



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 736

1

October
Oktober

2026

No. 55494



N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845



9 771682 584003

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
	GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS		
	Communications and Digital Technologies, Department of / Kommunikasie en Digitale Tegnologieë, Departement van		
7985	Electronic Communications Act, 2005 (Act No. 36 of 2005), as Amended: Invitation to comment on the Discussion Document on Universal Access and Universal Service	55494	3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES

NO. 7985

1 October 2026

UNIVERSAL SERVICE AND ACCESS AGENCY OF SOUTH AFRICA**ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005), AS AMENDED****INVITATION TO COMMENT ON THE DISCUSSION DOCUMENT ON UNIVERSAL ACCESS AND UNIVERSAL SERVICE**

1. The Universal Service and Access Agency of South Africa (USAASA), acting under section 82(3)(a) of the Electronic Communications Act, 2005, as amended, invites interested persons to submit evidence and written comments on the accompanying *Discussion Document on Universal Access and Universal Service*.
2. Section 82(3)(a) requires USAASA, after obtaining public participation to the greatest degree practicable, to make recommendations enabling the Minister to determine what constitutes universal access and universal service.
3. The discussion document considers the Ministerial determination published in 2010, relevant research and current circumstances. Its questions and preliminary proposals are published for consultation and do not represent final recommendations or a new determination.
4. The discussion document accompanies this notice and is available on USAASA's website, www.usaasa.org.za. A copy may also be requested using the contact details below.
5. Written representations are invited for 30 calendar days from publication and must reach USAASA by 16h00 South African Standard Time on Friday, 30 October 2026.

6. Submissions should identify the relevant section or consultation question and may include supporting evidence and proposed alternatives. Respondents need not answer every question.
7. Submissions may be delivered by either of the following means:
Email: consultation@usaasa.org.za
Hand delivery: For attention: Mr Trevor Nivi, Policy Research and Strategy, USAASA, Eco Glades 1 Office Park, Block 1, Second Floor, 70 Ribbon Grass Street, Highveld, Centurion, 0157.
8. USAASA will consider submissions and further stakeholder engagements before developing its recommendation to the Minister.
9. Publication of the discussion document does not prejudice the Agency's final recommendation or any subsequent decision by the Minister.

Thabiso Thukani

Acting Chief Executive Officer

Date:



Discussion Document on Universal Access and Universal Service

Discussion document on universal access and universal service

Universal Service and Access Agency of South Africa

Discussion Document on Universal Access and Universal Service

1. Purpose of this document

- 1.1** The Universal Service and Access Agency of South Africa (USAASA) invites comment on whether, and in what respects, the Ministerial determination of universal access and universal service made in 2010 should be updated. This paper sets out the existing legal position, evidence relevant to a review, three possible approaches and preliminary wording for discussion. Respondents are asked to explain the practical effects of any proposal and to provide data or examples where available.
- 1.2** The Agency is consulting before making recommendations to the Minister. Nothing in this paper changes an existing legal instrument, establishes an entitlement to funding, imposes a license obligation or represents a final USAASA or Ministerial position. The Minister determines what constitutes universal access and universal service under the Electronic Communications Act (ECA), 2005, informed by recommendations made by USAASA after public participation. [1]
- 1.3** The purpose of this Discussion Document is to invite the public to submit evidence and views to inform recommendations under section 82(3)(a) of the ECA. The proposals in this paper are provisional and do not constitute a determination, an approved subsidy programme or an invitation to apply for funding.

2. Mandate and scope

2.1 Statutory process

- 2.1** Section 1 of the ECA defines universal access by reference to universal access to electronic communications network services, electronic communications services, and broadcasting services, as determined from time to time under Chapter 14. As amended in 2014, universal service refers to the universal provision of those categories of service, likewise as determined under Chapter 14. [1]
- 2.2** Section 82(3)(a) requires USAASA, from time to time, with due regard to prevailing circumstances and attitudes and after obtaining public participation to the greatest degree practicable, to make recommendations enabling the Minister to determine what constitutes each concept. [1]
- 2.3** The Agency conducted a Desktop Research and International Benchmarking in June 2026. [2] The present paper builds on that evidence and incorporates the 2010 Ministerial determination, which was not addressed in the earlier research.
- 2.4** The statement in the Benchmark Report that the ECA does not explicitly define the concepts requires correction: the Act contains definitions that refer to Chapter 14 determinations. This clarification is necessary to ground the consultation accurately.

2.5 Boundaries of the consultation

2.5.1 The consultation concerns the content of a possible recommendation under section 82(3)(a). It is distinct from:

- (i) the identification of under-served areas and the regulatory functions assigned to the Independent Communications Authority of South Africa (ICASA);
- (ii) the categories of needy persons and related recommendations under section 88(4);
- (iii) the Universal Service and Access Fund (USAF) subsidy application and payment procedures under section 88(1A); and
- (iv) the imposition of particular license obligations.

2.5.2 Respondents may identify connections among these matters but should state which institution and legal instrument would be responsible for each proposed action. The ECA requires ICASA, when exercising relevant universal service and access powers, to consult USAASA and consider Ministerial determinations under section 82. [1]

2.5.3 This paper also does not assume that every desirable measure of digital inclusion must be incorporated into the Ministerial determination. Some measures may be better addressed through policy, regulation, programmes, procurement, data collection or coordination across institutions. The question is which elements define the universal access and universal service objectives under the ECA, and which elements give effect to them.

3. Existing position and why review is warranted

3.1 The 2010 determination

3.1.1 On 8 February 2010, the Minister published Government Notice 85 in Gazette No. 32939 under section 82(3). Its schedule treats universal access as the ability of all persons in all areas and communities to obtain quality, affordable and usable access to a publicly available minimum set of electronic communications network and electronic communications services, including voice, messaging, data and broadband, free emergency calls and messaging, and broadcasting services. For universal service, it addresses quality, affordable and usable provision to persons who require it, on a household or individual basis, on a non-discriminatory basis; it separately addresses access to a diverse range of broadcasting services. [3]

3.1.2 The notice also specified numerical and operational targets for access points, households, affordability, and broadcasting. The targets in paragraphs 1(b), 1(c) and 2(c) expressly applied for a maximum of two years or until amended or substituted, whichever occurred first. They must not be presented as current targets without separate legal verification. Before finalising any recommendation, USAASA will confirm and document the present legal status of the substantive determination and any later amending or replacing instruments. [3]

Element	2010 approach	Issue for this review
Public access	Shared public access points and proximity measures.	Whether shared access remains essential, and how to describe it

Discussion document on universal access and universal service

		without assuming one technology or venue.
Individual or household service	Availability on demand, affordability, and non-discrimination.	Whether availability alone captures effective use and differing household circumstances.
Services	Voice, messaging, data including broadband, emergency communications and broadcasting.	Which minimum services and attributes should remain explicit; how to avoid rapid obsolescence.
Targets	Time-limited quantitative and operational benchmarks.	Whether a new determination should fix numbers or provide for reviewed, evidence-based measures.

3.2 Developments since 2010

- 3.2.1 South Africa Connect: Broadband Policy positioned broadband as national enabling infrastructure and placed attention on coverage, affordability, and use. The 2016 National Integrated ICT Policy White Paper addressed digital inclusion and proposals concerning infrastructure and demand-side barriers. These are policy instruments; their proposals do not, by themselves, amend the ECA or the 2010 determination. [4][5]
- 3.2.2 The USAASA Benchmark Research compared South African and international approaches and identified recurring themes of broadband connectivity, affordability, institutional connectivity, accessibility, digital capability, and meaningful use. [2]
- 3.2.3 The International Telecommunication Union (ITU) describes universal and meaningful internet connectivity through quality, availability for use, affordability, devices, skills, and security. That framework provides analytical guidance; it is not itself the legal definition of universal access or universal service in South Africa. [6]
- 3.2.4 Available South African data also caution against treating a single access statistic as a complete measure. ICASA's March 2026 sector report, using Statistics South Africa General Household Survey data for 2024, reports that 82.1% of households had internet access from any location, while 17.4% had access at home. These are different measures and should not be equated with broadband quality, affordability, or effective use. [7]

4. Analytical questions

4.1 Access and service

- 4.1.1 The 2010 determination distinguishes opportunities for shared access in communities from services that an individual or household can obtain when required. That distinction remains useful for assessing places with limited private connectivity and facilities that serve the public. The categories can overlap in practice: a person may use a public facility while also subscribing to an individual service. A revised approach could retain the distinction while avoiding an exclusive reliance on public telephones or fixed-distance public access points.

Discussion document on universal access and universal service

Question 1:

Should universal access continue to describe a reasonable opportunity for people in every community to use services through publicly available means, while universal service describes provision obtainable by individuals or households? What alternative distinction would be clearer?

Question 2:

What evidence would show that shared public access is available, usable, and accessible in different geographic and social settings?

4.2 Minimum services and technological neutrality

4.2.1 The existing determination expressly includes voice, messaging, data, and broadcasting. A contemporary minimum set should account for continued access to emergency communications, broadband capable of supporting ordinary digital activities and access to broadcasting where relevant under the ECA. A determination can specify service categories and intended outcomes without prescribing a particular network technology. Respondents should also consider how emerging satellite, wireless, and fixed technologies can be treated equivalently when they meet the required service attributes.

