

## PERSONAL DETAILS

Name	Mamodupi
Surname	Mohlala- Mulaudzi
Gender	Female
Marital Status	Married
Nationality	South African
Drivers License	Code 8
Identity Number	
State of Health	Good

## **EDUCATIONAL BACKGROUND**

### **A) Primary School Education**

- |                 |   |
|-----------------|---|
| a) Institution  | St Marks Primary School<br>Mbabane,<br>Swaziland                      |
| Period          | 1978 to 1980  |
| Grades Attended | 0 to 3  |
| Reason          | Parents political exiles  |
| b) Institution  | Solomon Mahlangu Freedom College<br>(SOMAFCO)<br>Morogoro<br>Tanzania |
| Period          | 1981 – 1984   |
| Grade Attended  | 4 to 7  |
| <b>Reason</b>   | Parents political exiles  |

### **i) Secondary School Education**

- |                                  |   |
|----------------------------------|---|
| a) <b>Highest Level Achieved</b> | Ordinary Level Certificate<br><br>O'LEVEL CERTIFICATE |
| Institution                      | Girls High Secondary School<br><br>Harare- Zimbabwe   |

Period	1985 to 1988
<b>Reason</b>	Parents political exiles

## **b) Tertiary Education**

### **a) Qualification Obtained**

**Bachelor of Arts in Law  
B.A. (LAW)**

Institution

University of Swaziland

SWAZILAND

Period

August 1989 to May 1993

Reason

Parents political exiles

### **b) Qualification Obtained**

**Bachelor of Laws  
(L.L.B)**

Institution

University of Witwatersrand

Johannesburg

South Africa

Period Attended

January 1994 to December 1995

### **c) Qualifications Obtained**

**Master of Laws**

**(L.L.M)**

Institution

University of Witwatersrand,

	Johannesburg, South Africa
Period Attended	January 1996 to February 1997
d) Qualification Obtained	<b>Masters in Business Administration (Mini – MBA) Telecommunications</b>
institution	Telecoms Academy London United Kingdom
Period Attended	2007
e) Qualifications Obtained	<b>World Bank Training Program on Utility Regulation and Strategy</b>
institution	University of Florida Gainesville Campus Florida United States of America

f) Qualification Obtained

**Senior Executive Programme**

**(Advanced Executive  
Management Programme)**

Institution

London Business School

University of London

London

United Kingdom

Period attended

2009

### **c) Professional Qualifications Obtained**

- a) **Admitted Attorney High Court** of South Africa admitted on 23<sup>rd</sup> March 1998
- b) **Admitted Attorney with right of appearance (High Court)** in the Transvaal Provincial Division admitted on 27<sup>th</sup> March 2002

### **WORK EXPERIENCE**

1) Employer

Estate Agents Affairs Board (EAAB)

	Property Practitioner Regulatory Authority (PPRA)
Position	Chief Executive Officer
Duration	2019 to date
2) Employer	Gauteng Rental Housing Tribunal
Position	Chairperson of the Tribunal (part time)
Duration	April 2013 to date
3) Employer	National Consumer Commission
Position	National Consumer Commissioner
Duration	01 September 2010 to 03 September 2012
4) Employer	Department of Communication
Position	Director General
Duration	01 September 2009 to 30 July 2010
5) Employer	Office Of the Pension Funds
	Adjudicator
Position	Pension Fund Adjudicator (Chief Executive Officer/Specialist Judge)

Duration	01 JUNE 2007 to 30 September 2009
6) Employer	Independent Communications Authority of South Africa (ICASA)
Position	Councillor
Period	01 July 2002 to 30 <sup>TH</sup> MAY 2007
7) Employer	Mohlala Attorneys Incorporated
Position	Managing Director
Period	To date
8) Employer	University of South Africa (UNISA)
Position	Lecturer
Period	1999 – 2001
9) Employer	Practical Legal School (Johannesburg/Pretoria)
Position	Providing lectures on practice to new Graduates
Period	1999 – 2002
8) Employer	Law Society/BLA
Position	Examiner of the Attorneys admission Exam (part time)
Period	2003 - 2010

- |   |   |
|---|---|
| 10)Employer<br>Position                 | Deneyz Reitz Attorneys,<br>Candidates Attorney<br>With Right of Appearance in<br>South African Courts |
| Period                                  | 1996 – 1998   |
| 11)Employer<br>Position                 | Nelson Borman and Partners Attorneys<br>A vacation Law Student (Intergrated Bar<br>Project)           |
| Period                                  | 1995  |
| 12)Employer<br>Position<br>Period       | Edgars Group (Jet Stores)<br>Training Officer<br>199 3-1994   |
| 13)Employer<br><br>Occupation<br>Period | Athol Desmond Study Centre<br>Harare Zimbabwe<br><br>English Tutor<br>1988 – 1989                     |
- 10) Provide lectures at Road Accident Fund, on developments in the law relating to Motor Vehicle Accidents.





