



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## General Notices

### COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA

No. 144

2012

#### NOTICE IN TERMS OF THE REGULATIONS REGARDING LICENSING PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE LICENCES AND SPECTRUM USE LICENCES

The Communications Regulatory Authority of Namibia, in terms of Regulation 11 and 19 of the "Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service

Licences and Spectrum Use Licences”, in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 herewith gives notice of the following persons who are issued with Spectrum Use Licences as set out in the “Regulations Setting Out Broadcasting and Telecommunications Service Licence Categories” in Government Gazette No. 4714, Notice No. 124, dated 18 May 2011.

The licenses are issued subject to the conditions for Broadcasting Service Licences to be published in terms of the Regulations Regarding Rule-Making Procedure.

#### REASONS FOR DECISION:

The Authority issues this decision based on the following reasons:

1. The persons whose licences are issued have complied with the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 and Section 101 of the Communications Act, 2009 (Act No. 8 of 2009).

#### PLEASE NOTE:

The following is the list of persons who are issued with licenses, with effect from the date of publication of this notice in the *Gazette*:

Licensee	Licensee's citizenship or place of incorporation	Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens	Description of geographic coverage area(s)	List of Radio frequencies or groups of radio assigned	Service to be provided using frequency assigned	Proof of Spectrum Use Licence Application Fees paid up to date Submitted?
Parktown Investment 76cc	Namibia	100 %	Windhoek Swakopmund Walvis Bay Rossing Mountain	99.5 MHz 97.0 MHz 97.0 MHz 97.0 MHz	Commercial Broadcasting Service	Yes
Carol Ann van der Walt	Namibian	100 %	Swakopmund Walvisbay	91.3 MHz 91.3 MHz	Commercial Broadcasting Service	Yes

**L.N. JACOBS**

**CHAIR PERSON**

**BOARD OF DIRECTORS**

**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 145

2012

**NOTICE IN TERMS OF THE REGULATIONS REGARDING LICENSING  
PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE  
LICENCES AND SPECTRUM USE LICENCES**

The Communications Regulatory Authority of Namibia, in terms of Regulation 11 and 19 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 herewith gives notice of the following person who are issued with a deemed

telecommunications service licence and a Spectrum Use Licences as set out in the “Regulations Setting Out Broadcasting and Telecommunications Service Licence Categories” in Government Gazette No. 4714, Notice No. 124, dated 18 May 2011.

The licenses are issued subject to the conditions for Telecommunications Service Licences to be published in terms of the Regulations Regarding Rule-Making Procedure and the specific conditions to be made in terms of section 45(6) of the Communications Act, 2009 (Act No. 8 of 2009).

#### REASONS FOR DECISION:

The Authority issues this decision based on the following reasons:

1. The person whose licence is issued has complied with the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences”, in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011 and Section 101 of the Communications Act, 2009 (Act No. 8 of 2009).
2. The Licensee is deemed to have telecommunications service licensee in terms of section 45 of the Communications Act, 2009 (Act No. 8 of 2009).

The following is the list of persons who are issued with a license, with effect from the date of publication of this notice in the *Gazette*:

No.	Licensee	Type of service licence	Applicants Citizenship or place of incorporation	Percentage of Stock owned by Namibian Citizens or Namibian citizens or Namibian Companies controlled by Namibian Citizens	Radio Frequencies or group of frequencies assigned (MHz)	Description of geographic coverage area(s)	Services to be provided using the spectrum assigned	Proof of Spectrum Use Licence Application Fees Paid Up to Date Submitted?
1	Telecom Namibia Limited	Deemed Telecommunications and Service Licence in terms of Section 45 of the Communications Act, No 8 of 2009 (Individual Comprehensive telecommunications service licence [ECS and ECNS])	Namibia	100%	3405-3447 3505-3547	Namibia	FIXED	Yes

**L.N. JACOBS**  
**CHAIR PERSON**  
**BOARD OF DIRECTORS**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 146

2012

**NOTICE IN TERMS OF THE REGULATIONS REGARDING THE SUBMISSIONS  
OF INTERCONNECTION AGREEMENTS AND TARIFFS**

The Communications Regulatory Authority of Namibia, in terms of regulation 8 of the “Regulations Regarding the Submission of Interconnection Agreements and Tariffs”, published in Government Gazette No. 4714, Notice No. 126, dated 18 May 2011, herewith gives notice that Mobile Telecommunications Limited, Wireless Technologies Namibia (Pty) Ltd and Africa Online (Pty) Ltd have filed a tariff with the Authority.