Question 3:

Which service categories should the minimum set expressly include? Are there categories in the 2010 determination that should be restated or removed?

Question 4:

How should broadband capability be described so that it is meaningful and measurable without rapidly becoming outdated?

Question 5:

How should broadcasting be reflected, including accessible services and language needs, within the scope of this determination?

4.3 Affordability, quality, and accessibility

4.3.1 Availability is inadequate if a person cannot reasonably pay for a service, receive it at an adequate quality or use it because of a disability or another practical barrier. The 2010 determination recognised affordability, quality, and usability, but some of its numerical affordability and usage benchmarks were time limited. Any new benchmark would require a defined basket, population, income or expenditure measure, data source, review frequency and responsible institution. A fixed percentage or speed should not be adopted without testing its consequences for low-income households and implementation.

Question 6:

Which attributes should appear in the core determination, and which should be measured through periodically reviewed targets or guidance?

Discussion document on universal access and universal service

Question 7:

What affordability measures would best reflect the circumstances of people at risk of exclusion? Should connection charges, recurring charges and appropriate user equipment be considered separately?

Question 8:

Which measures of quality, reliability and accessibility are both meaningful to users and capable of credible independent verification?

4.4 Use, enabling conditions and public institutions

4.4.1 Devices, skills, safety and locally relevant services affect whether connectivity produces a practical benefit. These matters may inform the assessment of effective access without necessarily expanding a communications determination into a general digital development mandate. Schools, health facilities, libraries and community centres can also act as shared points of access and enable service delivery, although their funding and obligations arise under distinct legal and policy provisions.

Question 9:

What role should devices, skills, safety, and relevant content play in defining or measuring universal access and universal service? Which should be addressed through complementary programmes?

Question 10:

How should access through public institutions be reflected without confusing the determination with eligibility for particular USAF subsidies?

4.5 Targets and updating

4.5.1 The time-limited 2010 targets illustrate both the value and risk of numerical precision. A benchmark can support accountability, but its value declines when technology, prices or use changes and no review follows. Possible approaches include measurable high-level attributes in the determination with separately maintained indicators, or periodic numerical schedules backed by an explicit review process. Respondents should identify the legal authority, data source, costs, and governance of their preferred method.

Question 11:

Should a future determination contain numerical targets? If so, which measures, source data, geographic scale, review interval and responsible institution should be specified?

Question 12:

What transitional issues would arise if an existing substantive provision were amended or replaced?

5. Options for consultation

5.1 The table below sets out three possible approaches to the 2010 Ministerial determination. They are presented to invite evidence and views on their merits and practical implications. USAASA has not reached a final position, and respondents may propose an alternative approach.

Option	Description	Strengths and issues to test
A. Retain and clarify	Maintain the substantive 2010 approach; issue explanatory guidance and develop new measures through the appropriate instruments.	Preserves continuity. May leave dated wording and uncertain relationships between old concepts and contemporary measures.
B. Targeted revision	Recommend a revised determination retaining the access/service distinction and core service categories, while updating attributes and establishing a defensible mechanism for reviewed measures.	Builds on an existing legal foundation. Requires careful drafting to separate the Minister's determination from ICASA regulation and programme implementation.
C. Comprehensive replacement	Recommend a new determination with a fuller conceptual and measurement architecture.	Creates a coherent current text. Higher transition burden and risk of drawing matters beyond the ECA mandate into one instrument.

5.2 USAASA's preliminary working proposition for consultation is Option B. It would preserve the useful distinction in the 2010 determination while addressing the age of its time-limited targets and testing the need for more explicit treatment of effective use. This is a hypothesis to be tested, not a decision. Respondents who prefer Option A or C should explain why and provide proposed language and implementation evidence.

6. Preliminary elements of a possible recommendation

6.1 The following text is presented only to focus submissions. It is not proposed as a final legal formulation. Respondents are invited to amend it, identify unintended legal effects, and explain how it could be implemented.

6.1.1 Universal access: possible formulation

"Universal access exists where persons in all areas and communities of the Republic have a reasonable and equitable opportunity to obtain and use a publicly available minimum set of electronic communications network services, electronic communications services and broadcasting services, including access to broadband and emergency communications, at a quality and cost that permit effective use, with appropriate provision for accessibility."

6.1.2 Universal service: possible formulation

“Universal service exists where persons in the Republic who require it can obtain, on an individual or household basis and without unfair discrimination, a minimum set of electronic communications network services, electronic communications services and broadcasting services, including broadband and emergency communications, that is available, affordable, accessible and of adequate quality for effective use.”