- |     |             |   |
|-----|-------------|---|
|     | Position    | Part-time Commissioner                                  |
| 5)  | Institution | <b>Law Society of South Africa –Pretoria Sunnyside</b>  |
|     | Position    | Practical Legal School                                  |
|     |             | Motor vehicle accident law                              |
| 6)  | Institution | <b>Law Society of South Africa –Pretoria Sunnyside</b>  |
|     | Position    | Examiner-Bookkeeping for laws                           |
| 7)  | Institution | <b>Gauteng Department of Housing-MEC Advisory Panel</b> |
|     | Position    | Board Member of MEC Advisory Pane 2004                  |
| 8)  | institution | <b>Agricultural Research Council</b>                    |
|     | Position    | Director on the Council                                 |
| 9)  | Institution | <b>Broad Band Infraco</b>                               |
|     | Position    | Director of the Board                                   |
| 10) | institution | <b>South African Maritime Authority of South Africa</b> |
|     | Position    | Director of the Board                                   |
| 11) | institution | <b>South African Broadcasting Corporation (SABC)</b>    |
|     | Position    | Deputy Chairperson of the Board                         |

## **ACTIVITIES OF COMMUNITY INVOLVEMENT**

**Community Development**      Community involvement in issues that affect the Youth directly

Children orphanages-volunteer spare time to speak to children who have been abandoned or come from broken homes to give them encouragement and mentors so that the future is not bleak.

**Fundani Nathi**                      Visits of schools in disadvantaged communities and assisting students who have difficulty with both Mathematics and English.

**Environment clean**                Lobbying for the removal of all the rubbish and mine dumps in and around Soweto as these lead not only to air pollution but cause young children to suffer from lung diseases, etc.

**Youth Group**                        We are involved in activities that are aimed at enhancing the spirituality among the youth and as such focus their energy not on bad but on their development.

## **Yeoville Community Legal**

### **Advise**

Involvement in the provision legal advise to members of the community.

## **DETAILED WORK EXPERIENCE**

### **EXPERIENCE AS CEO OF EAAB/PPRA**

Regulated the sector for real estate agents. Monitored and administered the fidelity fund, grew its value by over thirty percent. Experience in developing and implementing the transformation programs. Administered and ushered in the new legislative environment of the Property Practitioners Regulatory Authority from the Estate Agents Affairs Board.

### **EXPERIENCE AND CHAIRPERSON OF THE GAUTENG RENTAL HOUSING TRIBUNAL**

Currently Mrs Mohlala- Mulaudzi has been appointed as the chairperson of the Gauteng Rental Housing Tribunal. This appointment is on a part time basis. Her responsibilities range from managing the administrative team\m that received\y compliant and set s them down for hearing. She also manages a team of mediators that also have targets on expected work output. She also manages members of the tribunal in order to deal with work allocation, preparation of rulings where allocated. Further she chairs and presided over hearings of disputes weekly and makes rulings where required. She is also tasked with liaising with other Government agencies where there is a need to discuss policy issues where investigations are underway. Lastly and most importantly she is currently in the process of putting in place systems that will enable the organization to operate more efficiently and timely.

## **EXPERIENCE AS CONSUMER COMMISSIONER**

Upon my appointment as the first ever National Consumer Commissioner on the 01 November 2010 I was seized with the task of establishing a National Consumer Commission as enunciated in terms of the Consumer Protection Act No 68 of 2008 (CPA). Since my appointment the institution has been successful established and is a fully functional. This is a great accolade in that it was set up from scratch through my leadership, management capability and project management skills. I have further been able to create a lot of awareness around the rights and obligations of consumers and business as espoused in the CPA . I can confidently say that in the short life of the NCC we have had many successes among which are the establishment of a consumer voice. I have also successfully developed two business plans which were approved on first presentation to the portfolio committee on trade and industry. Further I am on the process of finalizing the first ever annual report on the performance of the NCC. The critical initiatives that I have put in place are among others are the following:

### **ESTABLISHMENT OF THE INSTITUTION**

The process of establishment of an institution is a process that involved substantial planning and formulation of systems and policies. The steps that were undertaken and that the NCC boasts to have in place are the principally the recruitment of staff, securing of infrastructure and the developments and adoption of policies and procedures.

### **RECRUITMENT OF CRITICAL STAFF**

To date the NCC has a staff complement that is both qualified and competent. These young professionals make up its executive management. We have also been able to put in place a technical team in both the investigation and the research unit. These are persons that have expertise in industries such as the aviation, telecommunications and medical and pharmaceutical. What is critical and important is that with very limited funds we have been able to recruit this personnel and negotiate that they accept salaries that are commensurate to the means of the institution. To our accolade in our young life we have been to establish fully functional units as per the approved structure. Further we have recruited a work force of unemployed graduates who we

have provided on the job training to and they are now fully functional members of the workforce of the NCC.

