GOVERNMENT NOTICE

DEPARTMENT OF COMMUNICATIONS

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MINISTER OF COMMUNICATIONS

OUTLINE OF THE ICT POLICY REVIEW PROCESS, 2013

In April 2012, the Minister of Communications launched a process to review the Information and Communications Technology (ICT) policies. To this end a National ICT Policy Colloquium was held on the 19th and 20th April 2012. The review is initiated to examine the policy and regulatory frameworks that apply to telecommunications, broadcasting, postal and e-commerce and will lead to an adoption of a White Paper on Integrated ICT Policy Framework for South Africa. The Department plans to issue a Green Paper on Integrated ICT Policy Framework this current financial year.

Due to the enormity, complexity and the need to ensure inclusivity in the development of these documents, the Minister of Communications appointed an ICT Policy Review Panel.

An Outline of the ICT Policy Review Process that was developed in consultation with the ICT Policy Review Panel is attached in the Schedule.

MS DINA PULE, MP
MINISTER OF COMMUNICATIONS

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Department:
Communications
REPUBLIC OF SOUTH AFRICA

OUTLINE OF THE ICT POLICY REVIEW PROCESS

April 2013

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1. INTRODUCTION

1.1.1 The purpose of this Outline of the ICT Policy Review Process document is to provide an outline of the process including the time-frame for South Africa's ICT policy development leading into the White Paper Policy on Integrated ICT Policy by 2014/15 period.

1.1.2 The ICT policy will result out of a thorough and rigorous review of the existing policies exposed in ICT legislations. The three phases of the ICT Policy process have been adopted by the panel in January 2013, and these are the following:

1.1.3 Publication of the Framing Paper – which document will measure the current policy objectives, the extent of their achievement and relevance for the future, thereby assisting the panel in setting new policy objectives for the integrated ICT Policy.

1.1.4 Green Paper on ICT Policy – This document lay out policy options; facilitating input and dialogue to obtain greater preference in policy whilst fostering greater public participation in the policy making discourse,

1.1.5 White Paper policy which is futuristic, taking into account greater technology and services convergence mainly for ensuring universal access and universal service to all South Africans.

1.2 The Outline document details bellow the terms of references of the panel, as well as the project timelines set to guide the policy making process which the country is embarking upon.

1.3 This outline is intended to inform the public on expected deliverables in each phase of the process.

2. TERMS OF REFERENCE OF ICT POLICY REVIEW PANEL

2.1.1 In April 2012, the Minister of Communications, Ms Dina Pule, launched the process to review the Information and Communications Technology (ICT) policies. The review is initiated to examine the policy and regulatory frameworks that apply to telecommunications, broadcasting, postal and e-commerce and will lead to an adoption of a White Paper on Integrated ICT Policy Framework for South Africa. The Department has set itself to develop a Green Paper on Integrated ICT Policy Framework this current financial year.

2.1.2　To this end a National ICT Policy Colloquium was held on the 19th and 20th April 2012. The colloquium had six commissions namely; Broadcasting, Telecommunications, Postal, e-Commerce and IT, Local Content and Industry Development. The outcome of the Colloquium will be used to develop position papers for each focus area that will in turn be used to prepare the Green Paper.

2.1.3　Due to the enormity, complexity and the need to ensure inclusivity in the development of these documents, the Minister of Communications is establishing an ICT Policy Review Panel whose terms of reference include the submission of recommendations on white paper policy for the ICT sector.

2.2　ESTABLISHMENT AND DURATION OF THE PANEL

2.2.1　The Minister shall appoint and announce the names of the members of the panel by notice in the Gazette.

2.2.2　The duration of the panel shall end with the submission of its report to the Minister.

2.3　SCOPE OF WORK FOR THE PANEL

2.3.1　The Panel will review the functioning of the policy and regulatory framework of telecommunication, broadcasting, postal and e-commerce in South Africa and assess its effectiveness in achieving appropriate policy objectives for the knowledge-based society. In doing its work the Panel shall have regard to legislative measures, including but not limited to those contained in the Electronic Communications Act of 2005, ICASA Act of 2000, Broadcasting Act of 1999, Postal Services Act of 1998 and Electronic Communications and Transactions Act of 2002.

2.3.2　The Review Panel shall also have regard to the structure of the broadcasting, telecommunications, content, postal and e-commerce industries in South Africa, to the role of the Independent Communications Authority of South Africa and to the views and expectations of the public in general.

2.3.3　The Panel will also examine measures and recommend measures to support investment in backbone infrastructure to meet the growing demand for a advanced ICT services, and those policies and strategies that support the growth and development of the manufacturing sector, especially electronics products.

2.3.4　Determine policy goals and strategies for ICT Research and Development, applications development promotion, human capital development, Investment in ICT market for growth and development. Look into trends for digitizing government to increase uptake and usage of ICT services.

2.3.5   Proposal for appropriate universal service and universal access policy goals for South Africa, including methods of policy execution.

2.3.6   Determine ICT market regulation, and structures, institutional alignment for delivering universal access and universal service policy goals.

2.4 FUNCTIONS OF THE ICT POLICY REVIEW PANEL

2.4.1   The functions of the ICT Policy Review Panel include the review of the ICT Policy Colloquium and sub-sector review reports. Set out policy options and make recommendations to the Minister of Communications.