6.2 These working formulations require further testing. In particular, “reasonable and equitable opportunity”, “minimum set”, “affordable”, “adequate quality” and “effective use” would need objective explanation and measurable application. Broadcasting service is included because it falls within the statutory definitions, but its treatment may need a distinct formulation. The reference to accessibility must be assessed against existing broadcasting and communications obligations. A draft recommendation should state clearly whether the Minister should replace the substantive 2010 determination, amend specified provisions, or adopt a new schedule.

6.3 The draft recommendation would further propose that measurable benchmarks be developed through a legally appropriate instrument, supported by consultation and a review timetable. No numerical benchmark in the 2010 time-limited target provisions is advanced here as a current legal standard. [3]

Question 13:

What wording should replace either preliminary formulation? Please identify every phrase that may be difficult to administer or verify.

Question 14:

Should the approach to measurable targets be incorporated into the determination itself or addressed by a separate, identified instrument? What legal and institutional basis supports your view?

7. Impact and implementation considerations

7.1 Respondents are asked to evaluate likely effects on underserved communities, low-income users, persons with disabilities, public access facilities, broadcasters, electronic communications licensees, and public institutions. An impact assessment should distinguish:

- (a) what a determination would state as a national objective;
- (b) any subsequent regulatory or license action by ICASA;
- (c) any USAF funding decision governed by sections 88 and 90; and
- (d) other policy or programme measures.

7.2 A determination should not be treated as automatically creating a subsidy entitlement or imposing an immediately enforceable obligation on every provider.

7.3 Where a response proposes a number, such as a minimum speed, price threshold, public access distance or household coverage level, it should identify the population and geography to which it applies; whether the measure concerns availability, actual service, or use; the baseline and data source; cost and feasibility; the proposed review interval; and any risk of disadvantaging remote or low-income communities.

Discussion document on universal access and universal service

Annexure A: Consultation questions at a glance

- 1 Distinction between shared universal access and individual or household universal service.
- 2 Evidence that public access is available, usable and accessible.
- 3 Minimum service categories, including broadcasting and emergency communications.
- 4 Broadband capability and a technology neutral formulation.
- 5 Broadcasting, language needs and accessibility.
- 6 Attributes for the determination versus separately reviewed measures.
- 7 Affordable services and appropriate cost measures.
- 8 Verifiable quality, reliability and accessibility measures.
- 9 Devices, skills, safety and other enabling conditions.
- 10 Public institutions and their relationship to subsidy eligibility.
- 11 Numerical targets, source data, responsibility and review frequency.
- 12 Transition if the existing determination is revised or replaced.
- 13 Proposed changes to the preliminary formulations.
- 14 Legal and institutional route for measurable targets.

Discussion document on universal access and universal service

Annexure B: Source register

- [1] Republic of South Africa. Electronic Communications Act 36 of 2005, as amended, particularly sections 1, 82 and 88 (including amendments made by Electronic Communications Amendment Act 1 of 2014). Principal Act: <https://www.gov.za/documents/electronic-communications-act> ; 2014 amendment: https://www.gov.za/sites/default/files/gcis_document/201409/37536act1of2014eleccommamend7apr2014.pdf
- [2] USAASA. Desktop Research and International Benchmarking of Universal Access and Service, June 2026. USAASA's Internal research source. <https://www.usaasa.org.za/>
- [3] Minister of Communications. Determination issued under the Electronic Communications Act with regard to universal access and universal provision, Government Notice 85, Gazette 32939, 8 February 2010. https://www.gov.za/sites/default/files/gcis_document/201409/3293985.pdf
- [4] Department of Communications. South Africa Connect: Creating Opportunities, Ensuring Inclusion, South Africa's Broadband Policy, 2013. <https://www.gov.za/documents/notices/electronic-communications-act-south-africa-connect-creating-opportunity-ensuring>
- [5] Department of Telecommunications and Postal Services. National Integrated ICT Policy White Paper, Government Gazette 40325, 3 October 2016. https://www.gov.za/sites/default/files/gcis_document/201610/40325gon1212.pdf
- [6] International Telecommunication Union. Framework for Universal and Meaningful Connectivity. <https://www.itu.int/itu-d/sites/projectumc/aboutumc/>
- [7] ICASA. The State of the ICT Sector Report of South Africa, 31 March 2026, pp. 7, 15–16. <https://www.icasa.org.za/uploads/files/The-State-of-the-ICT-Sector-Report-of-South-Africa-31-March-2026.pdf>

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065