.

This Form should be submitted bi-annually in accordance with the Authority's Financial Year.

1. Licence information

Name of Licensee	
Licence/s held	
Registration Number	
Date submitted	
Period under review	

2. The following table must be completed by all licensees providing services at E-rate:

Name of Educational Institution	Date of Contract signature	Services provided	City/Province	Effective date	Reasons for Service cancelation	If service cancelled, date resumed

3. I,, in my capacity as hereby verify that the information provided is true and correct.

4. Signature

Signature			
Designation		Date	

FORM 5

TARIFF REPORTING FORM

(I-ECS, I-ECNS, C-ECS and C-ECNS I-BS)

This Form should be submitted in accordance with the Standard Terms and Conditions Regulations.

This Form should be submitted bi-annually in accordance with the Authority's Financial Year.

1. Licence information

Name of Licensee	
Licence/s held	
Registration or ID Number	
Date submitted	
Period under review	

2. Tariffs (All data to be provided in 'Rand' value inclusive of VAT)

2.1. Prepaid Services – Mobile Voice

RECORD OF PREPAID SERVICES PROVIDED AND ACTUAL SERVICES CHARGED DURING THE PREVIOUS SIX MONTHS

		<Insert name of prepaid tariff plan>					
	Service	Month1	Month2	Month3	Month4	Month5	Month6
General	Billing method (per second or per minute)						
	Inclusive minutes (Value) and other benefits						
Mobile to Mobile voice calls	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Mobile to fixed voice calls	Off-net (peak)						
	Off-net (off-peak)						
VAS Calls	Peak						
	Off-peak						

Mobile to Mobile video calls	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Mobile to fixed video calls	Off-net (peak)						
	Off-net (off-peak)						
Mobile to Mobile SMS	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Mobile to fixed SMS	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Mobile to Mobile MMS	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
International mobile to mobile voice calls	Voice calls (peak) <please specify country or country grouping>						
	Voice calls (off-peak) <please specify country or country grouping>						
International mobile to fixed voice calls	Voice calls (peak) <please specify country or country grouping>						
	Voice calls (off-peak) <please specify country or country grouping>						
International mobile to mobile video calls	Video calls (peak) <please specify country or country grouping>						
	Video calls (off-peak) <please specify country or country grouping>						
International mobile to fixed video calls	Video calls (peak) <please specify country or country grouping>						
	Video calls (off-peak) <please specify country or country grouping>						
International mobile to mobile SMS	SMS (peak) <please specify country or country grouping>						
	SMS (off-peak) <please specify country or country grouping>						

International mobile to fixed SMS	SMS (peak) <please specify country or country grouping>						
	SMS (off-peak) <please specify country or country grouping>						
International mobile to mobile MMS	MMS (peak) <please specify country or country grouping>						
	MMS (off-peak) <please specify country or country grouping>						

2.2. Postpaid Services – Mobile Voice

RECORD OF POSTPAID SERVICES PROVIDED AND ACTUAL SERVICES CHARGED DURING THE PREVIOUS SIX MONTHS

		<Insert name of postpaid tariff plan>					
	Service	Month1	Month2	Month3	Month4	Month5	Month6
General	Billing method (per second or per minute)						
	Connection fee						
	Call Line Identity Presentation fee						
	Itemised Billing fee						
	Fixed monthly charge						
	Inclusive Minutes (Value) and other benefits						
Mobile to Mobile voice calls	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Mobile to fixed voice calls	Off-net (peak)						
	Off-net (off-peak)						
VAS Calls	Peak						
	Off-peak						
Mobile to Mobile video calls	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Mobile to fixed video calls	Off-net (peak)						
	Off-net (off-peak)						

Mobile to Mobile SMS	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Mobile to fixed SMS	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Mobile to Mobile MMS	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
International mobile to mobile voice calls	Voice calls (peak) <please specify country or country grouping>						
	Voice calls (off-peak) <please specify country or country grouping>						
International mobile to fixed voice calls	Voice calls (peak) <please specify country or country grouping>						
	Voice calls (off-peak) <please specify country or country grouping>						
International mobile to mobile voice calls	Video calls (peak) <please specify country or country grouping>						
	Video calls (off-peak) <please specify country or country grouping>						
International mobile to fixed voice calls	Video calls (peak) <please specify country or country grouping>						
	Video calls (off-peak) <please specify country or country grouping>						
International mobile to mobile SMS	SMS (peak) <please specify country or country grouping>						
	SMS (off-peak) <please specify country or country grouping>						
International mobile to fixed SMS	SMS (peak) <please specify country or country grouping>						
	SMS (off-peak) <please specify country or country grouping>						
International mobile to mobile MMS	MMS (peak) <please specify country or country grouping>						
	MMS (off-peak) <please specify country or country grouping>						

2.3. Top-up Contract – Mobile Voice and Data

RECORD OF TOP-UP SERVICES PROVIDED AND ACTUAL SERVICES CHARGED DURING THE PREVIOUS SIX MONTHS							
		<Insert name of Top-Up tariff plan>					
	Service	Month1	Month2	Month3	Month4	Month5	Month6
General	Billing method (per second or per minute)						
	Connection fee						
	Call Line Identity Presentation fee						
	Itemised Billing fee						
	Fixed monthly charge						
	Inclusive Minutes (Value) and other benefits						
Mobile to Mobile voice calls	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Mobile to fixed voice calls	Off-net (peak)						
	Off-net (off-peak)						
VAS Calls	Peak						
	Off-peak						
Mobile to Mobile video calls	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Mobile to fixed video calls	Off-net (peak)						
	Off-net (off-peak)						
Mobile to Mobile SMS	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Mobile to fixed SMS	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Mobile to Mobile MMS	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Internet	Per MB (peak)						
	Per MB (off-peak)						
onal mobile to mobile voice	Voice calls (peak) <please specify country or country grouping>						

	Voice calls (off-peak) <please specify country or country grouping>						
International mobile to fixed voice calls	Voice calls (peak) <please specify country or country grouping>						
	Voice calls (off-peak) <please specify country or country grouping>						
International mobile to mobile voice calls	Video calls (peak) <please specify country or country grouping>						
	Video calls (off-peak) <please specify country or country grouping>						
International mobile to fixed voice calls	Video calls (peak) <please specify country or country grouping>						
	Video calls (off-peak) <please specify country or country grouping>						
International mobile to mobile SMS	SMS (peak) <please specify country or country grouping>						
	SMS (off-peak) <please specify country or country grouping>						
International mobile to fixed SMS	SMS (peak) <please specify country or country grouping>						
	SMS (off-peak) <please specify country or country grouping>						
International mobile to mobile MMS	MMS (peak) <please specify country or country grouping>						
	MMS (off-peak) <please specify country or country grouping>						

2.4. Prepaid and Postpaid Data

RECORD OF DATA SERVICES PROVIDED AND ACTUAL SERVICES CHARGED DURING THE PREVIOUS SIX MONTHS

Prepaid or Postpaid	Line Rental Fee	Bundle name	Bundle size	Monthly fixed charge	In-bundle rate	Out-of- Bundle rate

2.5 Fixed and VoIP Services

Tariffs: Fixed Services							
		<Insert name of tariff plan>					
	Service	Month1	Month2	Month3	Month4	Month5	Month6
General	Billing method (per second or per minute)						
	Connection/Installation fee						
	Call Line Identity Presentation fee						
	Itemised Billing fee						
	Weekly rental						
	Monthly rental						
	Annual rental						
	Voicemail						
Fixed to Fixed voice calls	Inclusive Minutes (Value) and other benefits						
	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
Fixed to Mobile voice calls	Off-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
	Off-net (peak)						
VAS Calls	Peak						
	Off-peak						
Fixed to Fixed video calls	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Fixed to Mobile video calls	Off-net (peak)						
	Off-net (off-peak)						
Fixed to Fixed SMS	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Fixed to Mobile SMS	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						
	Off-net (off-peak)						
Fixed to Fixed MMS	On-net (peak)						
	On-net (off-peak)						
	Off-net (peak)						

	Off-net (off-peak)						
Internet	Per MB (peak)						
	Per MB (off-peak)						
International fixed to fixed voice calls	Voice calls (peak) <please specify country or country grouping>						
	Voice calls (off-peak) <please specify country or country grouping>						
International fixed to mobile voice calls	Voice calls (peak) <please specify country or country grouping>						
	Voice calls (off-peak) <please specify country or country grouping>						
International fixed to fixed video calls	Video calls (peak) <please specify country or country grouping>						
	Video calls (off-peak) <please specify country or country grouping>						
International fixed to mobile video calls	Video calls (peak) <please specify country or country grouping>						
	Video calls (off-peak) <please specify country or country grouping>						
International fixed to fixed SMS	SMS (peak) <please specify country or country grouping>						
	SMS (off-peak) <please specify country or country grouping>						
International fixed to mobile SMS	SMS (peak) <please specify country or country grouping>						
	SMS (off-peak) <please specify country or country grouping>						
International fixed to fixed MMS	MMS (peak) <please specify country or country grouping>						
	MMS (off-peak) <please specify country or country grouping>						

2.6 Pay TV subscription tariff template

	Period	Period	Period	Period
Name of package				
Number of channels (attach a list and short description of the channels)				

Monthly subscription fee				
Connection fee				
Re-connection fee				
Fee per out-of-bundle channel(s)				

3. I,, in my capacity as hereby verify that the information provided is true and correct.

4. Signature

Signature			
Designation		Date	

FORM 6A

SECTORAL PLANNING DATA (I-ECNS, C-ECNS, I-ECS and C-ECS)

This Form should be submitted in accordance with the Regulations Regarding Standard Terms and Conditions published in terms of section 8(1) of the Act and Call Termination Regulations.

This Form should be submitted quarterly in accordance with the Authority's Financial Year.

1. Subscribers (I-ECS, C-ECS)

Category of subscribers	Number of subscribers			
	Q1	Q2	Q3	Q4
Post paid				
Prepaid				
Data (provide description)				
Churn Rate				

2. Retail Revenue

Category	Q1	Q2	Q3	Q4
Post paid				
Prepaid				
Data (provide description)				

3. Wholesale Interconnection Traffic

Wholesale Interconnection Traffic													
Number of OUTGOING MINUTES to:													
		Month 1		Month 2		Month 3		Month 4		Month 5		Month 6	
		Pre-paid	Post-paid	Pre-paid	Post-paid	Pre-paid	Post-paid	Pre-paid	Post-paid	Pre-paid	Post-paid	Pre-paid	Post-paid
Fixed networks													
	Peak												
	Off-peak												
	Other												

Mobile networks													
	Peak												
	Off-peak												
	Other												
International networks													
	Peak												
	Off-peak												
	Other												
Number of INCOMING MINUTES from:													
		Month 1		Month 2		Month 3		Month 4		Month 5		Month 6	
		Pre-paid	Post-paid	Pre-paid	Post-paid	Pre-paid	Post-paid	Pre-paid	Post-paid	Pre-paid	Post-paid	Pre-paid	Post-paid
Fixed networks													
	Peak												
	Off-peak												
	Other												
Mobile networks													
	Peak												
	Off-peak												
	Other												
International networks													
	Peak												
	Off-peak												
	Other												

4. Number Portability

MOBILE NUMBER PORTABILITY	Q1	Q2	Q3	Q4
Number of Subscribers ported out				
Number of Subscribers ported in:				
GEOGRAPHIC NUMBER PORTABILITY				
Number of Subscribers ported out:				
Number of Subscribers ported in:				

5. Network Coverage (I-ECNS, C-ECNS)

Complete for each type of network (e.g. GSM, 3G, WIMAX, etc)

5.1. Network Type:

Geographic coverage (%)	Population coverage (%)

5.2. Network Type:

Geographic coverage (%)	Population coverage (%)

5.3 Network Type:

Geographic coverage (%)	Population coverage (%)

6. I,, in my capacity as hereby verify that the information provided is true and correct.

7. Signature

Signature			
Designation		Date	

FORM 6B SECTORAL PLANNING (C-BS and I-BS)

This Form should be submitted in accordance with the Regulations Regarding Standard Terms and Conditions for Class and Individual licence published in terms of section 8(1) of the Act.

