

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO**

**INDEPENDENT  
COMMUNICATIONS  
AUTHORITY OF  
SOUTH AFRICA  
AMENDMENT BILL**

**[B 32B—2005]**

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*(As agreed to by the Portfolio Committee on Communications  
(National Assembly))*

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**[B 32C—2005]**

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 INDEPENDENT COMMUNICATIONS AUTHORITY OF  
 SOUTH AFRICA AMENDMENT BILL  
 [B 32B—2005]  
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CLAUSE 7

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

**Amendment of section 5 of Act 13 of 2000**

7. Section 5 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

**“(1) [The Council consists of seven councillors appointed by the President on the recommendation of the National Assembly according to the following principles, namely—**

- (a) participation by the public in the nomination process;  
 (b) transparency and openness; and  
 (c) the publication of a shortlist of candidates for appointment, with due regard to subsection (3) and section 6.] The Council consists of a chairperson and eight other councillors appointed by the Minister, by notice in the *Gazette*.”;

- (b) by the insertion after subsection (1) of the following subsections:

“(1A) (a) Whenever it is necessary to appoint a chairperson or other councillor, the Minister must appoint an independent and impartial selection panel consisting of seven persons who have an understanding of issues relating to the electronic communications and postal sectors.

(b) The panel must consist of—

- (i) a person with knowledge and experience from the industry;  
 (ii) a person with a legal background and knowledge of the ICT sector;  
 (iii) an academic in the field of electronic communications;  
 (iv) a representative from the labour sector;  
 (v) a representative of consumer interests; and  
 (vi) two representatives from Parliament.

(c) The names and terms of reference of persons on the selection panel must be published by the Minister by notice in the *Gazette*.

(1B) The selection panel contemplated in subsection (1A) must—

- (a) at least 60 days prior to the last day of service of a councillor, invite the public to nominate candidates for appointment to the Council in not less than two newspapers circulating nationally;

- (b) submit to the Minister a list of suitable candidates at least one and a half times the number of councillors to be appointed.
- (1C) If the Minister is not satisfied that the persons recommended by the panel do not comply with subsection (3), the Minister may request the panel to review its recommendations.
- (1D) The selection panel will be automatically dissolved when the appointment is published in the *Gazette* in terms of subsection (1).”;
- (c) by the substitution for subsection (2) of the following subsections:
- “(2) (a) **[The President must appoint one of the councillors as chairperson of the Council.]** The chairperson must, in writing, appoint a councillor as acting chairperson to perform the functions of the chairperson in his or her absence.
- (b) **[In the absence of the chairperson, the remaining councillors must from their number elect an acting chairperson, who, while he or she so acts, may perform all the functions of the chairperson.]** Where the chairperson is unable to make an appointment, the remaining councillors must from their number elect an acting chairperson.”; and
- (d) by the substitution for subparagraph (ii) of paragraph (b) of subsection (3) of the following subparagraph:
- “(ii) possess suitable qualifications, expertise and experience in the fields of, amongst others, broadcasting, **[and telecommunications policy]** electronic communications and postal policy or operations, public policy development, electronic engineering, **[technology, frequency band planning,]** law, marketing, journalism, entertainment, education, economics, **[business practice and]** finance or any other related expertise or qualifications.”.

#### CLAUSE 11

1. On page 9, from line 22, to omit subsections (2) and (3) and to substitute:
  - (2) A councillor may be removed from office only **[on]**—
    - (a) **[a finding to that effect by the National Assembly]** on recommendation by the panel contemplated in section 6A(4) to the Minister; and
    - (b) **[the adoption by the National Assembly of a resolution calling for that councillor’s removal from office]** upon approval by the Minister of the recommendation contemplated in paragraph (a).
  - (3) The **[President]** Minister—
    - (a) may suspend a councillor from office at any time after the start of the proceedings of **[the National Assembly]** the panel contemplated in section 6A (4) for the removal of that councillor;
    - (b) **[must]** may remove a councillor from office upon **[adoption]** approval by [the National Assembly] the Minister of the [resolution calling] recommendation for that councillor’s removal.”.

CLAUSE 19

1. On page 14, in line 40, to omit “serviced” and to substitute “service”.
2. On page 17, in line 53, to omit all the words after “in” up to and including “(1)(b)” in line 54 and to substitute “subsection (3)(b)”.
3. On page 17, in line 58, after “must” to insert “not”.

CLAUSE 21

1. On page 18, in line 5, to omit “17” and to substitute “21”.