

# Certificate in Telecommunications Policy, Regulation & Management (TPRM)

## Module 3 Telecommunications & Broadcasting Policy, Law & Regulation



Convenor: Luci Abrahams

25 – 29 July 2011

SESSION OUTLINE			
Day/Date	Time	Topic	Lecturer
Monday 25 July	09:00	Commencement & Welcome	Luci Abrahams
	09:00 – 10:30	1. Review of Modules 1 and 2	Luci Abrahams & Abi Jagun
	10:30 – 12:30	2. Reconstruction and Development Programme (RDP); Constitutional and Legal Frameworks for ICT Regulation	Luci Abrahams
	13:30 – 16:30	3. ICT sector regulation: rationale and principles	Dr Abi Jagun
Tuesday 26 July	09:00– 12:30	4. Overview of legislation in relation to e-development architecture: analysis of strengths and weaknesses	Luci Abrahams
	13:30 – 16:30	5. Policy, regulation and licensing for broadcasting in SA	Sarah Chiumbu
Wednesday 27 July	09:00 – 12:30	6. Interconnection and facilities sharing: principles, law and regulation	Luci Abrahams
	13:30 – 16:30	7. Pricing and tariffs: principles, models and the case of South Africa	Charley Lewis
Thursday 28 July	09:00 – 12:30	8. Competition policy, competition law and the ICT sector	Leona Mentz
	13:30 – 15:00	9. Quality of service and consumer protection	Charley Lewis
	15:00 – late	10. Preparation for examined group assignment	Class
Friday 29 July	09:00 – 12:30	11. Individual assignment preparation: briefing on assignment writing and commencement of assignment with guidance from lecturer	Luci Abrahams
	13:30 – 15:30	12. Examined group work and plenary discussion session: Key issues in ICT sector policy and legislation Course wrap-up and evaluation	Luci Abrahams

Session 2: Constitutional and Legal Frameworks for ICT Regulation	
<b>Presenter</b>	<b>Luci Abrahams</b>
<b>Outcomes</b>	Participants will be able to: <ul style="list-style-type: none"> <li>• Understand the process of constitution making;</li> <li>• Analyse the key rights in the Bill of Rights that impact upon the ICT sector;</li> <li>• Understand the key constitutional concepts of separation of powers and constitutional supremacy;</li> <li>• Describe the principles for the public service;</li> <li>• Analyse the particular constitutional situation of ICASA;</li> <li>• Understand how transparency and rules regarding administrative justice aid in substantive decision-making;</li> <li>• Describe the grounds of judicial review available in terms of legislation;</li> <li>• Analyse when different administrative process provided for in legislation are to be used;</li> <li>• Describe key issues regarding administrative action, natural justice and the right to administrative justice</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Constitutional framework for communications regulation</li> <li>• The Bill of Rights</li> <li>• Sections 192 &amp; 195 of the Constitution</li> <li>• The principle of separation of powers</li> <li>• Law versus regulation</li> <li>• Stakeholder roles: government, the regulator, operators</li> <li>• Inter-governmental relationships</li> <li>• The Constitutional role of ICASA</li> <li>• Policy formulation parameters and processes</li> <li>• Administrative justice and ethics</li> <li>• Constitutional provisions regarding administrative justice</li> <li>• Analysis of the provisions of the Promotion of Administrative Justice Act</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• Limpitlaw, J (2009) 'South Africa', Chapter 30, in Long, C &amp; Hobday, N (eds.) Global Telecommunications Law and Practice, 3<sup>rd</sup> edition, Sweet and Maxwell, UK.</li> <li>• Thornton, L (2006) 'Telecommunications Law – An Overview', in Thornton, L, Carrim, Y, Mtshaulana, P &amp; Reburn, P (2006) Telecommunications Law in South Africa, STE Publishers, Johannesburg, available online at <a href="http://link.wits.ac.za/papers/telelaw3.pdf">http://link.wits.ac.za/papers/telelaw3.pdf</a></li> <li>• RSA (1996) <i>Constitution of the Republic of South Africa</i> (as amended, 2009), Republic of South Africa, Pretoria, available online at <a href="http://www.constitutionalcourt.org.za/site/constitution/english-web/">http://www.constitutionalcourt.org.za/site/constitution/english-web/</a></li> <li>• RSA (2000) <i>Promotion of Administrative Justice Act 3 of 2000</i> (as amended, 2008), Republic of South Africa, Pretoria, available (unamended) online at <a href="http://www.info.gov.za/gazette/acts/2000/a3-00.pdf">http://www.info.gov.za/gazette/acts/2000/a3-00.pdf</a></li> </ul>
<b>Additional References</b>	<ul style="list-style-type: none"> <li>• Currie, I &amp; de Waal, J (2004) 'Just Administrative Action', in Currie, I &amp; de Waal, J (2004) <i>The Bill of Rights Handbook</i>, 5th edition</li> <li>• Currie, I &amp; Klaaren, J (2001) 'Scope of the Act', in Currie, I &amp; Klaaren, J (2001) <i>The Promotion of Administrative Justice Act Benchbook</i>, Siber Ink Publishers, Cape Town, available online at <a href="http://www.doi.gov.za/paja/docs/chp2_aja_bench.pdf">http://www.doi.gov.za/paja/docs/chp2_aja_bench.pdf</a></li> </ul>
<b>Activity</b>	
<b>About your Lecturer</b>	Luci Abrahams is Senior Lecturer, and Director of the LINK Centre, Faculty of Humanities, University of the Witwatersrand. She conducts research on 'institutions and economic sectors in the network, knowledge economy'. She has completed a number of commissioned research reports and has published several journal articles/book chapters in the broad arena of ICT policy and innovation studies. She has worked extensively in the public service and in the broader public sector, including serving on the boards of the National Advisory Council on Innovation, the National Research Foundation, the Council on Higher Education and she currently serves on the Financial and Fiscal Commission.

<b>Session 3: ICT sector regulation: rationale and principles</b>	
<b>Facilitator</b>	<b>Dr Abi Jagun</b>
<b>Outcomes</b>	<p>Participants will be able to:</p> <ul style="list-style-type: none"> <li>• articulate the importance and role of regulation in the reform and development of the ICT sector;</li> <li>• critically analyse the rationales for regulation of the ICT sector;</li> <li>• distinguish the roles of key stakeholders in regulation;</li> <li>• debate objectives of ICT sector regulation;</li> <li>• describe and analyse the factors underpinning regulatory effectiveness.</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• ICT sector reform and regulation</li> <li>• Rationales for regulation</li> <li>• Regulatory stakeholders and their roles</li> <li>• Overview of regulatory approaches &amp; models</li> <li>• Regulatory structures &amp; institutions</li> <li>• Principles of regulatory governance: independence, transparency, accountability, funding</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• Intven, H, Oliver, J &amp; Sepúlveda, E (2000) 'Overview of Telecommunications Regulation', in <i>Telecommunications Regulation Handbook</i>, Intven, H (ed), World Bank, Washington DC, last seen at <a href="http://www.infodev.org/projects/314regulationhandbook/module1.pdf">http://www.infodev.org/projects/314regulationhandbook/module1.pdf</a></li> <li>• Smith, W (1997) 'Utility Regulators - The Independence Debate', Public Policy for the Private Sector Note No 127, World Bank, Washington, available online at <a href="http://rru.worldbank.org/documents/PublicPolicyJournal/127smith.pdf">http://rru.worldbank.org/documents/PublicPolicyJournal/127smith.pdf</a></li> <li>• RSA (2000) <i>Independent Communications Authority of South Africa Act No 13 of 2000</i> (as amended, 2006), Republic of South Africa, Pretoria, 2006</li> </ul>
<b>Additional References</b>	<ul style="list-style-type: none"> <li>• Thornton, L &amp; Edmunson, K (2009) 'South Africa's Communications Legislation - The Powers of the Minister and of the Independent Regulator', Lisa Thornton Inc, Johannesburg</li> <li>• InfoDev (2006) 'ICT Regulation Toolkit Module 6: Legal and Institutional Aspects of Regulation, Executive Summary', prepared by Telecommunications Management Group, Inc, InfoDev, Washington, available online at <a href="http://icttoolkit.infodev.org/Mod6ExecSummary">http://icttoolkit.infodev.org/Mod6ExecSummary</a></li> <li>• Mahan, A &amp; Melody, W (eds) (2005) <i>Stimulating Investment in Network Development: Roles for Regulators</i>, Report on the World Dialogue on Regulation, World Dialogue on Regulation, Lyngby, available online at <a href="http://www.regulateonline.org/old/index.php?option=com_docman&amp;task=docclick&amp;Itemid=27&amp;bid=149&amp;limitstart=0&amp;limit=5">http://www.regulateonline.org/old/index.php?option=com_docman&amp;task=docclick&amp;Itemid=27&amp;bid=149&amp;limitstart=0&amp;limit=5</a></li> <li>• Melody, W (1997) 'Policy Objectives and Models of Regulation', in Melody, W (ed) <i>Telecom Reform: Principles, Policies and Regulatory Practices</i>, Den Private Ingeniørfond, Technical University of Denmark, Lyngby, available online at <a href="http://lirne.net/2003/resources/tr/chapter02.pdf">http://lirne.net/2003/resources/tr/chapter02.pdf</a></li> </ul>
<b>Activity</b>	
<b>About your Lecturer</b>	<p>Dr Abi Jagun is a part-time lecturer at the Graduate School of Public and Development Management at the University of the Witwatersrand. She is also an independent researcher and consultant specialising in telecommunications policy in sub-Saharan Africa and on the impact of ICTs on societies and markets. Until July 2009 she was a Research Fellow in the Department of Management Science at the University of Strathclyde Business School. Abi has worked with the Association for Progressive Communications, as Africa policy officer; as a lecturer in the Institute for Development Policy Management at the University of Manchester and in the Nigeria office of the international consultancy firm Accenture. She holds an MSc in Operations Research and a PhD from the University of Strathclyde, an MBA from Cardiff University, UK and a BSc Hon in Botany from the University of Lagos, Nigeria.</p>

