

22 MAY 2006

Proposed Portfolio Committee Amendments

To

**Independent Communications Authority of South Africa
Amendment Bill
[B32D – 2005 (Reprint)]**

[B32E – 2005]

CLAUSE 7

OPTION 1

[note: In this option the Minister appoints the councillors]

CLAUSE 7

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

"(1A) (a) Whenever it is necessary to appoint a chairperson or other councillor of the National Assembly, must after drawing up terms of reference and inviting nominations for panellists, select an independent and impartial selection panel consisting of eleven persons who have an understanding of issues relating to the electronic communications and postal policy or operations, public policy development and electronic engineering.

(b) The selection panel must consist of—

- (i) a person with knowledge of and experience in the industry;
- (ii) a person with a legal background, knowledge of the ICT sector and competition related matters;
- (iii) an academic in the field of electronic communications;
- (iv) a representative from the labour sector;
- (v) a representative of consumer interests; and
- (vi) six members of the National Assembly, one of whom must be the chairperson of the selection panel ~~and including one or more members of opposition parties / and including two members of opposition parties.~~

(c) The names of persons on and the terms of reference of the selection panel must be published by the National Assembly in a newspaper circulating nationally.

(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 a newspaper circulating nationally, publish a shortlist of candidates for appointment and conduct interviews; and

(b) submit to the National Assembly a list of names of suitable candidates at least one and a half times the number of councillors to be appointed.

(1C) The Minister must recommend to the National Assembly, from the list contemplated in subsection (1B), persons whom he or she proposes to appoint to serve on the Council.

(1D) If the National Assembly is not satisfied that the persons recommended for appointment by the Minister comply with subsection (3), the National Assembly may request the Minister to review his or her recommendation.

(1E) Following approval by the National Assembly the Minister must appoint the chairperson or other councillor by notice in the Gazette.

(1F) The selection panel will be automatically dissolved when the appointment is published in the Gazette in terms of subsection (1E).";

(c) by the substitution for subsection (2) of the following subsection:

"(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 relevant expertise or qualifications."

OPTION 2

[note: In this option the President appoints the councillors]

CLAUSE 7

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause: