



Briefing on proposed legislation emanating from the National Integrated ICT Policy White paper

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► POLICY REVIEW PROCESS (5 STAGES)

**FRAMING PAPER
GAZETTED**



April 2013

**GREEN PAPER
GAZETTED**



January 2014

**DISCUSSION PAPER
*November 2014***



**ICT Review Panel
Recommendations
Report *April 2015***

WHITE PAPER



September 2016

**> UNDERPINNED BY INVITATION TO
STAKEHOLDERS TO PARTICIPATE**



**telecommunications
& postal services**

Department:
Telecommunications and Postal Services
REPUBLIC OF SOUTH AFRICA

Integrated ICT Framework



telecommunications
& postal services

Department:
Telecommunications and Postal Services
REPUBLIC OF SOUTH AFRICA

Overarching Vision: Ensure universal service and access to all ICT networks, platforms, content and services so that all South Africans regardless of who they are, where they live, their social or economic status, benefit from the opportunities offered by the ICT sector to improve their quality of life

Supply-side Measures

Open Access Regime Policy
Radio Frequency Spectrum Policy
Rapid Deployment Policy
New Licensing Framework
Internet

Demand-side Measures

Digital Transformation of Government
Digital Access to promote trust and security in the use of ICTs
Digital Inclusion to create an enabling environment to promote e-commerce

Postal Sector Reform

Defines new role of the postal sector and SAPO to ensure universal access
Delineates new market structure, competition and licensing frameworks
Expands role and obligations of Postbank

Institutional Frameworks

Ikamva National e-Skills Institute
Evolution of USAASA and USAF into Digital Development Fund
ICT Sector Commission and Tribunal
SOC rationalisation

Whole of Government Approach

Multi-Stakeholder Cooperation





INTRODUCTION

- ❑ The National Integrated ICT Policy White Paper (White Paper) outlines the overarching policy framework for the transformation of South Africa into an inclusive and innovative digital and knowledge society. The White Paper outlines government's approach to:
 - ❖ providing cross-government leadership and facilitating multi-stakeholder participation;
 - ❖ interventions to reinforce fair competition and facilitate innovation in the converged environment; policies to protect the open Internet;
 - ❖ policies to address the digital divide and new approaches to addressing supply-side issues and infrastructure rollout including managing scarce resources.



INTRODUCTION

- ❑ In addition, the White Paper outlines policies to address demand-side issues in order to:
 - ❖ facilitate inclusive digital transformation in the country and provides for a new national postal sector policy framework, in respect of the market structure for the postal sector and the regulation and licensing thereof.
 - ❖ address issues related to the promotion of growth in the ICT and postal industries and provides for institutional frameworks necessary to facilitate the implementation of this policy document.



INTRODUCTION

- ❑ Legislative actions are necessary to enable the implementation of the White Paper in the short to medium-term. Given that the implementation of the White Paper will be collaborative, and under-pinned by the whole-of-government approach.
- ❑ The development of the Bills will also require amendment to other laws such as the ICASA Act.



LEGISLATIVE PROGRAMME



Legislative Programme

- ☐ Amendments to current legislation
 - ❖ Electronic Communications Amendment Bill
 - ❖ Postal Services Amendment Bill
 - ❖ South African Post Office Amendment Bill
 - ❖ Electronic Communications and Transactions Amendment Bill
- ☐ Legislation to establish new entities
 - ❖ Digital Development Fund Bill
 - ❖ ICT Sector Commission and Tribunal Bill
 - ❖ Ikamva National e-Skills Institute
- ☐ Future legislation
 - ❖ State Information Technology Agency Amendment Bill
 - ❖ State ICT Infrastructure Bill



PROPOSED LEGISLATION

- ❑ In the main the legislative amendment activities that will be undertaken to support the implementation of the White Paper include:
 - Legislative amendments: amendments to existing laws within the portfolio of the Ministry of Telecommunications and Postal Services;
 - Legislative amendments done in collaboration with the MoC: amendments to existing laws such as the Electronic Communications Act, 2005 co-administered by the Minister of Telecommunications and Postal Services and Minister of Communications;



PROPOSED LEGISLATION

- ❑ Legislative amendments to other laws outside of the Ministry of Telecommunications and Postal Services, such as the ICASA Act, and legislation affected by Rapid Deployment Policy, with the concurrence of the responsible Minister;
- ❑ Provision in legislation for establishment of new Institutional Mechanisms such the Inter-Ministerial Committee on Digital Transformation, the Coordinating Mechanism for ICT RDI and the National e-Skills Council.



PROPOSED LEGISLATION

- ❑ Establishment of new institutions such as the Digital Development Fund and the ICT Sector Commission and Tribunal.
- ❑ Further scoping and additional research required in respect of policy issues such as electronic signature framework. Therefore some amendments will only be possible in a second phase once the required research has been concluded.



PROCESS FOR THE AMENDMENT OF PROPOSED LEGISLATION



IDENTIFICATION OF AMENDMENTS

Policy Area	Policy Intervention	Legislative amendment
Provide for regulation of unreserved postal services; Extra Territorial Offices of Exchange; and a new licensing framework	Amendments provide for: • The new licensing framework for different categories of licences • The establishment and registration process of extra territorial offices of exchange • Monitoring of ETOEs operating in South Africa to ensure that they comply with UPU Guidelines • Registration of all foreign-owned postal operators, private and public operators	Amendment of Postal Services Act



IDENTIFICATION OF AMENDMENTS

Policy Area	Policy Intervention	Legislative amendment
Re-define the mandate of the South African Post Office	• To provide for the expansion of services rendered by the Post Office • To ensure universal service and access to postal services • Extend financial inclusion and facilitate digital access	Amendment of South African Post Office SOC Ltd Act



IDENTIFICATION OF AMENDMENTS

Policy Area	Policy Intervention	Legislative amendment
Funding universal service and access	• The USAF will be transformed into a new Digital Development Fund to support both infrastructure and demand stimulation projects and programmes; • The DDF will provide funding to support for universal service and universal access to ICT infrastructure, services and applications, and postal services and to promote digital inclusion for all South Africans.	Digital Development Fund Bill



IDENTIFICATION OF AMENDMENTS

Policy Area	Policy Intervention	Legislative amendment
Market Reviews	Sector Regulator is required to: • Prescribe list of markets and market segments and complete market review analyses across all identified markets • Develop regulations outlining pro-competitive remedies that can adopted and define circumstances in which they will be imposed • Conduct regular reviews and update these market definitions • Conduct and publish overviews of performance across all sectors	Amendment of Electronic Communications Act



IDENTIFICATION OF AMENDMENTS

Policy Area	Policy Intervention	Legislative amendment
Skills Development	The iKamva National e-Skills Institute (iNeSI) is established to: • Be a catalytic organisation to drive heightened innovation in the ICT sector • Drive multi-stakeholder collaboration for e-skills rollout in the country so as to better coordinate digital capacity building efforts across all spheres of society and aggregate efforts to enhance the impact	No amendments – a new legislation



BILLS IDENTIFIED IN THE FIRST PHASE (LINKED TO THE APP-2017/18)



BILLS

- ❑ The Department has identified and commenced with the development of the following Bills for the first phase of amendments:
 - Ikamva National e-Skills Institute (iNeSI) Bill;
 - Postal Services Amendment Bill;
 - Digital Development Fund Bill;
 - ICT Sector Commission and Tribunal Bill;
 - Electronic Communications Amendment Bill ; and
 - Electronic Communications and Transactions Amendment Bill



BILLS IDENTIFIED FOR THE SECOND PHASE



BILLS

- ❑ The Department will develop the following Bills in the second phase:
 - South African Post Office SOC Ltd Amendment Bill;
 - State Information Technology Amendment Bill
 - State ICT Infrastructure Bill



OBJECTIVES OF THE PROPOSED BILLS



IKAMVA NATIONAL E-SKILLS INSTITUTE BILL

To create a new Act to establish the iKamva National e-Skills Institute (iNeSI) as:

- ☐ Juristic person and public entity in terms of the Public Finance Management Act (PFMA);
- ☐ National catalyst, and change agent for developing e-skills capacity in the country;
- ☐ Multi-stakeholder collaborator with all stakeholders across government, business, education, civil society, etc so as to better coordinate digital capacity building efforts across all spheres of society and aggregate efforts to enhance the impact;
- ☐ Collaborator with relevant Post School Education and Training Institutions to offer e-skills programmes and maximise the use of existing infrastructure and resources to ensure that education and training respond to the demands and needs for e-skills in the country;
- ☐ Driver of innovative research focusing on e-skills with links to a network of public and private universities locally and internationally.



POSTAL SERVICES AMENDMENT BILL

- ❑ To amend the Postal Services Act, 1998 to provide for a revised licensing regime; to replace the current registration regime for postal operators in the unreserved market and provide for its efficient and effective regulation by the Regulator;
- ❑ To provide for the regulation of Extra-Territorial Offices of Exchange; and to provide for technological advancements and expansion of services by the Post Office,
- ❑ To provide for the national addressing policy approach for the assignment of addresses particularly in the rural areas and the development and maintenance of national address database, to provide for the a clear process for the development of philatelic products, provide for market definition and regular reviews to ensure effective competition in the postal services sector.



SOUTH AFRICAN POST OFFICE SOC LTD AMENDMENT BILL

- To amend the South African Post Office SoC Ltd Act so as to provide for the expansion of services rendered by the Post Office;
- To ensure universal service and access to postal services, and extend financial inclusion and facilitate digital access;
- To provide that the SAPO Board must oversee interventions to ensure SAPO creates new revenue generating streams, critical for the sustainability of the Post Office.