4. Overview of legislation in relation to e-development architecture: analysis of strengths and weaknesses	
<b>Presenter</b>	<b>Luci Abrahams</b>
<b>Outcomes</b>	Participants will be able to: <ul style="list-style-type: none"> <li>• Analyse telecommunications legislation with respect to the implications of selected pieces of legislation for e-development</li> <li>• Distinguish between the regulator's differing powers and functions regarding broadcasting and telecommunications</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Overview of the regulatory landscape of telecommunications</li> <li>• Different types of telecommunications licences and their respective licensing processes</li> <li>• The Universal Service Agency, the Universal Service Fund and the Media Diversity and Development Agency</li> <li>• Differing powers between the Minister and ICASA with regard to telecommunications and broadcasting</li> <li>• Facilitating electronic commerce and the digital economy</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• RSA (2005) <i>Electronic Communications Act, No 36 of 2005</i>, Republic of South Africa, Pretoria, available online at <a href="http://www.icasa.org.za/Manager/ClientFiles/Documents/EComsAct_2005_No_36.pdf">http://www.icasa.org.za/Manager/ClientFiles/Documents/EComsAct_2005_No_36.pdf</a></li> <li>• RSA (2002) <i>Electronic Communications and Transactions Act, No 25 of 2002</i>, Republic of South Africa, Pretoria</li> <li>• RSA (2000) <i>Independent Communications Authority of South Africa Act No 13 of 2000</i> (as amended, 2006), Republic of South Africa, Pretoria, 2006</li> <li>• Thornton, L (2009) 'Lisa Thornton Inc', Presented at the 4th Annual Broadband Summit, 25 - 27 March 2009, The Wanderers Club, Johannesburg, Lisa Thornton Inc, Johannesburg</li> </ul>
<b>Additional References</b>	<ul style="list-style-type: none"> <li>• ICASA (2009) 'Individual Electronic Communications Network Service Licence No 001/ECNS/JAN/09 Granted and Issued to Cell C (Pty) Ltd for the Provision of Electronic Communications Network Services', Independent Communications Authority of South Africa, Johannesburg</li> <li>• ICASA (2007) 'Regulations Regarding Standard Terms and Conditions for Individual Licences under Chapter 3 of the Electronic Communications Act, 2005 (No 36 of 2005)', Independent Communications Authority of South Africa, Johannesburg</li> <li>• White, J (2006) 'South Africa', in Long, C (ed) (2006), <i>Global Telecommunications Law and Practice</i>, Sweet &amp; Maxwell, London</li> </ul>
<b>Activity</b>	
<b>About your Lecturer</b>	See above.