## **DEPLOYMENT OF INFRASTRUCTURE**

I have in my tenure been able in the course of setting up the institution I have put in place critical infrastructure for the functioning of the institution namely securing premises, a state of the art information technology unit, policies and systems.

## **PREMISES**

The NCC has successfully conducted a procurement process which culminated in the securing of premises for the NCC in Centurion. These premises are fully functional with the entire infrastructure to receive and process consumer complaints and the mediate over consumer disputes where required.

## **INFORMATION TECHNOLOGY**

We have also put in place a state of the art information technology system. The processes followed a procurement process that falls in line with the legislative framework. We have also completed the processes for the procurement of a case management system and a fully functional call centre. However the deployment of these systems has been postponed in order ensure that we have secured the financial requirements of the processes. However we have a computerised system that supports the processing of the large number of complaints that we receive on a daily basis.

## **ESTABLISHMENT OF SYSTEMS**

We have also put in place systems that deal with the core work of the NCC from a complaints handling, research and legal support point of view. Specifically we have undertaken the following:

## **COMPLIANTS HANDLING UNIT**

We have created a work flow processing system that has been documented in a manual. We have also created standard letters and processes in order to ensure smooth running of the systems. We have created the required procedures manuals and training

guide around the management of staff output. Most importantly we have developed and put in place performance agreements in order to ensure that we live up to our goal of efficient and timely complaints resolution. We have last but not least publically committed to timelines with respect to work output and these have been adhered to.

## **INVESTIGATIONS UNIT**

Within the investigations unit we have put in place procedures that are encapsulated in a procedures manual. These manuals have been a critical tool with respect to industry wide investigations that have been conducted. We have had these investigation reports presented to the national consumer tribunal and are awaiting the tribunal findings with respect to their exact effectiveness. The industries that have been investigated to date are the Information and communication technologies, the medical and pharmaceutical and the retail and manufacturing sector.

## **AWARENESS AND STAKEHOLDER UNIT**

We have created a unit whose sole purpose is to create awareness and stimulate media interest in the work that is undertaken by the NCC. We have created an effective mechanism to harness public participation and understanding around the workings of the NCC and created a critical consumer voice. We have also been able to balance this voice against business interests and sustainability within the public space. We have also had three provincial izimbizos where we were educating rural communities about the benefits of the CPA.

## **CORPORATE SERVICES**

We have developed all the PFMA required policies with respect to financial management, supply chain, human resources and information technology. We have also appointed an audit committee, a risk committee, bid adjudication committee, human resources committee and operations committee.

## **LEGAL SERVICES UNIT**

This unit has processed complaints that are being presented to the tribunal for consideration. I have also facilitated the establishment on the method by which advisory opinions would be prepared and presented to business when they require opinions on the interpretation of sections of the CPA. To date in excess of one thousand such opinions have been provided to business on various issues. Further we have also created guidelines on the accreditation of industry codes and ombud schemes. We have

taken the mammoth task of assessing the competency of different industries to self regulate.

### **RESEARCH SERVICES UNIT**

The research unit with requisite guidelines on research and the operations manual have been developed and are being implemented. The output has been an airline research report on compatibility with the provisions of the CPA. Further we have also been able to finalise and investigation into bank charges and last but not least we are completing an investigation into the consumer affordability index.

### **OVERALL OUT PUT**

We have had resounding success with respect to complaints handling and resolving consumer complaints. Mainly we have been able to maintain an over forty five per cent settlement resolution rate of complaints. With respect to those complaints not resolved we have been able to issue compliance notices which have yielded return for consumers with respect to the resolution of their complaints. We now have in excess of six thousand consumers that are now better off as a consequence of the National Consumer Commission being in existence.

### **EXPERIENCE AS THE DIRECTOR GENERAL DEPARTMENT OF COMMUNICATION (DOC)**

During my tenure as Director General I have various accolades to my profile among which was that I successfully presented two annual reports and a business plan to the parliamentary portfolio committee on communications both of which were approved. The key projects or some highlights of my tenure as Director General are the following:

#### **LEGISLATION**

##### **POSTAL SERVICES BILL**

The DOC presented and introduced the provisions of the Postal Service Bill. These provisions were principally flowing from the corporatization of the Post Bank would be the need to corporatize the Post Office which is the holding company for the Post Bank. The Bill proposes the terms and procedure for the establishment of the Board of the Post Office and its powers and responsibilities. This legislation was successfully presented to and passed through cabinet. Thereafter I personally introduced the Bill to



the parliamentary portfolio committee and was present throughout all the debates on issues around the provisions of the Bill and its final approval.