Any person may examine copies of the tariffs submitted at the head offices of the Authority during normal business hours and copies may be made on payment of a fee determined by the Authority. Copies are also available at [www.cran.na](http://www.cran.na), where copies may be downloaded free of charge.

The public may submit in writing to the Authority written comments within fourteen (14) days from the date of publication of this notice in the *Gazette*.

Mobile Telecommunications Limited, Wireless Technologies Namibia (Pty) Ltd and Africa Online (Pty) Ltd may submit, in writing to the Authority, a response to any written comments within fourteen (14) days from the lapsing of the time to submit written submissions.

All written submissions must contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different and be clear and concise.

All written submissions and reply comments must be made either physically or electronically –

- (1) By hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) By post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (3) By electronic mail to the following address: [enamwoonde@cran.na](mailto:enamwoonde@cran.na);
- (4) By facsimile to the following facsimile number: +264 61 222790; or
- (5) By fax to e-mail to: 088642748.

**S. SHANAPINDA  
CHIEF EXECUTIVE OFFICER  
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 147

2012

**NOTICE IN TERMS OF THE REGULATIONS REGARDING LICENSING  
PROCEDURES FOR TELECOMMUNICATIONS AND BROADCASTING SERVICE  
LICENCES AND SPECTRUM USE LICENCES**

The Communications Regulatory Authority of Namibia, in terms of regulation 11 of the “Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and

Spectrum Use Licences”, in Government Gazette No. 4785, Notice No. 272, dated 29 August 2011, herewith gives notice that the Broadcasting Service Licensees referred to in the table below, submitted application forms for Spectrum Use Licenses to the Authority:

Applicant	Applicant's citizenship or place of incorporation;	Percentage of Stock owned by Namibian Citizens or Namibian Companies Controlled by Namibian Citizens;	Service intended to be provided using spectrum?	List of Radio frequencies applied for:	Geographic coverage area applied for;	Proof of Spectrum Use Licence Application Fees paid up to date Submitted?
Media for Christ (Association incorporated not for gain)	Namibia	100 %	Community Broadcasting Service	94.3 MHz 89.1 MHz 88.1 MHz 88.1 MHz 101.9 MHz 88.1 MHz 103.6 MHz 103.0 MHz 102.3 MHz 102.3 MHz 104.4 MHz	Outapi Ootmoet Farm Buitepos Gamsberg Koës Twee Riviere Tsumeb Oshikoto Region Duineveld Uis Noordoewer	No
Cosmos Digital Namibia	Namibia	60 %	Commercial Broadcasting Service	101.4 MHz 98.3 MHz 107.7 MHz 95.9 MHz 105.6 MHz 106.2 MHz 104.5 MHz 105.4 MHz	Karibib/Usakos/ Omaruru Mariental Keetmanshoop Rundu Grootfontein Tsumeb Otjiwarango Gobabis	No
Fresh FM (Pty) Ltd	Namibia	100 %	Commercial Broadcasting Service	89.3 MHz 104.1 MHz	Swakopmund Walvis Bay	No

The public may submit comments in writing to the Authority within a period of fourteen (14) days from the date of publication of this notice in the *Gazette*.

The applicant may submit written reply comments within fourteen (14) days from the due date of the written public comments.

All written submissions must contain the name and contact details of the person making the written submissions and the name and contact details of the person for whom the written submission is made, if different and be clear and concise.

All written submissions and reply comments must be made either physically or electronically –

- (1) By hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) By post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (3) By electronic mail to the following address: enamwoonde@cran.na;
- (4) By facsimile to the following facsimile number: +264 61 222790; or
- (5) By fax to e-mail to: 088642748.

**S. SHANAPINDA  
CHIEF EXECUTIVE OFFICER  
COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

No. 148

2012

**NOTICE OF INTENTION TO MAKE REGULATIONS REGARDING HEARINGS**

The Communications Regulatory Authority of Namibia, in terms of the “Regulations Regarding Rule-Making Procedures: Communications Act, 2009”, published as No. 334 in Government Gazette No. 4630 dated 17 December 2010, publishes this Notice of Intention to Make Regulations, which contains the following:

**A concise statement of purpose**

A draft of the proposed Regulations Regarding Hearings.

Written comments may be submitted in accordance with the Regulations Regarding Rule-Making Procedures: Communications Act, 2009, within thirty (30) days from the date of publication of this Notice.

Written reply comments may be submitted in accordance with the Regulations Regarding Rule-Making Procedures: Communications Act, 2009, within fourteen (14) days from the date on which written comments are due to be submitted.