This Form should be submitted quarterly in accordance with the Authority's Financial Year.

1. Audience Measurement

Number of Viewers (Free To Air TV)/Listeners(RADIO)/Subscribers(Pay TV)			
Q1	Q2	Q3	Q4

2. Sector Revenue

Category	Revenue			
	Q1	Q2	Q3	Q4
Advertising				
Promotions				
Subscriptions				
Other (Please Specify)				

3. I,, in my capacity as hereby verify that the information provided is true and correct.

4. Signature

Signature			
Designation		Date	

FORM 7 A

CODE OF CONDUCT FOR ECS AND ECNS (I-ECNS, C-ECNS, I-ECS and C-ECS)

This Form should be submitted in accordance with the Regulations in respect of the Code of Conduct for ECS and ECNS Licensees published in terms of sections 69(1) of the Act.

This Form should be submitted bi-annually in accordance with the Licensees Financial Year.

Name of Licensee	
Licence/s held	
Date submitted	
Period under review	
Website where CoC published	

Section A

1. Licensee to complete the form below and confirm that the requirements have been addressed in respect of the licensee's abridged version of the Code of Conduct and any other supporting documentation (where applicable) to be provided by the licensee.

Mark with an "X" where applicable	Code of Conduct Requirements	Description of how a licensee has complied with these requirements	Provide information on the supporting documentation which addresses these requirements (attach proof of compliance)
	Publication of Code		
	Use of official languages		
	Inform customers about their rights		
	Inform customers of broad range of services/products		
	Publication of applicable tariffs and fees		
	Contract terms and conditions		
	Protection of consumer confidentiality		

	Charging, billing, collection and credit practices		
	Complaint handling process and procedure		
	Applicable remedies for defective products		
	Operational/implementation and evaluation process		

2. List the languages available at service centres

	Afrikaans		XiTsonga
	English		SeTswana
	IsiNdebele		TshiVenda
	SePedi		IsiXhosa
	SeSotho		IsiZulu
	IsiSwati		

3. Total number of languages available:

--

4. I,, in my capacity as hereby verify that the information provided is true and correct.

5. Signature

Signature			
Designation		Date	

FORM 7 B

CODE OF PRACTICE FOR POSTAL SERVICES (RPS and UPS)

This Form should be submitted in accordance with the Code of Practice for Postal Services.

This Form should be submitted quarterly in accordance with the Authority's Financial Year.

Requirements	Province and Name of Outlet	Complied/ Not Complied	Documentary Proof/ Explanation
Endeavour to communicate with customers in the language of their choice as far as it is practicable and possible.			
Display at their outlets in the public area, information pertaining to customer complaints resolution procedures			
Ensure that all complaints received are recorded appropriately and resolved in a courteous, efficient and fair manner.			
Be responsible to customers for a healthy, safe and secure environment when conducting their business.			
Timeously communicate queuing times and other relevant customer information to customers.			
Make customers aware and provide information on insurance policies for lost and/ or damaged letters and parcels when entering into transactions.			

1. I,, in my capacity as hereby verify that the information provided is true and correct.

2. Signature

Signature			
Designation		Date	

FORM 7C

CODE ON PEOPLE WITH DISABILITIES

(I-ECS, I-ECNS, C-ECS, C-ECNS, C- BS and I-BS

This Form should be submitted in accordance with the Regulations on the Code on People with Disabilities as published in terms of section 70 of the Act.

This Form should be submitted annually in accordance with the Licensee's Financial Year.

1. Licence information

Name of Licensee	
License/s held	
Registration or ID Number	
Date submitted	
Period under review	

Section A

ECNS and ECS to complete Section A:

This form should be submitted in a narrative form using the information below as a checklist

2. Services provided by licensee

Services	Types of services available	Progress of Implementation	Availability should be indicated per province
Access to emergency services			
Operator assisted services			
Directory enquiries			

Access to relay system that interfaces with text and voice users			
--	--	--	--

3. Public Access Devices/Public Phones

Service Offered	No. and Location of devices/ services	Remarks
Compatible with hearing aids		
Text phone services		
Height usable for people who are wheelchair bound		
Amplification		
Ramp Access		
Visible signage at location		

4. Community Service Telephones (CST)

Service Offered	No. and Location of devices/services	Remarks
Height usable for people who are wheelchair bound		
Amplification		
Ramp Access		
Data offerings (list)		

5. Information

5.1. Are terms and conditions and other publicly available information availed to visually impaired subscribers/end-users in appropriate formats? How?

5.2. Are advertisements and promotions in respect of products and services made available to organisations for people with disabilities?

Broadcasting Services Licensees to complete Section B:

This form should be submitted in a narrative form using the information below as a checklist

Improving Accessibility

1. Services that are available and accessible to people with disabilities

Mark with an "X" where applicable	Service Offered
	Improve and/ or increase subtitles
	Expand the knowledge on various adjustments such as induction loops, Minicom text-phones and alternative computer software
	Access to programme support, such as fact sheets
	Websites to offer a range of formats
	Use of spoken language where economic indicators, weather details, telephone numbers and address or details of goods and services are shown on-screen
	Use of non-scheduled services such as access via Personal Video digital Recorders (PVRs) TV anytime
	Monitor services effectiveness through surveys with organisations for people with disabilities and stakeholders (submit copies of results)

2. Broadcasting content should not stereotype people with disabilities. Programming must be developed in conjunction and for people with disabilities. Complete the following to indicate how the licensee has:

- 2.1. Pro-actively engaged people with disabilities in programming of every genre

- 2.2. Established links with organisations for people with disabilities to generate story ideas and to identify potential contributors, including establishing a database of people with disabilities

2.3. Included people with disabilities into studio audiences

3. I,, in my capacity as hereby verify that the information provided is true and correct.

4. Signature

Signature			
Designation		Date	

FORM 8

BROADCASTING

(C-BS)

Form 8A, 8B and 8C are to be submitted monthly.

