

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]** a chairperson and eight other councillors appointed by the **[President on the recommendation of]** Minister upon the approval by 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.

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

“(1A) (a) The National Assembly must submit to the Minister a list of suitable candidates at least one and a half times the number of councillors to be appointed

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 - (b) transparency and openness; **and**
 - (c) the publication of a shortlist of candidates for appointment, with due regard to subsection (3) and section 6.

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

“(1A) (a) The National Assembly must submit to the Minister a list of suitable candidates at least one and a half times the number of councillors to be appointed

(b) The National Assembly may invite technical experts to assist in the selection, evaluation and appointment processes of councillors.

(c) The experts contemplated in paragraph (b) may include:

- (i) A person with knowledge of and experience in from 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; and,
- (v) A representative of consumer interests.

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

(b) 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.

(c) Following approval by the National Assembly of the National Assembly's recommendation for appointment the Minister must appoint the Chairperson or Councillor by the notice in Gazette,";

(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."