**Concise statement of purpose**

The proposed “Regulations Regarding Hearings” are made in terms of sections 30(1) and (2) of the Act. They apply to all hearings that are called for in terms of the Act or in terms of any regulations made by the Authority in terms of the Act.

There may be more specific regulations regarding particular hearings in other regulations. Therefore, these generic hearing regulations must be read with the relevant provisions of the Act and any relevant regulations.

**Proposed Regulations Regarding Hearings**

The Communications Regulatory Authority of Namibia hereby makes these regulations in terms of sections 30(1) - (2), read with section 129, of the Communications Act, 2009 (Act No. 8 of 2009).

## Definitions

1. In these regulations, any word or expression to which a meaning is assigned in the Act, shall have the same meaning and -

“Act” means the Communications Act, 2009 (Act No. 8 of 2009).

## Submission of documents to the Authority

2. In these regulations, when persons are permitted or called upon to submit information to the Authority in writing, they may do so either physically or electronically -

- (a) by hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (b) by post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (c) by electronic mail to the following address: [enamwoonde@cran.na](mailto:enamwoonde@cran.na);
- (d) by facsimile to the following facsimile number: +264 61 222490; or
- (e) in any other manner or at alternative addresses set out by the Authority from time to time.

## Applicability

3. (1) These regulations are applicable to hearings conducted by the Authority in terms of the Act or regulations made in terms of the Act.

(2) These regulations must be read with any relevant provisions of the Act and any regulations made in terms of the Act.

## The Authority's discretion to hold hearings

4. If the Act or regulations require the Authority to hold a hearing or if the Authority exercises its discretion to hold a hearing, except if there is a specific requirement to hold a paper or oral hearing, the Authority may hold either a paper hearing or an oral hearing or both.

## Written Submission (Paper hearings)

5. (1) If the Authority decides to hold a paper hearing, it will invite all relevant persons in terms of the Act and regulations, to submit in writing to the Authority written representations, within the time set out in the invitation.

(2) If the Authority considers it necessary or appropriate, it will provide the opportunity for written responses to written submissions and for written replies to written responses.

(3) Written responses and written replies must be submitted in writing to the Authority within the time set out by the Authority.

(4) The times for the submission of written representations, responses and replies will be determined by the Authority in light of the nature of the hearing.

(5) The Authority may consider written submissions not timeously filed, if, in its opinion, it is practicable and appropriate to do so.

(6) The Authority may request further written or oral submissions which must be provided to the Authority in the manner set out by the Authority.

(7) All written submissions must -

- (a) contain the name and contact details of the person making the submission and the name and contact details of the person for whom the submission is made, if different;
- (b) be clear and concise; and
- (c) conform to any further requirements determined by the Authority.

### **Oral hearings**

**6.** (1) If the Authority decides to hold an oral hearing, it will invite all relevant persons in terms of the Act and regulations to make oral submissions at the time set out in the invitation.

(2) Unless otherwise specified by the Authority, hearings will be open to the public.

(3) The format and agenda of the hearing is at the discretion of the Authority, depending on the nature of the hearing.

(4) The Authority may request further oral or written submissions, which must be provided to the Authority in the manner set out by the Authority.

(5) All oral submissions must -

- (a) include a statement indicating the name and contact details of the person making the oral submission and the name and contact details of the person for whom the oral submission is made, if different;
- (b) be clear and concise; and
- (c) conform to any further requirements determined by the Authority.

### **Decisions of the Authority**

**7.** (1) After the conclusion of the hearing, the Authority will decide the issue or issues required to be decided in terms of the Act or regulations.

(2) The Authority's decision and reasons will be communicated to all relevant persons and may be published in the *Gazette*.

(3) The Authority will keep a register of decisions, which will be held at the head offices of the Authority and if practicable, on the Authority's website.

(4) Except for confidential information, any person may examine any decision and reasons at the head offices of the Authority during normal business hours and copies may be made on payment of a fee determined by the Authority from time to time, and, if available, on the Authority's website where copies may be downloaded free of charge.



**Confidential information and communications**

8. (1) Any person providing written information to the Authority may designate all or part of the information, confidential, in terms of section 28(1) of the Act, in which case, the Authority's Regulations regarding Confidential Information and Confidential Communications with the Authority will apply.

(2) Any person making oral submissions may request a closed hearing on the grounds that the submissions are confidential, in which case, the submissions will be treated as a confidential meeting in terms of section 29 of the Act and the Authority's Regulations regarding Confidential Information and Confidential Communications with the Authority will apply.