Form, 8D and 8E are to be submitted upon request.

Licensees need only sign one declaration form to accompany all appendices herein

1. Licence information

Name of Licensee	
Licence Number	
Signal Distributor	
Contact Details	
Physical Address	
Period under Review	

2. I,, in my capacity as hereby verify that the information provided is true and correct.

3. Signature

Signature			
Designation		Date	

FORM: 8A

PROGRAMME RECORD

GENERAL LOGSHEET

This Form should be submitted in accordance with the Regulations Regarding Standard Terms and Conditions published in terms of section 8(1) of the Act

This Form should be submitted within 7 days after the end of a calendar month.

GENERAL PROGRAMMING

Month: _____

Year: _____

	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	TOTAL
CATEGORIES	Time (Min.)	Time (Min.)	Time (Min.)	Time (Min.)	Time (Min.)	Total Monthly %
1. NEWS						
2. FACTUAL PROGRAMMES						
3. WOMEN'S PROGRAMMES						
4. CHILDREN'S PROGRAMMES						
5. PHONE-IN PROGRAMMES						
6. LOCAL DRAMA						
7. EDUCATIONAL						
8. RELIGIOUS PROGRAMMES						
9. COMMUNITY ANNOUNCEMENTS						
10. ADVERTISING						
11. OTHER (SPECIFY)						
						100%

MUSIC

	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	TOTAL Monthly %	
SA MUSIC: No. of tracks							
FOREIGN MUSIC: No. of tracks							

NEWS

NEWS	Daily minutes	Daily %	Monthly minutes	Monthly %
Local/Community News				
Regional News				
National News				
International News				

NEWS	Daily minutes	Weekly %	Monthly minutes	Monthly %
SELF ORIGINATED				
FROM OTHER SOURCES				

News sources used:

1.

2.

3.

4.

FORM: 8B

PRO-FORMA ADVERTISING LOG

This Form should be submitted in accordance with the Regulations Regarding Standard Terms and Conditions published in terms of section 8(1) of the Act.

This Form should be submitted within 7 days after the end of a calendar month.

Month: _____

Year: _____

	Advert	Advertiser	Date broadcast	Time	Duration	# of Insertions
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						

FORM: 8C**PRO-FORMA SPONSORSHIP LOG**

This Form should be submitted in accordance with the Regulations Regarding Standard Terms and Conditions published in terms of section 8(1) of the Act.

This Form should be submitted within 7 days after the end of a calendar month.

Month: _____

Year: _____

DATE	TYPE OF PROGRAMME OR ACTIVITY	PAYMENT DETAILS	VALUE (R)

FORM: 8D

FORMAT FACTOR LOG SHEET

This Form should be submitted in accordance with the South African Music Content Regulations.

Submission upon Request

Month: _____

Year: _____

Table 1: Coverage of live music

	Event covered	Date	Time	Duration	Format Factor
1.					
2.					
3.					
4.					
5.					
6.					

Table 2: Interviews with South African Musicians

	Artist Interviewed	Date	Time	Duration	Format Factor
1.					
2.					
3.					
4.					
5.					
6.					

Table 3: Promoting tracks by new musicians

	New Track	Artist	Date	Time	Format Factor
1.					
2.					
3.					
4.					
5.					
6.					

FORM: 8E

PRO-FORMA MUSIC LOG

This Form should be submitted in accordance with the South African Music Content Regulations.

Submission upon request

Date: _____

Presenter: _____

Authorised By: _____

No.	Track Title	Musician(s)	South African	Foreign	If SA, state basis, e.g. 1 & 2, 1, 3 & 4*
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					

18					
19					
20					
21					
22					
23					
24					
25					
26					
27					

*See explanatory note below.

A song is considered South African if it meets at least two of the following categories:

1. If the lyrics (if any) were written by a South African citizen;
2. If the music was written by a South African citizen;
3. If the music or lyrics was or were principally performed by musicians who are South African citizens;
4. If the musical work consists of a live performance which is:
 - (a) Recorded wholly in the Republic; or
 - (b) Performed wholly in the Republic and broadcast live in the Republic.

FORM 9

BROADCASTING

(I-BS)

Form 9A and 9B are to be submitted quarterly in accordance with the Licensees Financial Year.

Form 9C is to be submitted Upon Request.

This cover page is to accompany the submission of any of the appendices in 9. Licensees need only submit one cover sheet to accompany all appendices herein.

1. Licence information

Name of Licensee	
Licence Number	
Signal Distributor	
Contact Details	
Physical Address	
Period under review	

2. I,, in my capacity as hereby verify that the information provided is true and correct.

3. Signature

Signature			
Designation		Date	

FORM: 9A**GENERAL LOGSHEET**

This Form should be submitted in accordance with the Regulations Regarding Standard Terms and Conditions published in terms of section 8(1) of the Act, Specific terms and conditions contained in the licence issued to a Broadcasting Service Licensee as well as the South African Music Content Regulations.

This Form should be submitted quarterly in accordance with the Licensee's Financial Year.

1. GENERAL DETAILS

Format: _____

Language: _____

Month: _____

2. PROGRAMMES BROADCAST

PROGRAMMES BROADCAST		
TIMESLOT	NAME OF PROGRAMME	BRIEF DESCRIPTION OF PROGRAMMES

3. MUSIC

MUSIC			
DATE (START AND ENDING)	No. Of SA Music Tracks	No. Foreign Music Tracks	Total % of SA Music
WEEK 1			
WEEK 2			

WEEK 3			
WEEK 4			
WEEK 5			

4. NEWS

NEWS	Daily Minutes	Daily %	Monthly Minutes	Monthly %
Local News				
Regional News				
National News				
International News				

NEWS	Daily Minutes	Weekly %	Monthly Minutes	Monthly %
SELF ORIGINATED				
FROM OTHER SOURCES				

News sources used:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

FORM: 9B**PRO-FORMA SPONSORSHIP LOG**

This Form should be submitted in accordance with the Standard Terms and Conditions published in terms of section 8(1) of the Act and Specific terms and conditions contained in the licence issued to a Broadcasting Service Licensee.