### **POST BANK BILL**

This was a critical and essential Bill in that it was the one that stipulated the terms and conditions by which the Post Bank would be registered as lending Bank and not just as a savings bank. It also stipulated the Ministry that would be responsible for the process of application and accountability on the dealings by the Bank. The Bill also made provisions on the reporting mechanism and the joint accountability by both Department of Finance and Department of Communication with respect to ensuring continued accountability. This legislation was successfully presented to and passed through cabinet. Thereafter I personally introduced the Bill to the parliamentary portfolio committee and was present throughout all the debates on issues around the provisions of the Bill and its final approval.

### **INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA ACT AMENDMENT BILL**

Proposed amendments to the ICASA Act were formulated and formulated into a Bill. The specific aim was to ensure refinement of the process around the appointment, suspension and dismissal of Councilors. Further there was a need to clarify the procedure and role of the Minister when a conflict of interest by a Councilor had been identified. Further the issue of remuneration of Councilors was also formulated and clarified. This legislation was successfully presented to and passed through cabinet. Thereafter I personally introduced the Bill to the parliamentary portfolio committee and was present throughout all the debates on issues around the provisions of the Bill and its final approval.

### **CABINET POLICY DOCUMENTS**

#### **BROADBAND POLICY**

During my period as accounting officer of the DOC I was responsible for overseeing the formulation and drafting of the national broadband policy. This policy proposed the formulation of an integrated broadband policy for all state entities and departments. Over and above that it proposed the establishment of the broadband coordinating committee that would be responsible for implementation and the monitoring of the roll out of broadband both nationally and provincially. Further the proposed member of this committee was both from national departments and provincial departments. This policy proposal was accepted and approved by cabinet.

### **BROADBAND INFRACO**

The DOC also presented a proposal that proposed the integration of both BROADBAND INFRACO AND SENTECH on the one hand and the integration of STATE INFORMATION TECHNOLOGY AGENCY in order to provide a seamless access to broad band services for all state entities that provide broadband facilities. Further there was a proposal that there be infrastructure sharing and co – ordination of the business plan.

### **BROADCASTING AND TELECOMMUNICATIONS INFRASTRUCTURE PROVISION FOR THE WORLD CUP**

During the period of the FIFA world cup the DOC was a critical role player in ensuring in that Sentech and Telkom provided both the broadcast and the telecommunications links required in order to ensure that there is a seamless broadcast and delivery of the required services. However in view of the fact that the signatory of the agreements with FIFA was Government they then made is compulsory that all guarantees on quality of service be provided in tripartite arrangement between Government, FIFA and the relevant entity in this case being Sentech and Telkom. I facilitate the negotiations and ensure that all agreements were vetted prior to signature by the executive head and that the interests of Government and the people of South Africa were protected from the perspective of ensuring delivery of a quality broadcast.

### **INTERNATIONAL**

#### **RE – ELECTION TO THE ITU COUNCIL**

During 2010 the four yearly international conferences was held. This is a conference of the International Telecommunications Union (ITU) an agency of the United Nations in terms of which all members states meet and decide on the business plan and strategic plan for the next four years. Further this conference also elects the governing structure which is the Council that makes decisions on all matters that are ICT related

internationally. What is critical to note that during the reelections year of 2010 I managed to facilitate the campaign and strategy to ensure that South Africa was re-elected to the Council of the ITU.

## **GOVERNANCE**

### **UNQUALIFIED AUDIT**

During my tenure the Department of Communication received an unqualified audit. This is an accolade in the sense that it is a clear manifestation of the fact that the administration under my leadership was a beacon of good governance and adherence to the important Public Finance Management Act, Public Service Act and the Preferential Procurement Framework Act.

## **ENTITIES**

### **SAPO**

During my tenure in the DOC I was a key player in the approval of the business plan of SAPO. I also facilitated in the processes of approving key projects such as the introduction of a comprehensive ICT plan aimed at ushering the SAPO into the digital age. Further we were involved in the process of appointing board members.

### **SABC**

When the SABC was in financial dire straits together with the Department of Finance jointly campaigned for financial assistance for off shore investors and provided not only the guarantees but amended the shareholder compact to ensure that there is a clear monitoring mechanism. We were involved in the process of appointing the interim board and facilitating its work. We further had oversight of the appointment of the permanent Board and the implementation of recommendations of the AUDITOR General's report. Lastly and most importantly we had oversight of the appointment of the CEO of the board and on going compliance with the terms and conditions of the guarantees for the loans provided.

### **USASA**

Brought stability to the institution. Ensured the smooth transition from one old board to the new board. Ensured the appointment of a CEO and the filling of a long vacant position for executives. Overseeing the formulation and the implementation of a strategic plan to usher in the digital broadcasting age and a clear strategy on the roll out of broad band in rural areas.

## **NEMISA**

Appointment of the board and filling in the long vacant position of the CEO. We ensure accreditation of qualifications was approved and aligned to the requirements of the accrediting authority. Further placements for qualifying students were negotiated with sister entities such as SABC.