**Ex Parte communications**

9. A person may not communicate with the members of the Board, the CEO or staff members of, or consultants to the Authority, to discuss the subject matter of request for confidentiality proceeding, except as provided for herein.

**Record of proceedings**

10. (1) All documents deemed relevant by the Authority to the hearings contemplated by these regulations must be maintained by the Authority in its files located at the head offices of the Authority.

(2) Except for confidential information, any person may examine the Authority's files at the head offices of the Authority during normal business hours and copies may be made on payment of a fee determined by the Authority from time to time, and, if available, on the Authority's website where copies may be downloaded free of charge.

**Reconsideration**

11. (1) The Authority may, on its own, reconsider any decision made in terms of these regulations within the time set out in section 31 of the Act.

(2) Any person may submit to the Authority in writing a request to reconsider any decision made in terms of these regulations within 30 days of notice of the decision, and the Authority must reconsider such decision within the time set out in section 31 of the Act.

(3) The Authority may publish its decision on reconsideration without further submissions being received, or it may provide an opportunity for further submissions in a manner set out by the Authority.

**S. SHANAPINDA**  
**CHIEF EXECUTIVE OFFICER**  
**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

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**COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA**

NOTICE OF INTENTION TO MAKE REGULATIONS REGARDING CONFIDENTIAL  
INFORMATION AND CONFIDENTIAL COMMUNICATIONS WITH THE AUTHORITY

The Communications Regulatory Authority of Namibia, in terms of the "Regulations Regarding Rule-Making Procedures: Communications Act, 2009" published as No. 334 in Government Gazette

No. 4630 dated 17 December 2010, publishes this Notice of Intention to Make Regulations, which contains the following:

1. A concise statement of purpose
2. A draft of the proposed Regulations Regarding Confidential Information and Confidential Communications with the Authority

Written comments may be submitted in accordance with the Regulations Regarding Rule-Making Procedures: Communications Act, 2009, within thirty (30) days from the date of publication of this Notice.

Written reply comments may be submitted in accordance with the Regulations Regarding Rule-Making Procedures: Communications Act, 2009, within fourteen (14) days from the date on which written comments are due to be submitted.

### **Concise statement of purpose**

The proposed “Regulations Regarding Confidential Information and Confidential Communications with the Authority” are made in terms of sections 28 and 29 of the Act.

Section 28 concerns the treatment of confidential information by the Authority. These regulations set out the procedure to be followed if any person wants to request submissions of information to the Authority as confidential.

Section 29 allows persons to request confidential meetings with the Authority. These regulations also set out the procedures to be followed in that event.

### **Proposed Regulations Regarding Confidential Information and Confidential Communications with the Authority**

The Communications Regulatory Authority of Namibia hereby makes these regulations in terms of sections 28 and 29 read with section 129 of the Communications Act, 2009 (Act No. 8 of 2009).

### **Definitions**

1. In these regulations, any word or expression to which a meaning is assigned in the Act, shall have the same meaning and –

“Act” means the Communications Act, 2009 (Act No. 8 of 2009).

### **Submission of documents to the Authority**

2. In these regulations, when persons are permitted or called upon to submit information to the Authority in writing, they may do so either physically or electronically -

- (1) by hand to the head offices of the Authority, namely Communication House, 56 Robert Mugabe Avenue, Windhoek;
- (2) by post to the head offices of the Authority, namely Private Bag 13309, Windhoek 9000;
- (3) by electronic mail to the following address: [enamwoonde@cran.na](mailto:enamwoonde@cran.na);
- (4) by facsimile to the following facsimile number: +264 61 222 790; or

- (5) in any other manner or at alternative addresses set out by the Authority from time to time.

### **Applicability**

3. These regulations are applicable to -

- (1) confidential information submitted to the Authority as contemplated in section 28 of the Act, and -

- (2) confidential communications with the Authority as contemplated in section 29 of the Act.

### **Confidential information**

4. (1) Subject to sub-regulation (4), any person submitting written information to the Authority may designate all or part of the information confidential, in terms of section 28(1) of the Act.

- (2) If a person designates all or part of the information confidential, it must submit in writing to the Authority, clear and concise reasons why the information is designated confidential.

- (3) If the Authority has reason to believe that the designated information is not confidential, it will inform the person along with its reasons for that belief, and inform the person that they may withdraw the information, consent that it will not be treated as confidential, or request a hearing on the issue of confidentiality to be conducted in terms of section 28 of the Act.

- (4) Any information that is required to be made public by a person or the Authority in terms of the Act or any regulations made in terms of the Act, may not be designated confidential.

