

The Complaints and Compliance Committee (CCC)

The **Complaints and Compliance Committee (CCC)** is an independent committee of ICASA established in terms of section 17A of the Independent Communications Authority of South Africa Act ("ICASA Act").

In terms of section 17 B of the ICASA ACT, the CCC functions is to investigate, and hear if appropriate, and make a finding on:

- All matters referred to it by ICASA
- Complaints received by the Committee and
- Allegations of non-compliance with the ICASA Act or underlying statutes.
- The Committee must make recommendation to ICASA necessary or incidental to the performance and functions of ICASA in terms of the ICASA Act or underlying statutes or
- Achieving the objectives of this ICASA Act or underlying statutes

ICASA has taken to raising complaints against licensees for non-compliance with certain regulations under the Electronic Communications Act ("ECA"). This has been a noteworthy development for ECS and ECNS licence holders, as ICASA had previously not sought to invoke sanctions available for non-compliance with its reporting obligations through the CCC process.

ICASA has imposed several fines on recommendation by the CCC to licensees found to be non-compliant, and thus to have contravened regulations under the ECA. A full list of CCC judgements can be found at the following link to ICASA's website: **CCC Judgements**.

In most cases a fine are being imposed were due to a licensee having failed to supply financial statements and the late or non-submission of financial reports or USAF and licence fee payments. Sanctions have also been imposed for failure to commence operations after the grant of licence/s within the specified period, as well as failing to lodge updated contact details with ICASA.

ICASA has confirmed that this trend towards enforcing compliance with its regulatory framework will continue, and that it is actively stepping up its programme of visits to licensees' premises to verify compliance with this end in mind.

When you receive a CCC referral letter

If the CCC makes contact to request that you respond to a complaint raised by ICASA's Compliance Division or its Regions Division, the matter is being dealt with formally and will go to the CCC Panel for a hearing. The initial mail will be from the CCC Coordinator tasked with investigating the matter.

A formal response is to be submitted to the CCC letter and attached ICASA complaint, along with the relevant supporting documentation. All emails from the CCC Coordinator will indicate dates by which you should respond where a response is required. Failure to respond to any mails could result in an adverse finding being made.

All matters pursued by the CCC will result in a hearing, and the CCC Coordinator will advise you of the date of the hearing. It is always recommended that you attend the hearing. If you agree on the sanctions with the CCC Coordinator before the hearing, you can choose to miss the hearing on the understanding that the CCC Panel's judgement will contain the agreed-upon sanction.