## **TELKOM**

During my tenure a critical achievement was that the DOC approved the plan by Telkom of the Investment of the proceeds of the sale of the Telkom stake in Vodacom. We also approved the business plan for the establishment of the mobile wing of Telkom namely Heita.

## **SENTECH**

Whilst I was Director General we ensured the complete overhaul of a business plan that was not yielding a profit to one that nursed the institution gradually back to health. In line with this new work method there was a need to have a new executive and board all of which were facilitated in a seamless fashion

## **EXPERIENCE AS PENSION FUNDS ADJUDICATOR**

### **A EXPERIENCE AS AN ADJUDICATOR**

The Pension Funds Adjudicator is the Chief Executive Officer of the Office of the Pension Funds Adjudicator .The Pension Funds Adjudicator has two key responsibilities on the one hand she is responsible for the adjudication and making judgments with

respect to disputes between the member and life assurance companies and on the other hand she is the accounting officer responsible for the administrative and financial efficiency of the organization.

During my tenure as Adjudicator I made various ground breaking determinations that had the impact of advancing the rights of women in relation to their entitlement to their deceased spouses benefits. I also made in roads with determinations that had the impact of improving access of mine workers to their benefits. The other flag ship initiatives were that I disposed of the highest number of complaints in the history of the office and I also introduced an expedited dispute resolution mechanism and the industry scorecard.

From the administrative point of view I appointed new staff and refocused the strategy of the organization to more efficiently produce outputs. I prepared the strategic plan and budget which were both approved. I produced and finalized the annual reports. I profiled the work and output of the OPFA.

## **B KEY INNOVATIONS AND FLAG SHIP PROECTS**

### **Alternative Dispute Resolution – Conciliation**

Introduced and established an expedited alternative dispute resolution process through Conciliation. I established the conciliation unit. To facilitate the introduction of the conciliation unit I put in place the following:

- Formulated and finalized Conciliation guidelines;

- Identified and appointed Conciliators from Historically Disadvantaged Backgrounds;
- Established the structure required to provide administrative support for Conciliation;
- Undertook Public campaign and awareness on the alternative process;
- Raised funding for the establishment of the Conciliation Unit.

### **Industry Scorecard**

I identified that there were various inconsistencies and transgressions that the life assurance companies were undertaking with respect to their members. I felt that there was a need to put in place an objective measurement tool in terms of which members would be able to assess the performance of their life assurance companies. In order to

Facilitate the introduction of the scorecard I put in place the following:

- Consulted with all stakeholders on elements of the scorecard;
- Put in place and chaired a task team to develop, record, monitor and evaluate the results of the scorecard;
- Created public awareness in relation to the establishment of the scorecard;
- Evaluated and produced the first results of the scorecard.

## **OTHER EXPERIENCE IN COMMUNICATIONS SECTOR**

### **A. EXPERIENCE AS A COUNCILOR AT ICASA**

Appointed as a Councilor of the Independent Communications Authority of South Africa in terms of section 5(1) (a)(b) and (c) of the ICASA Act No 13 of 2000.

### **KEY RESPONSIBILITIES**

Fundamentally as an ICASA Councilor Mamodupi Mohlala was responsible for Regulatory and licensing activities in the Broadcasting and Telecommunications Sector in the public interest in South Africa as contemplated in terms of the ICASA Act. The exact nature of the role of a Councilor is encapsulated the relevant enabling legislation namely the Broadcasting Act, Independent Broadcasting Act, Telecommunications Act and the ICASA Act.

The main processes that I as a Councilor have participated in are:

- a) Interview and appointment of Chief Executive Officer.
- b) Considering and approval of Human Resource Management and Development policies (HRM&D), Travel and subsistence policy and procurement policies
- c) Approval of annual reports for the periods and the MTEF policy for ICASA
- d) Interaction with various international delegations on study tours and fact finding missions to South Africa amongst others were delegations from China, Democratic Republic of Congo and Namibia.

### **COUNCIL COMMITTEES**

The other area where Ms Mohlala has contributed to the activities of ICASA was in relation to Council committees that she served on. The major achievements that were highlights during her term of office as a Councilor were principally that she has been instrumental and in many respects a pioneer in the licensing, growth and definition of broadband in the telecommunications sector. This has been principally been in relation to the licensing of 3G spectrum to the Mobile Cellular Telecommunications Service (MCTS) Operators. This in effect put South Africa as one of the licensing of 3G (3000 MHz) frequency spectrum, amendment of Wireless Business Solutions (WBS) Mobile Cellular Telecommunications Network License to allow for access to 1900 MHz spectrum and chairing the committee responsible for the drafting of ADSL regulations.