### **Hearings**

5. (1) If the person claiming confidentiality in terms of section 28(3)(c) of the Act requests a hearing, the Authority may hold either a paper hearing or an oral hearing or both.

- (2) In terms of section 28(4), the burden of proof lies with the person claiming confidentiality.

### **Written Submissions (Paper hearings)**

6. (1) If the Authority decides to hold a paper hearing, it will invite the person requesting the hearing to submit in writing to the Authority reasons why the person disagrees with the Authority's belief that the designated information is not confidential, within the time set out in the invitation.

- (2) The Authority may request further written or oral submissions which must be provided to the Authority in the manner set out by the Authority.

- (3) All written submissions must -

- (a) contain the name and contact details of the person making the submission and the name and contact details of the person for whom the submission is made, if different;

- (b) be clear and concise; and

- (c) conform to any further requirements determined by the Authority.

### **Oral hearings**

7. (1) If the Authority decides to hold an oral hearing, it will invite the person requesting the hearing to make oral submissions to the Authority with regard to the reasons why the person disagrees with the Authority's belief that the designated information is not confidential, within the time set out in the invitation.

- (2) The format and agenda of the hearing is at the discretion of the Authority.
- (3) All oral submissions must -
  - (a) include a statement indicating the name and contact details of the person making the oral submission and the name and contact details of the person for whom the oral submission is made, if different;
  - (b) be clear and concise; and
  - (c) conform to any further requirements determined by the Authority.

(4) The Authority may request further oral or written submissions, which must be provided to the Authority in the manner set out by the Authority.

### **Decisions of the Authority**

8. (1) At the conclusion of the hearing, the Authority will decide whether the designated information is confidential.

(2) The Authority's decision and reasons will be communicated to the person requesting the hearing, and if the decision is that the information is not confidential, the Authority will inform the person that they may withdraw the information or consent that it will not be treated as confidential.

### ***Ex Parte Communications***

9. A person may not communicate with the members of the Board, the CEO or staff members of, or consultants to the Authority, to discuss the subject matter of request for confidentiality, except as provided for herein.

### **Record of proceedings**

10. (1) All documents deemed relevant by the Authority to the proceedings contemplated by these regulations, including the Authority's decision and reasons, must be maintained by the Authority in its files located at the head offices of the Authority.

(2) Except for confidential information, any person may examine the Authority's files at the head offices of the Authority during normal business hours and copies may be made on payment of a fee determined by the Authority from time to time, and, if available, on the Authority's website where copies may be downloaded free of charge.

### **Reconsideration**

11. (1) The Authority may, on its own, reconsider any decision made in terms of these regulations within the time set out in section 31 of the Act.

(2) Any person may submit to the Authority in writing a request to reconsider any decision made in terms of these regulations within thirty (30) days of notice of the decision, and the Authority must reconsider such regulation within the time set out in section 31 of the Act.

(3) The Authority may publish its decision on reconsideration without further submissions being received, or it may provide an opportunity for further submissions in a manner set out by the Authority.

### **Confidential communications with the Authority**

**13.** (1) Subject to sub-regulation (2), a person may submit in writing to the Authority a request for a confidential meeting with the Authority, in terms of section 29(1) of the Act.

(2) A person may not request a confidential meeting with the Authority -

- (a) if the topic(s) of the meeting concerns information that the Authority believes or has decided is not confidential in terms of the Act and these regulations; or
- (b) if that person is prohibited from engaging in *ex parte* communications with the Authority on the topic(s) of the requested meeting by any regulations made in terms of Act.

(3) The request for a confidential meeting with the Authority must include -

- (4) (a) the name and contact details of the person making the request and the name and contact details of the person for whom the request is made, if different;
- (b) a clear and concise statement(s) of the topic(s) of the meeting;
- (c) a list of all the persons who will attend the meeting; and
- (d) a list of all of the written information, if any, that will be submitted to the Authority at the meeting.

(5) If the Authority grants the request in terms of section 29(3) of the Act, it will publish notice of the meeting in the *Gazette* at least seven (7) days prior to the meeting, provided that if the person requesting the meeting has shown sufficient cause for urgency, publication in the *Gazette* may be made less than seven (7) days.

(6) At the conclusion of the meeting, the Authority will prepare a report setting out all relevant details of the meeting and keep that report in its files located at the head offices of the Authority.

(7) Any written information submitted to the Authority at the meeting will be treated as if designated confidential in terms of section 28 of the Act, in which case the regulations herein regarding confidential information will apply, subject to section 29(5) of the Act.

**S. SHANAPINDA**  
**CHIEF EXECUTIVE OFFICER**

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