This Form should be submitted quarterly in accordance with the Licensee's Financial Year.

Broadcaster: _____

Month: _____

Year: _____

DATE	TYPE OF PROGRAMME OR ACTIVITY*	PAYMENT DETAILS	VALUE (R)

*Activity includes: programmes, news, game shows, welfare activities or similar programming (together with details of payment, financial or otherwise received for such sponsorship)

FORM: 9C

FORMAT FACTOR LOG SHEET FOR RADIO

This Form should be submitted in accordance with the South African Music Content Regulations.

Submission Upon Request

Month: _____

Table 1: Coverage of live music

	Event covered	Date	Time	Duration	Format Factor
1.					
2.					
3.					
4.					
5.					
6.					

Table 2: Interviews with South African Musicians

	Artist Interviewed	Date	Time	Duration	Format Factor
1.					
2.					
3.					
4.					
5.					
6.					

Table 3: Promoting tracks by new musicians

	New Track	Artist	Date	Time	Format Factor
1.					
2.					
3.					
4.					
5.					
6.					

FORM 10

GENERAL LOGSHEET (PUBLIC RADIO)

This Form should be submitted in accordance with the Specific terms and conditions contained in the licence issued to a Broadcasting Service Licensee.

This Form should be submitted quarterly in accordance with the Licensee's Financial Year.

Month: _____

Year: _____

1. GENERAL PROGRAMMING

CATEGORIES	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	TOTAL
	Time (Min.)	Time (Min.)	Time (Min.)	Time (Min.)	Time (Min.)	Total Weekly %
1. NEWS (Weekdays)						
(Sat)						
(Sun)						
2. CURRENT AFFAIRS (Weekdays)						
(Sat)						
(Sun)						
3. FACTUAL PROGRAMMES						
4. WOMEN'S PROGRAMMES						
5. CHILDREN'S PROGRAMMES						
6. FOREIGN DRAMA						
7. LOCAL DRAMA						
8. EDUCATIONAL						
9. INFORMAL KNOWLEDGE						
10. RELIGIOUS PROGRAMMES						

11. PUBLIC SERVICE ANNOUNCEMENTS						
12. ADVERTISING						
13. OTHER (SPECIFY)						
						100%

2. MUSIC

No. of tracks	WEEK 1	WEEK 2	WEEK 3	WEEK 4	WEEK 5	TOTAL	%
SA MUSIC							
FOREIGN MUSIC							

3. I,, in my capacity as hereby verify that the information provided is true and correct.

4. Signature

Signature			
Designation		Date	

FORM 11

JUDGEMENT FORM

(I-BS and C-BS)

This Form must be submitted in accordance with Regulations Regarding Standard Terms and Conditions.

1. Licence information

Name of Licensee	
Licence/s held	
Registration or ID Number	
Date submitted	
Period under review	

2. Judgment against:

a. Licensee? **Yes / No**

b. Director? **Yes / No**

Name	
ID Number	

c. Senior management? Yes/No

Name	
ID Number	

3. Conviction (Description):

4. Date of Conviction:

--

5. Case Number & Court:

--

6. Sentence:

7. I,, in my capacity as hereby verify that the information provided is true and correct.

8. Signature

Signature			
Designation		Date	

FORM 12A

COMPLAINTS REPORT

(ECS, ECNS, BS)

This Form should be submitted in accordance with the End–User and Subscriber Service Charter Regulations and Code of Conduct ECS and ECNS Licensees and Code of Conduct for Broadcasters published in terms of sections 69(3) and 54(1) of the Act.

This Form should be submitted bi-annually in accordance with the Licensee's Financial Year.

1. Licence information

Name of Licensee	
Licence/s held	
Registration or ID Number	
Date submitted	
Period under review	

2. Licensees' Point of Contact for Complaints:

Name	
Designation	
Phone	
Email	
Website	

3. Complaints Report

3.1. Complaints Received and Resolved

Type* of Complaint	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Average Time For Resolution (per type)
Type 1							
Type 2							
Type 3							
Type 4							
Average Time For Resolution (per month)							

*Specify service to which complaint relates.

3.2 Pending/ Escalated Complaints to the Authority or to an Industry Representative Body (IRB)

Reference number	Complainants and Licensee Details	Description of Complaint	Date of Receipt	Date of Response

4. Attach a copy of the complaints procedures published by your organisation and indicate on the cover page where they have been published (i.e. website, shops, etc).

5. I,, in my capacity as hereby verify that the information provided is true and correct.

6. Signature

Signature			
Designation		Date	

FORM 12B

POSTAL SERVICES COMPLAINTS REPORT

This Form should be submitted in accordance with the Code of Practice for Postal Industry, Customer Care Standards and Conveyance of Mail Regulations

This Form should be submitted quarterly in accordance with the Authority's Financial Year.

1. Licence information

Name of Licensee/Registrant	
Licence/Registration Number	
Date submitted	
Period under review	

2. Number of Complaints (complete for relevant months in this quarter)

Months	Number Received	Number resolved	Comments
January			
February			
March			
April			
May			
June			
July			
August			
September			
October			
November			
December			
TOTAL			

3. Complaints Log

Provinces	Complainant Name and Surname	Nature of Complaint	Date received	Date Resolved	Average turnaround time taken to resolve
Eastern Cape					
Free State					
Gauteng					
Kwa-Zulu Natal					
Limpopo					
Mpumalanga					
Northern Cape					
North West					
Western Cape					

4. Lost/ Damaged items

Month	Number of lost/ damaged items	Description of loss/damage
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		
TOTAL		

5. Attach a copy of the complaints procedures published by your organisation and indicate on the cover page where they have been published (i.e. website, shops, etc).
6. I,, in my capacity as hereby verify that the information provided is true and correct.
7. Signature

Signature			
Designation		Date	

FORM 13

CUSTOMER CARE STANDARDS

POSTAL SERVICES (RPS)

This Form must be submitted in accordance with the Customer Care Standards for Reserved Postal Services

This Form should be submitted quarterly in accordance with the Authority's Financial Year.

