

TERMS OF REFERENCE OF ICT POLICY REVIEW PANEL.

1. INTRODUCTION

- 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.
- 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..
- 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.

2. ESTABLISHMENT AND DURATION OF THE PANEL

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

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

3. SCOPE

- 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.
- 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.
- 3.3. 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.
- 3.4. Proposal for appropriate universal service and universal access policy goals for South Africa, including methods of policy execution.
- 3.5. Determine ICT market regulation, and structures, institutional alignment for delivering universal access and universal service policy goals.

4. FUNCTIONS OF THE ICT POLICY REVIEW PANEL

The functions of the ICT Policy Review Panel are as follows:-

- 4.1. To review the ICT Policy Colloquium report.

- 4.2. The 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.
- 4.3. In doing its work, the Panel must take into account the following policy parameters:
- 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;
 - 4.3.2. the impact of policy settings on industry and government revenues;
 - 4.3.3. appropriate ways to treat content and the services and applications used to deliver content, which are cross border in nature; and
 - 4.3.4. international ICT policy developments regarding convergence of technologies.
- 4.4. To co-ordinate and provide a forum for stakeholder interaction on all matters related the policy review process;
- 4.5. To liaise with other key stakeholders and agencies to ensure that their views are taken into account in the development of the final report.
- 4.6. 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.

5. CONSTITUTION OF PANEL

- 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.
- 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.
- 5.3. A member of the panel shall serve in a part-time capacity.
- 5.4. The Minister shall designate one member as chairperson and another as deputy chairperson of the panel.
- 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.
- 5.6. The Department of Communications will provide ICT policy research support and secretariat services.

6. REMUNERATION

Members of the Panel will be remunerated in accordance with Treasury Regulation 20, Treasury Regulations, 2005, Gazette 27388, dated 15 March 2005.

7. MEETINGS OF PANEL

- 7.1. The panel shall meet at a time and place determined by the chairperson of the panel.

- 7.2. The decision of a majority of members of the panel present at a meeting of the panel shall constitute a decision of the panel, and in the event of an equality of votes on any matter, the person presiding at the meeting concerned shall have a casting vote in addition to that person's deliberative vote.

8. ADMINISTRATION OF PANEL

- 8.1. The Director-General of the Department of Communications shall designate such employees of that Department as may be necessary to perform the work incidental to the functions of the panel.
- 8.2. The expenditure incidental to the exercise or performance of the functions of the panel such as subsistence and travelling shall be defrayed by the Department, subject to prior written approval by the Director-General.