I The committees that Ms Mohlala has chaired are specifically the following:

- (a) Sentech license amendment process
- (b) Wireless Business Solutions license amendment
- (c) Telkom license amendment
- (d) Swiftnet license amendment
- (e) Mobile Telephone Network License amendment
- (f) Vodacom License amendment
- (g) Cell C license amendment
- (h) And Second Network Operator license drafting committee

The key achievements in the chairing of the above committees by Ms Mohlala is that it created an in depth and intimate understanding of the terms and



conditions of the different service licenses. Further it allowed for a clear understanding of the different rights and obligations of created in licenses therefore a good overview of the licensing landscape in South Africa. Most importantly the crowning glory is that it culminated in the imposition of universal service obligations that obliged internet connectivity to schools with particular emphasis or priority to rural schools and schools for persons with disabilities.

The other major achievement was the review and analysis of the license conditions and universal service obligations that were imposed on Sentech in terms of the initially issued license.

- (i) ADSL Pricing Regulations this process was preceded by a section 27 inquiry that inquired about the nature of the service and complaints by consumers in relations to accessing and optimal use of the service. Thereafter the committee under the chairpersonship of Ms Mohlala formulated the draft regulation that addressed the nature of the service and provided *the first ever definition of broadband in South Africa*
- (j) Under Serviced Area Licensing (USAL) this process related to the licensing of operators' in rural areas and /or areas with a teledensity of five per cent and less. The areas that were licensed with Ms Mohlala as chairperson of the USAL committee in the second phase were twelve in number and this involved hearing in excess of twenty five applicants in a space of four weeks, in six different provinces. ***This is the largest licensing process to have ever been undertaken in the telecommunications sector in South Africa.*** The other regulatory measures that had to be put in place in order to create a conducive environment for this class of licensees were as follows:

- Usual license a license taking into account the unique characteristics of this nature of license and the objectives it is intended to achieve had to be encapsulated into the USAL license;
- Asymmetrical interconnection for USALs the formulation of these regulations is still in progress and it is anticipated that these will be put in place as soon as possible as the biggest barrier to entry is the lack of asymmetrical interconnection for new entrants.
- Community service telephones this involved the authority gazetting notice allowing the USALs to provide CST should they choose to, this being in order to ensure that they benefit from favorable interconnection rates from CST termination of calls.
- Roaming nationally by USALs this arose as a consequence of a vast amount of debate on whether or not USALs being regional licensees should be permitted to roam outside their license area that being nationally. The committee is in the process of finalizing the Gazette to make a declaration on this matter.

The main achievement of this licensing a category was to take these green fields licenses and licensing them had a direct impact on the Government's

**Integrated Development Strategy and most importantly to Board Based Economic Empowerment in the Telecommunications sector.**

(k) COA/CAM for Mobile Cellular Telecommunications Service Licensees

This process is chaired by Ms Mohlala and involved the commencement of negotiations with the various MCTS operators in relations to the information provided in their Cost Allocation Manuals. This also involved an analysis of the preliminary filings of the MCT's with the intention of identifying trends over a

period of three filings. The main achievement of this process is to begin to get a sense of the costing of MCTS networks and the extent of over pricing if any and cross subsidization therein.

(I) Licensing of 1800 Mhz and 3G frequency spectrum

This process involved the licensing of 1800MHz and 3G frequency spectrum to the MCTS operators. Specifically it involved formulating amendments to the MCTS licenses that would facilitate provision of services associated with the relevant frequency spectrum. Further there was a need to formulate universal service obligations associated with the provisions of such spectrum. Thereafter there was negotiation with the relevant MCTS on the formulation of the terms of this license allocation. The Key achievements of this process is that 3G frequency spectrum was licensed for commercial purposes was done prior to 01 December 2004 which was a date advertised as the launch date by MCTS's for 3G in South Africa. This had the effect of making South Africa one of the first country's in Southern Africa to license this service.

II The Standing Committees that Ms Mohlala has worked in are in following:

(a) Technical Policy Committee (TPC) the key responsibility of such committee is to research future developments and to advise Council with respect to planning, control management and administration of radio frequency spectrum. The main achievements of this committee under the chairpersonship to Ms Mohlala has

been the TLTE regulations , regulations for the installation and maintenance of equipment, armature radio regulations, and the personal locator beacon regulations.

(b) Standards Liaison Committee this is a committee of technical experts that Was contemplated in terms of the provisions of section 26 of the Telecommunications Act No 103.of 1996. The constituent members such committee are employees of SAB, sector experts, representatives from the major operators in the sector and ICASA personnel from engineering department and Council. The main area of discussion and emphasis is on establishing standards for different equipment and technologies that are adopted into South Africa.

(C) Telecommunications Regulatory Authority of South Africa this is committee in terms of which all the telecommunications, broadcasting and postal regulators of the SADC region converge and discuss creating uniform standards for regulators of the region. The principal achievements of this committee are the finalization of the numbering harmonizing guidelines for the region, licensing and universal access/service guidelines and consumer protection guidelines.

