



Square Kilometre Array (SKA) SA

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The Director-General
Department of
Telecommunications and Postal
Services
Private Bag X860
Pretoria
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31 January 2018

For attention:
Ms. M Masemola
Ecabill@dtps.gov.za

Dear Director-General

Re: SARAQ written Submission on the Electronic Communications Amendment Bill

This submission is made by the South African Radio Astronomy Observatory (SARAO) in response to the invitation to provide written comments on Electronic Communications Amendment Bill published in the Government Gazette number 41261, Volume 629, under notice number 1293 on 17 November 2017. SARAO is a business unit of the National Research Foundation (NRF) that operates a radio astronomy observatory consisting of the Department of Science and Technology's Karoo Array Radio Telescope (MeerKAT), African VLBI Network and the design and construction of the Square Kilometre Array (SKA).

SARAO wishes to express support for the insertion identified on Page 45 of 116 of the subsection: (3A) (a) Radio frequency spectrum licences are renewable annually, despite the duration of the licence. (b) The Authority must include compliance with section 30(2) (i) of updating transmitter parameters, as a condition for renewal of a radio frequency spectrum licence.

SARAO also wishes to further support the insertion identified on Page 46 of 116 of the subsection: (8A) (a) The 'use it or lose it' principle contemplated in subsection (8) does not apply to passive science services due to the nature of their operations which do not transmit signals frequently.

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SARAO does not support the automated licensing system in the Astronomy Advantage Areas, as proposed in Page 46 of 116 in the following subsection due to interference risk:

(11) The Authority must deploy an automated licensing system for radio frequency spectrum that is not high demand radio frequency spectrum.

SARAO wishes to solicit support from the Authority to impose universal access and universal service obligations on existing and new radio frequency spectrum licences, of section 31A (1) on Page 46 of 116 in addition to the requirement for protecting radio astronomy. The Electronic Communications Amendment Bill, 2017 does not adequately make provision for Technology Neutrality, a mechanism to deploy alternative technologies, which is an objective on Page 15 of 177 of the National Integrated ICT Policy White Paper that was approved by Cabinet on 28 September 2016.

The submission of SARAO as detailed in Annexure A arises from the requirement to protect radio astronomy and related scientific endeavours from harmful interference as provided for in the Astronomy Geographic Advantage Act, 2007 (Act Number 21 of 2007).

Thank you for the opportunity to contribute to the Electronic Communications Amendment Bill, 2017. SARAO will welcome an opportunity to make oral representation in any public hearings to be held.

Kind Regards,

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Annexure A: Detailed proposals recommended by SARAO for inclusion in the

1. Chapter 1 of Act 36 of 2005 – Introductory Provisions

i. Section 1 Definitions

Add the following definitions:

“Astronomy Advantage Areas” means geographical areas declared for radio astronomy purposes in terms of sections 7, 9 or 11 of the Astronomy Geographic Advantage Act, 2007 (Act Number 21 of 2007);

“Astronomy Management Authority” means the entity to whom the management of a declared astronomy advantage area has been assigned in terms of section 15 of the Astronomy Geographic Advantage Act, 2007 (Act Number 21 Of 2007);

ii. Section 2 Object of the Act

Add the following objective:

"Promote and protect scientific research and development, which is an essential pursuit for every nation that wishes to progress and find solutions for its often-unique requirements.

2. Chapter 4 of Act 36 of 2005 – Rapid Deployment of Electronic Communications Networks and Electronic Communications Facilities.

i. Section 20 of the principal Act on Page 20 of 116: Definition of “land” includes property or premises, street, road, footpath, railway or waterway, and **declared Astronomy Advantage Areas** in the Republic of South Africa.

ii. Section 20A (1) on Page 21 of 116: Role of the Minister. The Minister must provide oversight over the implementation of this Chapter and liaise with other Ministers responsible for aspects of rapid deployment of electronic communications networks and facilities, **as well as other Ministers responsible for protecting strategic national facilities such as radio astronomy and related scientific endeavours.**

iii. Section 20B (2) on Page 21 of 116: Role of the Rapid Deployment National Co-ordinating Centre. The Rapid Deployment National Co-ordinating Centre must interface with local municipalities and **the Astronomy Management Authority** to fast track rights of way and way-leave approvals.

iv. Section 20C (1) (f) on Page 23 of 116: Role of Authority. Processes and procedures that electronic communications network service licensee must follow to request access to high sites of government **and other high sites facility owners** for the installation of electronic communications networks and facilities that promote broadband and wireless radio communications, including the determination of cost-based rentals.

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- v. Section 20E on Page 25 of 116: Obligations of landowners at municipal, provincial and national government levels. **The Astronomy Management Authority must provide information on the declared Astronomy Advantage Areas and declared radio astronomy infrastructure** to the Rapid Deployment National Co-ordinations Centre in a digitized format for inclusion into the geographic information system database.
- vi. Section 20F (1) on Page 26 of 116: Other Authorities. The Rapid Deployment National Co-ordination Centre must within 24 months of its establishment, develop coordinated, efficient and streamlined process for an approval, authorization, licencing, permission or exemption, in consultation with environment, health, safety, security, heritage, building, aviation, **astronomy management**, or any other authorities to enable rapid deployment of electronic communications networks and facilities.
- vii. Section 20O (1) on Page 34 of 116: Application process/procedure. All applications and related processes for approval, authorization, licencing, permission or exemption and processes relating to any consultation and participation required by the relevant laws, required for the deployment of electronic communications networks and facilities including, without limitation, environmental authorisations, civil aviation authority, and **Astronomy Management Authority** permissions for erection of masts, town planning approval and building plan approval must, in order to expedite the matter, run concurrently.
- viii. Section 30 (3) on Page 43 of 116: [Control] Administration of radio frequency spectrum. The Authority must, in performing its functions in terms of section (1), ensure that in the use of the radio frequency spectrum that cause harmful interference to **radio astronomy**, authorised or licenced users of the radio frequency spectrum is eliminated or reduced to the extent reasonably possible.
- ix. Section 30 (5) (**new addition**): The Authority must cooperate with the Astronomy Management Authority to harmonise the protection of the radio frequency spectrum use within Astronomy Advantage Areas declared for radio astronomy purposes with the need for radio communication and radio frequency spectrum licencing procedures within these areas.

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