1. Visibility

Requirements	Target	Achievement (%)	Comments
Corporate signage	Displayed at all branches		
Branch code	Displayed at all outlets		
Display of business hours	Displayed at all outlets		
Collection frequencies and clearing times	Displayed at all outlets		
Products and services	Displayed at all outlets		
Code of conduct	Displayed at all outlets		
Complaint procedures and Dispute Resolution	Displayed at all outlets		
Share call number, email and fax numbers at customer contact centres	Displayed at all outlets		
Regional/provincial contact details	Displayed at all outlets		

2. Accessibility

Requirement	Target	Achievement (Number)	Comments
Access to people with disabilities	At all outlets		
Parking bays for people with disabilities	At all outlets		

Implementation of electronic payment systems for the payment of postal services	At all outlets		
Height of counters	At all outlets		

3. Queuing time

Queuing time for customers at all outlets	Not more than 7 minutes		
Province	Number of outlets	Average queuing time (minutes, seconds)	Comments
Eastern Cape			
Free State			
Gauteng			
Kwa-Zulu Natal			
Limpopo			
Mpumalanga			
Northern Cape			
North West			
Western Cape			

4. Language

4.1 List the languages available at postal outlets and indicate the number of postal outlets offering each language:

Mark with an "X" where applicable	Language	Number of outlets
	Afrikaans	
	English	
	isiNdebele	
	Sepedi	

	Sesotho	
	siSwati	
	xiTsonga	
	Setswana	
	tshiVenda	
	isiXhosa	
	isiZulu	

4.2 Total number of languages available:

--

5. Insurance Policies

Standard	Target	Achievement (%)	Comments
Information about insurance on parcels or mail should be communicated to customers	At all times		

6. I....., in my capacity as hereby verify that the information provided is true and correct.

7. Signature

Signature			
Designation		Date	

FORM 14

COURIER UNDERTAKING

UNRESERVED POSTAL SERVICES (UPS)

This Form must be submitted in accordance with section 22 (d) of the Postal Services Act.

This Form should be submitted quarterly in accordance with the Authority's Financial Year.

1. Registrant Information

Name of Registrant	
Registration certificate No	
Date Submitted	
Period of review	
Duration of the certificate	

2. Undertaking

Requirements	Complied/Not Complied		Comments
Receive, collect and deliver items			
Track and trace the whereabouts of any item received or collected for delivery			
Deliver items within a definite time in case of deliveries across international borders			
Deliver items within the republic at the latest by 13:00 on 1 st working day after receipt thereof			
Clear items through customs			

3. I,, in my capacity as hereby verify that the information provided is true and correct.

4. Signature


Signature			
Designation		Date	

NOTICE 903 OF 2011

Independent Communications Authority of South Africa
Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

EXPLANATORY NOTE
COMPLIANCE PROCEDURE MANUAL REGULATIONS

The Authority hereby publishes the attached explanatory note to contextualize the content required to complete the Forms contained in the Compliance Procedure Manual Regulations as published in the Government Gazette.



Dr SS MNCUBE
CHAIRPERSON

INTRODUCTION:

The Authority recognises that the current Regulations referred to in this Compliance Manual may be revised from time to time. However, it is unlikely that the content of the revised Regulations will change substantially. Therefore, the manner of reporting in terms of the Compliance Manual will remain the same.

The Authority may review the Compliance Manual periodically following the promulgation of any new Regulation so as to ensure that it remains consistent with obligations that Licensees must comply with.

In terms of the Forms, the Authority's Financial year end is 31 March.

FORM 1: STANDARD TERMS AND CONDITIONS

Applicable to: ECNS, ECS and BS

Section 8 (1) of the ECA states that the Authority must prescribe standard terms and conditions to be applied to individual and class licensees. The terms and conditions may vary according to the different types of individual and different types of class licences. The Regulations regarding the Standard Terms and Conditions for Individual licences and the Regulations regarding the Standard Terms and Conditions for Class Licensees, set out the standard terms and conditions that licensees must comply with. The Authority has developed a compliance form (Form 1: Standard Terms and Conditions Form) to monitor licensees' compliance with the Standard Terms and Conditions. Following is an explanation of each part of the Standard Terms and Conditions Form for ease of reference.

General Information and Licensee Details

Applicable to: ECNS, ECS and BS

The Licensee is required to provide its licensee details to the Authority on an annual basis. The licensee must duly inform the Authority of any changes thereto within seven (7) days of the change.

The information required includes the:

- a) Board of Directors;
- b) Licensee's name;
- c) Shareholder information;
- d) Shareholder's agreement or any other similar agreement which governs the operations or affairs of the Licensee; and
- e) Financial year end.

Commencement of Operations

Applicable to: ECNS, ECS and BS

Licensees are required to begin operating within a prescribed period, in accordance with the applicable Standard Terms and Conditions. An extension for the commencement of services may be granted by the Authority if the licensee can demonstrate good cause thereof.

Application would have to be made to the Authority prior to the expiry of the given period within which services must commence. Services in respect of the following licence categories must commence within the following periods:

- a) I-ECNS: 12 months from the effective date;
- b) I-ECS, C-ECS, and C- ECNS: 6 months from the effective date;
- c) Community Sound, Television, low power sound, low power subscription and free to air sound BS: 6 months from the effective date; and
- d) Free to air television BS and Subscription BS: 12 months from the effective date.