DIGITAL DEVELOPMENT FUND BILL

- ☐ To provide for the replacement of the Universal Service and Access Fund and the Universal Service and Access Agency of South Africa established in terms of Chapter 14 of the Electronic Communications Act No. 36 of 2005; and
- ☐ To provide for the establishment of a Digital Development Fund to fund universal access and universal service to information and communication technology infrastructure, services and applications, and postal services by all the people of the Republic of South Africa.



ICT SECTOR COMMISSION AND TRIBUNAL BILL

- ❑ This Act provides for the creation of a regulatory authority to regulate the ICT sector including the electronic communications sector, internet governance, licensing and regulation of electronic communications networks and services, the licensing and regulation of spectrum and other scarce resources, the licensing and regulation of postal services, ex ante competition regulation, the protection of consumers, the allocation and management of domain names, and the establishment and operation of a Tribunal to deal with appeals and disputes.
- ❑ Consolidates the governance and regulation across the ICT value chain into one entity.



ELECTRONIC COMMUNICATIONS AMENDMENT BILL

- ❑ To amend the EC Act, 2005 to provide new policy approaches on supply side issues and infrastructure roll-out; to provide for an open access framework; to provide for rapid deployment of electronic communications networks; to provide for new approaches on scarce resources such as spectrum including the allocation of high demand spectrum on open access principles; to provide for transformation of the sector through enforcement of equity ownership requirement for Historically Disadvantaged Groups and B-BBEE;
- ❑ To provide for lowering of cost of communications, reducing infrastructure duplications and encouraging service based competition through a wireless open access network;



ELECTRONIC COMMUNICATIONS AMENDMENT BILL

- ☐ To provide for regular market definition and review to ensure effective competition; to provide for improved quality of services including for persons with disabilities; to provide for consumer protection of different types of end-users and subscribers, including persons and institutions;
- ☐ To provide for enhanced cooperation between National Consumer Commission and Authority as well as the Competition Commission and the Authority; and to provide for the regulation of international roaming including SADC roaming to ensure regulated roaming costs, quality of service and transparency.



ALIGNMENT WITH GOVERNMENT PRIORITIES



ALIGNMENT WITH NDP, MTSF, NATIONAL INTEGRATED ICT POLICY WHITE PAPER

- ❑ The National Development Plan recognises that the ongoing development of quality communications infrastructure, services, content and applications, is key to the accelerated economic, social and cultural development of the country. The National Development Plan further directs the Department to undertake a full policy review of the sector.
- ❑ The Nine-Point Plan for growing the economy and creating jobs, includes the need to boost ICT infrastructure and broadband rollout. The National Integrated ICT Policy White Paper outlines the overarching framework for the role that ICTs and the postal sector can play in transforming the country into an inclusive and innovative digital society and knowledge economy.



ALIGNMENT WITH NDP, MTSF AND THE NATIONAL INTEGRATED ICT POLICY WHITE PAPER

- ❑ The MTSF, outcome 6, sub-outcome 5 requires the Department to develop a new policy framework / strategy / plan for ICT, including an assessment of the role of state ICT infrastructure agencies and interventions.
- ❑ The National Integrated ICT Policy White Paper requires a rapid expansion of access to and use of ICT infrastructure, it requires investment in a comprehensive plan to expand broadband access throughout the country and substantially reduce the cost of communication.



THE NEXT STEPS

Development of the Bills (April to September 2017)

- ❖ Drafting of legislation in line with provisions of the National Integrated ICT Policy White Paper
- ❖ Preliminary consultation with stakeholders (National Treasury; ICASA; SALGA; DoC; dti; Competition Commission, EDD, DRDLR, DoT, DWS, etc.)
- ❖ Development of SEIAS reports
- ❖ On-going consultation with the Office of the Chief State Law Adviser

Process to gazette for public consultation	Structure	Timeline
❖ Electronic Communications Amendment Bill	ESEID Cluster (Directors-General)	11 October 2017
❖ Postal Services Amendment Bill	ESEID Cabinet Committee	25 October 2017
❖ ICT Sector Commission and Tribunal Bill	Cabinet	01 November 2017
❖ Digital Development Fund Bill	Gazette for public consultation	November 2017 to February 2018

Process to Introduce to Parliament

	ESEID Cluster (DGs)	May 2018
	Cabinet Committee and Cabinet	June 2018



BILLS FOR THE SECOND PHASE (PROCESS)

- ❑ The following Bills will be developed in the 2018/19 financial year
 - South African Post Office SOC Ltd Amendment Bill;
 - State Information Technology Amendment Bill
 - State ICT Infrastructure Bill



THANK YOU