(c) Broadcasting Monitoring and Complaints Committee is a committee that is chaired by a retire Judge of the High Court and Councilors of ICASA serve as committee members herein and there are external independent third party sector participants. There are various enforcement matters have been in relations to failure by community radio stations licensees to comply with terms and conditions of their license to either self provide or use Sentech services for signal distribution.

III The other committees that Ms Mohlala has participated in that were fundamental are the following:

- (a) Terrestrial Broadcast Frequency Plan this process involved the annual review of the Broadcast Frequency plan by means of public process.
- (b) SABRE I and II this process involved the merger of SABRE I and II into a single band plan. This also involved the taking into account new services for inclusion in the band plan. The said revision of the band plan was in terms of the public process in which all stakeholders participated.

## **EXPERIENCE PRIOR TO JOINING ICASA AS A COUNCILLOR**

### **I SENTECH LICENCE**

Mamodupi Mohlala's work on Sentechs licence has been at two levels firstly whilst she was consultant and upon being appointed as a Councillor at ICASA she undertook the licence amendment process.

Specifically I provided advice in conjunction with Advocate Chaskalason to the ICASA on the exact extent of services envisaged in terms of the carrier of carrier's service, and the multi media service to be provided by Sentech in terms section 32C of the Telecommunications Act as amended. This process to date involved preparation of a draft license for publication for public comment.

Thereafter the mandate was to made by Sentech, Telkom, ISPA, Orbicom, South

African Broadcasting Corporation, M-cell and CTUF in relation to the provisions of The proposed licence. The written submissions by all stakeholders in the industry were also analysed and their validity in relation to their constitutionality was considered in great detail. In attempting to map out the parameters of the services to provided an in depth study of the radio frequency spectrum band plan covering the range 3GHz to 70GHz, a consideration of the Radion Frequency spectrum and radio station licene issued to Sentech (Pty)Ltd and the revision of the South African frequency a allocation plans (bands plan) and migration

## **II TELECOMMUNICATIONS INDUSTRY**

Mamodupi Mohlala has from March 2001 to December 2001 been involved in the biggest initial public offering by Government in South Africa, this being in the c context of the Telkom IPO. Mamodupi have worked as part of a joint appointment with another local firm namely Mnamela Inc. and international firm namely Skadden and Arps as advisers to Government.

Mamodupi Mohlala has been directly involved in the process of Telkom Initial Public Offering as the local counsel advising Government. The nature of the involvement in this project has had the effect of cultivation, developing and entrenching knowledge and an in-depth understanding of telecommunications. This has had the effect of equipping Mamodupi with a complete and in depth knowledge on the legislative and regulatory framework in the telecommunications sector. The nature of the work undertaken in this process was to ensure that South Africa had a regulatory

environment that is clear and concise for the proper and effect regulation of the telecommunications industry, post Telkom exclusivity period. The principal aim is so as to ensure that the telecommunications sector is not only ready for competition but is also sufficiently conducive to attract investor confidence in the sector.

The exact nature of the process that Mamodupi was involved in order to effectively discharge her mandate was as follows:

- Firstly to prepare the policy directions by the Minister of Communications laying out the vision and policy for the telecommunications sector for the next five years.

This then lead to the second phase aimed at giving effect to the Policy Directors by effecting amendments to the Telecommunications Act of 1996. This phase of the transaction was based on a mandated from both Department of Communication and the Department of Public Enterprises. It must further be noted that there was interaction with all the stakeholders and departments with a direct interest such as the Department of Finance. This also involved the attendance at all portfolio committee hearings and providing advises to the Department on all the submissions and the legal implications of adopting a given stance as opposed to another. The mandate extended to also redrafting a lot of the provisions so as to meet the Departments changed mandate and meet the objectives of the port folio committee rulings.

- The third step was to put measures in place so as to ensure that the regulatory environment complies so as to give effect to the amendments with the Act. The regulations that were prepared in the course of this exercise were those pertaining to number portability and facilities sharing. These regulations were prepared in consultations with the Authority (ICASA).

- This then culminated in the preparation of the Invitation to Apply, for the Black Economic Empowerment component of nineteen percent (19%) in the Second Network Operator.

All the above process at the different levels of involvement have required an in-depth understanding of legal and regulatory issued in the Telecommunications sector. Further this is a clear and demonstrable example of an in-depth understanding of the issues and options facing the telecommunications process.

In the course of providing legal advice to Government in the Telkom IPO process, Mamodupi participated in the development of a negotiation strategy for Government on all the pertinent issued that arose in relation to the terms of the shareholders agreement. The strategy was then present and debated with the other shareholder in Telkom namely the Strategic Equity Partner, Thintana. The negotiations involved an analysis of the shareholders agreement clause by clause, preparing opinions to Government on the pertinent clauses and the effect of such clauses has on both Governments interests and objectives. Consultations were held so as to prepare a strategy and approach to best suit the interests of all the existing and potential shareholders in Telkom. Thereafter a negotiation position document was prepared having due regard to the objectives Government sought to achieve. The negotiation process and applying of legal principles that were relevant and required. This assisted Mamodupi to properly assess and understand the competing interests in the telecommunication sector and the commercial implications surrounding the granting of licenses.