Ownership and Control Structures

Applicable to: ECNS, ECS

Licensees with an obligation relating to the above must, on an annual basis, provide additional information in respect of ownership, in respect of participation by Historically Disadvantaged Individuals (“HDIs”), Women and People with Disabilities. The Authority furthermore seeks to be informed on the advancement and inclusion of HDIs, women and people with disabilities in aspects of management in the prescribed format for Licensees with such an obligation.

Applicable to: BS:

(a) Limitation of foreign ownership of commercial broadcasting services

Section 64 of the ECA prescribes restrictions in respect of ownership and control by foreigners in commercial broadcasting services. No foreigner may:

- exercise control over a commercial broadcasting licensee;
- have a financial interest or an interest either in voting shares or paid-up capital that exceeds 20%; and
- hold more than 20% of board positions at a broadcasting service licensee.

This section must be completed by all Individual Broadcasting Service Licensees

(b) Limitation on control of commercial broadcasting services

Individual control over commercial television broadcasting licences is restricted to one licence only. No person may be a director at more than one licensee nor may one person be a director at a company that could have control over more than one commercial broadcasting licence.

The above would equally be applicable to commercial sound broadcast licences in the same licence area or licence areas that substantially overlap. In respect of the FM sound broadcast service licences – ownership and control is limited to one station, whereas, AM radio control would be limited to two.

This section must be completed by all Individual Broadcasting Service Licensees

(c) Limitations on cross-media control of commercial broadcasting services

The ECA in section 66(1) prohibits the ownership of a controlling interest in more than one broadcast medium, such as, the print media, television or sound broadcast. However, where an exemption was granted, the licensee has to notify the Authority of same.

Training and Skills Development

Applicable to: I-BS

Broadcast service licences include a standard provision which requires the development of skills and expertise of HDIs in all aspects of broadcast, including management, on-air presentation, news gathering and production, technical, sales and marketing, advertising.

Licence Area

Applicable to: ECNS, ECS and BS

Licence area refers to geographic coverage, i.e. the footprint where services may be provided. The licensee may provide services within a specific geographic area in terms of its licence – this may be regional, provincial or national. Information in respect of the Licensee's coverage area is to be provided on an annual basis in a spatial format as part of its annual compliance report.

FORM 2: BASIC FINANCIAL REPORTING FORM

Applicable to: ECNS, ECS, BS and RPS

Financial reporting is an essential part of regulation. Relevant, reliable and timely regulatory financial information is fundamental to the effective regulation of the electronic communications, broadcasting and postal sectors.

The Authority requires basic regulatory financial information in order to monitor and enforce various obligations that are placed on all licensees, such as contributions to the USAF and payment of licence fees.

The Authority has determined the formula for the payment of Licence Fees as contained in Government Gazette No 32804 published on 1 April 2009. Licence fees payable after 1 April 2009 are subject to this formula.

Licensees must annually submit Audited Financial Statements or annual Financial Statements signed by an Accounting Officer.

FORM 3: UNIVERSAL SERVICE AND ACCESS OBLIGATIONS

Applicable to: ECNS, ECS, BS and RPS

Where a licensee has a universal service obligation, it is required to complete Form 3.

FORM 4: E-rate

Applicable to: i-ECNS, i-ECS and c-ECNS and c-ECS

E-rate means a discount of no less than 50% of applicable tariff to public schools or further education and training colleges, or any independent schools, or private further education and training colleges as may be declared to be entitled to a discount for utilising internet services provided by the Licensee. Licensees must provide internet access at E-rate to all schools defined in the Public Schools Act, Further Education and Training institutions ("FETS") and training colleges as defined in the FETS and Training Colleges Act. The discount is applicable to inter alia:

- connectivity charges for accessing the internet;
- equipment required to connect to the internet; and
- all calls made to an Internet Service Provider ("ISP").
- Licensees must keep the following records for at least 3 years:
 - signed contracts;

- ISP bills to schools;
- details of services and locations where it has been provided;
- effective date for service provision; and
- resumption date if services were cancelled.

In order to demonstrate the above Form 4 must be completed.

FORM 5: TARIFF REPORTING FORM

Applicable to: i-ECNS, i-ECS and c-ECNS, c-ECS, i-BS, c-BS and RPS

NOTE: The example made on this form is only an illustration. Other service offerings such as fixed, VoIP, Broadband etc should be addressed. Therefore a licensee is supposed to report on the services it offers.

This form should be submitted in accordance with the Standard Terms & Conditions for Individual/Class regulations published in terms of section 8(1) of the Act.

According to the Standard Terms & Conditions for Individual/Class regulations, Licensees may not provide any service for a charge, fee or other compensation without first making the price and other terms and conditions available to the public.

Licensees must:

- a) File their services and terms and conditions at least 7 days prior to the provision of the said service;
- b) Provide to the Authority on a bi-annual basis, a record of the actual services provided and the actual tariffs charged for the preceding six (6) months. This is provided for through the Tariff Reporting Form 5.

FORM 6A and 6B: SECTORAL PLANNING DATA

Applicable to: i-ECNS, i-ECS and c-ECNS, c-ECS, i-BS and c-BS

This form should be submitted in accordance with the Standard Terms & Conditions for Individual/Class regulations published in terms of section 8(1) of the Act.

The Authority is responsible for regulating the communications sector in the public interest. Achieving this objective requires detailed knowledge of developments within the electronic communications, broadcasting and postal sectors.

This is intended to minimise the impact of information asymmetry between the Authority and operators on the effectiveness of proactive regulation of the communications sector. It is also meant to enhance the Authority's ability to monitor and provide regular updates on communications market developments and trends in the behaviour of various market participants as well as provide information on the performance of the communications sector.

The information gathered will be used to inform the Authority's regulatory making process and will also serve as a tool for determining the effectiveness of the regulations which the Authority has published.

