



DRAFT ELECTRONIC COMMUNICATIONS AMENDMENT BILL 2017



For the record, ISPA supports



focus on open access and vertical disintegration

will engage to refine definition of “essential facilities” and scope of application of provisions relating to vertically-integrated and deemed entities



focus on competition

but expect important issues to be sorted out by
the Competition authorities



harmonisation of licensee
transformation initiatives with broader
transformation framework



greater clarity on interaction between
licensees and landowners

especially around access and compensation



intention of provisions regarding rapid
deployment of electronic
communications infrastructure



..but (1) implementation

- how do we fix implementation? Another long list of difficult tasks for the regulator.....
 - changing “may prescribe” to “must prescribe” and imposing unrealistic deadlines without consequences changes nothing
- provisions in the draft bill seem informed more by the relationship between policymaker and regulator than the White Paper & do not speak to fixing implementation



- confused about the regulator(s)
- no broadcasting / audio-visual content policy
- how will the timing of replacing ICASA work?
- agree with submissions that proposed ICT Sector Commission and Tribunal Bill be processed together with ECA amendments



we must have a regulator that:

- has the people, expertise and the passion for electronic communications and what positive changes in affordable access can do for South Africa
- has sufficient support and budget to implement legislation and enforce regulation in a complex, dynamic and litigious environment
- Is able to resolve disputes between licensees on an expedited basis

**This should be the first priority.
Without this, nothing else happens.**



but (2) - we are still talking about the White Paper

- function of the draft bill is to give effect to National Policy but many submissions and much of the media coverage continues to debate the White Paper
- “expropriation” / “ultra vires” / “unconstitutional” / “bad faith” and “monopoly WOAN”
 - In our understanding process is clear....



missing but desperately required

- Definition of “control”
 - Definition of “HDI”
 - Deeming provisions
- Reversal of 2014 amendment re class ECS licences



Thank You