Further in 1998 Mamodupi provided advice to TRANSTEL on their status in the local telecommunications sector in light of Telkom monopoly. Even further Mamodupi translated and considered telecommunications agreements that Transtel intended on concluding with Cong Brazzaville based companies.

### **III INVITATION TO APPLY**



Mamodupi Mohlala has been directly involved in the process of drafting the invitation to apply ITA for the Black Economic Empowerment Component of the Second Network Operator. Furthermore I have been directly involved on preparing the pro forma ITA for the none specified portion of the S.N.O.

#### **IV E-COMMERCE**

Mamodupi Mohlala participated as part of the drafting team for the Electronic Transaction Bill. This process involved the conducting of an audit of all the existing legislation internationally that had been enacted to govern and regulate e-commerce transactions. Further this involved an in depth analysis of the guidelines that had been put in place by the different economic blocks and international bodies such as the European Union and the United Nations and the OECD guidelines. All these exercise were undertaken because it is understood that South Africa does not exist in a vacuum but must co-exist with international entities that have are governed and subject to international imperatives.

The spheres that I specifically addressed in the Bill are E-government, electronic signature and consumer protection. I was also involved in providing presentations on the different proposed provisions of the legislation to the government departments to be affected and lay out the obligations that it places on them, this is more so in the context of e-government. This process was preceded by consideration of written submissions from both the public and the relevant government departments and all of which were incorporated and duly considered in the drafting process.

Mamodupi Mohlala co – chaired the national conference on E-Commerce held at Gallagher Estate in 19 April 2001, this entailed facilitating all players in the industry to provide contributions on the provisions of the green paper on e-commerce. This was a preliminary step towards preparation of the Electronic transactions Bill so as to ensure that the interest of all players in the sector is properly catered for. This finally culminated in all the contributions that were

made being documented and delivered to the Minister of Communications for inclusion and implementation in the context of the Electronic transactions bill that was to be implemented into law.

Mamodupi prepared a paper as part of my Higher Diploma in the Tax studies at the University of Witwatersrand on the taxation of E-Commerce transactions. This preparation involved an elaborate analysis of the unique features of electronic transactions in the context of conventionally recognized standards on taxation. This also involved an analysis of methods used in other jurisdictions such as Australia as to the methods used to identify the taxpayer, in the context of electronic transactions, and the OECD Model Tax Convention.

## **V ICT**

Mamodupi participated and was a delegate at the Millenium Partnership for the African Recovery Programme (MAP) – ICT Forum held at the Rosebank Hotel on the 10-12 March 2001. Delegates that were present were experts in the ICT sector from different parts of the continent. Therein I chaired the commission on training in African institutions and human resource development and growth on the continent. I then delivered a report on the commission's recommendations to the plenary session, to be forwarded to the Presidential commission and delegation for representation at the OAU summit in 2001.

Facilitated at the Common Wealth Workshop aimed at increasing awareness in the ICT sector.

## **VI CONTENTIOUS MATTER IN THE TELECOMMUNICATIONS SECTOR**

Mamodupi has in terms of a joint appointment with Advocate Chaskalson considered the constitutional validity rulings that have been delivered by the Independent Communications Authority of South Africa.

The first matter related to a complaint registered by Telkom S. A against Internet Solutions. The Independent Communications Authority was called upon to address the complaint in terms of Section 100(1) of the Telecommunications Act No 103 of 1996 read in conjunction with the regulation promulgated in terms of the Section. The complaints by Telkom was specifically that Internet Solutions acted in violation of the terms of its value added network solutions licence as issued in terms of Section 40 of the Telecommunications Act and had made available directly to the customer facilities exclusively restricted to private telecommunications network. This process involved an analysis of all the exact boundaries and limitations of both a value added network services licence and a public switched telecommunications service.

The second matter related to a matter between Telkom S.A, and AT &TS Global Network Services of South Africa (Pty) Ltd in terms of which Telkom lodged a complaint that AT & TS had failed to comply with the provision of its v.a.n.s. licence. This once again involved an exercise of drawing the parameters between a v.a.n.s licence and a PSTS licence.a

## **PUBLICATIONS**

- 1) "Sequestration is it a real solution" – CODICILUS –June 2000- UNISA  
Publication.

- 2) "Marriage and its consequences and its consequences" – Tribute-August 1999
- 3) "Affirmative action is it a real contributor in the reconstruction and development process" –unpublished
- 4) "Land redistribution –why?" – unpublished
- 5) "Lessons to be learnt from the ethnic contact" – unpublished
- 6) "Sins of the Father visited upon the Daughter" – Black Lawyers Association Bulletin