FORM 7A: CODE OF CONDUCT

Applicable to ECS and ECNS

Section 69(1) of the ECA states that the Authority must prescribe regulations setting out a code of conduct for licensees. The Regulations on the Code of Conduct for ECS and ECNS licensees published in December 2007 in Government Gazette 30553 set out the minimum acceptable standard in terms of the code of conduct by licensees in respect of consumers, and protects the rights of consumers in the electronic communications sector. The code of conduct is intended to safeguard and protect the interests of consumers by regulating the conduct of persons engaged in the supply of goods or services to consumers and requires:

- the development of a Code of Conduct for each licensee; and
- a revision of each licensee's Service Charter and billing, collection and credit practices.

These Regulations are applicable to all ECS and ECNS licensees to the extent that they deal with consumers (i.e. natural persons including end-users who use and/or receive for their own use the service and/or products of a licensed service).

In order to ensure that licensees are compliant and develop their own Code of Conduct, ICASA has developed Form 7 A and requires affected licensees to submit their Code of Conduct to the Authority bi-annually.

FORM 7B: CODE OF PRACTICE FOR POSTAL SERVICES

Applicable to Postal Services

The Code is set to codify and strengthen relationships between the Independent Communication Authority of South Africa (ICASA) and Postal Operators. The Code is applicable to the reserved as well as the unreserved Postal Operators. It is a guide for the determination of common values, principles and commitments that shape the postal service's future. The Code shall be a tool for intensifying the working relations among the relevant stakeholders within the industry.

The Code, whilst setting the minimum standards of conduct within the postal industry, shall take into account the provisions of the Postal Services Act 124 of 1998 ("the Act") and other relevant legislation and regulations governing the Postal Industry.

FORM 7C: CODE ON PEOPLE WITH DISABILITIES

Applicable to: I-ECS, C-ECS, I-ECNS, C-ECNS, c-BS and i-BS

The Authority has provided a framework for Licensees to develop a Code on People with Disabilities in terms of Section 70 of the ECA. All Licensees are required to comply with the provisions on service requirements for People with Disabilities as contained in Government Gazette 30441, November 2007. Licensees are required to report to the Authority annually on their progress in respect of implementation.

Ensuring accessibility to People with Disabilities in terms of the Code addresses three elements, viz.

- accessibility and availability of services
- text telephones;
- public access devices (public payphones and community service telephones); and
- information.

Licensees must report annually to the Authority on the progress made in respect of the achievements of compliance with targets as stipulated above and as set out in Form 7C.

FORM 8 and 9: BROADCASTING

Applicable to I-BS and C-BS

Each licensee must keep a log of information in respect of its broadcasts which must be submitted to the Authority quarterly in respect of Individual Licensee's and monthly in respect of Class Licensee's. Information to be recorded would include logs of:

- all advertisements broadcast;
- the percentage of advertisements broadcast per hour;

- sponsorships received for programmes, news, games shows, welfare activities or similar programming together with details of payment, financial or otherwise received as sponsorship; and
- all programmes broadcast.

In addition to the Standard Terms and Conditions for Individual Broadcast Service (I-BS) licensees, further obligations may be imposed in terms of section 9(7) of the ECA.

Form 8 and 9: Programme Record seeks to assist licensees to comply with this requirement.

FORM 10: GENERAL LOGSHEET

Applicable to Public Radio

The format for Broadcast Service is outlined in the specific terms and conditions of the licence or the Licence Schedule ("the Schedule"). The Schedule contains a formula for the type of content to be broadcast. It may, for example, be divided into 40% of music and 60% talk programmes. The Licensee's daily broadcasts must be reflective of the formula contained in the licence and must be reported in the format set out in Form 10.

FORM 11: JUDGEMENT FORM

Applicable to I-BS and C-BS

The licensee must inform the Authority in writing of any judgments given in a court of law against it within 14 days of such. The Authority must further be notified of any convictions of Directors or Senior Managers relating to offences of dishonesty. The licensee must on an annual basis submit a record of all judgments and supporting documentation.

This information must be submitted in line with Form 11.

FORM 12A: COMPLAINTS REPORT

Applicable to ECS, ECNS and BS

Form 12 is founded on the principles entrenched in The End User and Subscriber Service Charter Regulations and the Code of Conduct.

The End User Subscriber Service Charter Regulations outlines the complaint procedure for subscribers.

The End User Subscriber Service Charter Regulations and the Code of Conduct are there to ensure that consumers are protected and to ensure that the Authority is able to ensure that Licensees offer the best customer service to consumers.

Licensees are compelled to report to their Industry Representative Body, where they are a member, all the complaints received, pending and those that have been escalated to the Authority.

Form 12 A is therefore essential in monitoring compliance with the Code of Conduct and the End User Subscriber Service Charter.

FORM 12B: COMPLAINTS REPORT

Applicable to Postal Services

Form 12 B is founded on the principles entrenched in the Code of Practice for the Postal Services Industry and Customer Care Standards Regulations which outline the complaint procedure for customers.

The Regulations are there to ensure that consumers are protected and to ensure that the Authority is able to ensure that Licensees/Registrants offer the best customer service to consumers.

Licensees/Registrants are compelled to report to the Authority on all the complaints received, pending and resolved.

FORM 13: CUSTOMER CARE STANDARDS

Applicable to Reserved Postal Services

The purpose of the Customer Care Standards is to prescribe the minimum customer care standards applicable to the Postal Services Licensees. Postal Service Licensee's are therefore required to complete Form 13.

FORM 14: COURIER UNDERTAKING

Applicable to Unreserved Postal Services

In terms of Section 22(d) of the Postal Services Act 124 of 1998, as amended:

"Any person may not be registered to provide a courier service in terms of this section unless that person undertakes:

- (i) To receive, collect and deliver items contemplated in terms of 1(b) of the schedule;*
- (ii) To track and trace the whereabouts of any item received or collected for delivery by such person, business undertaking;*
- (iii) To deliver items within a definite time, in the case of deliveries across international borders;*
- (iv) To deliver items within the Republic at the latest by 13:00 on the first working day after receipt thereof; and*
- (v) To clear items through customs, where applicable".*

In order for the Authority to ensure compliance with Section 22(d) of the Postal Services Act, courier companies are required to complete Form 14.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737
Kaapstad-tak: Tel: (021) 465-7531