2.4.2   In fulfilling its responsibilities, the ICT Policy Panel shall review the current policy and regulatory framework in the ICT sector with a view to make recommendations on:

a)   the appropriate ICT policy and regulatory framework that supports the growth and development of the country;

b)   ways to achieve the desired ICT policy and regulatory framework, including its implementation options and timeframes where possible;

c)   the potential impact of reform options on industry, consumers and the community

d)   To investigate progress and constraints in ICT Research and Development, ICT skills development, and ICT investment, ICT industrial growth contribution

e)   the principles that will underpin any new framework.

2.4.3   Furthermore, the Panel must take into account the following policy parameters:

2.4.3.1   the development and maintenance of diverse, innovative, efficient and effective ICT market that operates within a competitive environment and in the best interest of the South African public;

2.4.3.2   the impact of policy settings on industry and government revenues;

2.4.3.3   appropriate ways to treat content and the services and applications used to deliver content, which are cross border in nature; and

2.4.3.4   international ICT policy developments regarding convergence of technologies.

2.4.3.5   To co-ordinate and provide a forum for stakeholder interaction on all matters related to the policy review process;

2.4.3.6　To liaise with other key stakeholders and agencies to ensure that their views are taken into account in the development of the final report.

2.4.3.7　In the first instance, the Panel shall provide a progress report to the Minister within three (3) months and a final report with recommendations within six (6) months of its establishment. The Minister may assign additional functions to the Panel during the course of its tenure.

2.5　CONSTITUTION OF PANEL

2.5.1　The Panel shall consist of such number of members up to 20, as determined by the Minister. In appointing the Members of the Panel, the Minister will consider a broad spectrum of required skills including inter alia engineering, legal, economics, education, business development, financial, regulatory and research.

2.5.2　These members will when viewed together constitute an ICT core expert group whom about 6 members will be appointed as chairpersons of the six (6) working committees, namely Broadcasting, Telecommunications and Information Technology, Postal, Content Development, Digitising government, and Investment and Manufacturing.

2.5.3　A member of the panel shall serve in a part-time capacity.

2.5.4　The Minister shall designate one member as chairperson and another as Deputy Chairperson of the panel.

2.5.5　If the chairperson is absent or for any reason is unable to act as chairperson, the deputy chairperson shall act as the chairperson of the panel.

2.5.6　The Department of Communications will provide to the panel expert ICT policy research support and dedicated secretariat services. In addition, communications services will be provided to ensure that the ICT policy making process enjoys popular public participation and support from key stakeholders.

2.6 KEY FOCUS AREAS OF THE ICT POLICY REVIEW SUB-COMMITTEES.

2.6.1　Each of the five sub-committees representing the Postal, Telecoms Research, Broadcasting & Content Research, e-Commerce & IT Research and Infrastructure will focus its functions on the respective sub-sector each represents. Each Sub-Committee shall:

2.6.1.1 Review the functioning of the policy and regulatory framework within the assigned subsectors to assess their effectiveness in achieving appropriate policy objectives for the knowledge-based society. In carrying out the assignment, each Sub-Committee shall have regard to legislative measures, including but not limited to those contained in the Electronic Communications Act of 2005, ICASA Act of 2000, Broadcasting Act of 1999, Postal Services Act of 1998 and Electronic Communications and Transactions Act of 2002.

2.6.1.2 Assess specific subsector structure and align it to the role of the Independent Communications Authority of South Africa and to the views and expectations of the South African public in general.

2.6.1.3 Determine policy goals and strategies for ICT Research and Development, applications development promotion, human capital development, Investment in ICT market for growth and development. Look into trends for digitizing government to increase ICT uptake and usage:

2.6.1.3.1 Propose appropriate sector specific interventions that shall contribute to the achievement of a universal service and universal access policy goals for South Africa, including methods of policy execution.

2.6.1.3.2 Determine ICT market regulation, and structures, institutional alignment for delivering universal access and universal service policy goals.

2.6.1.3.3 Conduct sub-sector specific local and international bench mark studies with relevant countries that have successfully developed and implemented an integrated ICT Policy and Legislative frameworks for lessons learned

3. OUTLINE OF THE ICT POLICY REVIEW PROJECT PLAN

The table bellow depicts the various phases of the ICT Policy development process.

MILESTONE	KEY DELIVARABLES	ACTION STEPS
1. Framing Paper issued to initiate the public participation and focussed on policy ends	Public launch of the Policy review process Outline Document Published Framing Paper Published (April 2013)	• Review and align current policy objectives to determine their extent of implementation, relevance and usefulness • Outline the Policy Review Process • Initiate public participation on the Framing document.
(a) Framing Paper Submissions close	Public submission on key objectives of the ICT sector (April-June 2013)	• Public submission on Framing Paper closes
2. ICT Sector Review Report	ICT Sector Report on Telecommunications, Broadcasting, e-Commerce and Postal Published (August 2013)	• ICT Sector Review report launched
3. ICT Policy Draft Green Paper commences	Draft Green Paper Published (October 2013)	• Draft on key subject matters ✓ Framing submissions; ✓ Public discussions; ✓ Research findings. • Finalisation of Draft Green Paper.

(a) Public Consultations	Public consultation of Green Paper	• Collation of public views on key issues; • Meeting with public and stakeholders.
(b) Discussion Paper	Discussion Paper Published	• Summation/Analysis Documenting and Aligning of key public inputs to framing objectives and Government policies; • Presentation of draft discussion document; • Presentation of International Benchmarking; • Review and finalisation of the discussion document by the Panel; • Release of the discussion document by Panel members.
4. ICT Policy White Paper	Draft White Paper Issued as recommendations to the Minister (March 2014)	• Consolidating policy documents outlining approaches' choices, model, structures and institutions including roles and responsibilities for the development of the Integrated ICT sector in South Africa.

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