<b>Session 5: Policy and regulation for broadcasting in SA</b>	
<b>Presenter</b>	<b>Dr Sarah Chiumbu</b>
	<p>Participants will be able to:</p> <ul style="list-style-type: none"> <li>• Understand key theories relating to broadcasting policy and regulation;</li> <li>• Analyse broadcasting policy and regulation in South Africa;</li> <li>• Analyse ownership concerns regarding broadcasting;</li> <li>• Analyse content concerns regarding broadcasting;</li> <li>• Distinguish between the regulator's differing powers and functions regarding broadcasting and telecommunications;</li> <li>• Describe the different regulatory matters provided for in the different pieces of legislation.</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Broadcast regulation under the EC Act</li> <li>• Broadcasting content regulation under the EC Act</li> <li>• Regulation of broadcasting ownership and control under the EC Act</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• ICASA (2009) 'Statement of the Independent Communications Authority of SA ("The Authority") Regarding the Finalisation of the DTT Regulations', 3 July 2009, Independent Communications Authority of South Africa, Sandton</li> <li>• Thornton, L, Cupido, C &amp; Edmunson, K (2006) 'The Regulation of Broadcasting Services in South Africa under the Electronic Communications Act', Lisa Thornton Inc, Johannesburg</li> <li>• RSA (2005) <i>Electronic Communications Act, No 36 of 2005</i>, Republic of South Africa, Pretoria, available online at <a href="http://www.icasa.org.za/Manager/ClientFiles/Documents/EComsAct_2005_No_36.pdf">http://www.icasa.org.za/Manager/ClientFiles/Documents/EComsAct_2005_No_36.pdf</a></li> <li>• RSA (2000) <i>Independent Communications Authority of South Africa Act No 13 of 2000 (as amended)</i>, Republic of South Africa, Pretoria, available online at <a href="http://www.internet.org.za/icasa-act.html">http://www.internet.org.za/icasa-act.html</a></li> <li>• RSA (1999) <i>Broadcasting Act No 4 of 1999 (as amended)</i>, Republic of South Africa, Pretoria</li> </ul>
<b>Additional References</b>	<ul style="list-style-type: none"> <li>• ICASA (2009) 'Electronic Communications Act (36/2005): Digital Terrestrial Television Regulations', Notice No R 720, Government Gazette No 32377, Independent Communications Authority of South Africa, Sandton</li> <li>• DoC (2008) 'Broadcasting Digital Migration (BDM) Policy', Presentation to the Portfolio Committee on Communications, Department of Communications, Pretoria, 17 June 2008</li> <li>• Matsepe-Casaburri, I (2008) 'Budget Vote Speech', by the Minister Of Communications, Dr Ivy Matsepe-Casaburri to the National Assembly, 3 June 2008</li> <li>• DoC (2007) 'Draft Broadcasting Digital Migration Strategy for South Africa', Department of Communications, Pretoria, available online at <a href="http://www.doc.gov.za/digitalm/index2.php?option=com_content&amp;do_pdf=1&amp;id=64">http://www.doc.gov.za/digitalm/index2.php?option=com_content&amp;do_pdf=1&amp;id=64</a></li> <li>• Armstrong, C &amp; Collins, R (2004) <i>Digital Dilemmas for South African TV</i>, LINK Centre, University of the Witwatersrand, Johannesburg, available online at <a href="http://link.wits.ac.za/papers/ddtvcarc.pdf">http://link.wits.ac.za/papers/ddtvcarc.pdf</a></li> <li>• RSA (1993) <i>Independent Broadcasting Authority Act No 153 of 1993 (as amended)</i>, Republic of South Africa, Pretoria</li> </ul>
<b>About your Lecturer</b>	<p>Dr Sarah Chiumbu is a lecturer in the Department of Media Studies, Faculty of Humanities at Wits University. She was National Director at the Media Institute of Southern Africa – Zimbabwe Chapter from 1997 – 2004. Sarah completed her PhD in Media Studies at the Universitet i Oslo in 2007.</p>

<b>Session 6: Interconnection and facilities sharing: principles, law and regulation</b>	
<b>Presenter</b>	<b>Luci Abrahams</b>
<b>Outcomes</b>	<p>Participants will be able to:</p> <ul style="list-style-type: none"> <li>• Describe the role of interconnection in telecommunications;</li> <li>• Analyse the principles and procedures governing the regulation of interconnection.</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Importance of interconnection</li> <li>• What is interconnection</li> <li>• Regulation of interconnection</li> <li>• Interconnection principles and procedures</li> <li>• Technical and operational aspects of interconnection</li> <li>• Financial terms of interconnection</li> <li>• Dispute resolution</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• ICASA (2010) 'Call termination regulations' pursuant to Chapter 67(4) of the Electronic Communications Act, 2005</li> <li>• ICASA (2009) 'Interconnection Regulations' Pursuant to Chapter 7 of the Electronic Communications Act No 36 of 2005, Notice 941 of 2009, Government Gazette No 32370, 10 July 2009, Independent Communications Authority of South Africa, Johannesburg</li> <li>• RSA (2005) <i>Electronic Communications Act, No 36 of 2005</i>, Republic of South Africa, Pretoria, available online at <a href="http://www.icasa.org.za/Manager/ClientFiles/Documents/EComsAct_2005_No_36.pdf">http://www.icasa.org.za/Manager/ClientFiles/Documents/EComsAct_2005_No_36.pdf</a></li> <li>• Intven, H, Oliver, J &amp; Sepúlveda, E (2000) 'Interconnection', in Telecommunications Regulation Handbook, Intven, H (ed), World Bank, Washington DC, last seen at <a href="http://www.infodev.org/files/1083_file_module3.pdf">http://www.infodev.org/files/1083_file_module3.pdf</a></li> </ul>
<b>Additional References</b>	<ul style="list-style-type: none"> <li>• InfoDev (2007) 'ICT Regulation Toolkit Module 2: Competition, Interconnection and Price Regulation, Executive Summary', prepared by NERA Economic Consulting, InfoDev, Washington, available online at <a href="http://www.ictregulationtoolkit.org/en/Document.3732.pdf">http://www.ictregulationtoolkit.org/en/Document.3732.pdf</a></li> <li>• ICASA (2007) 'Interconnection Regulations Pursuant to Chapter 7 of the Electronic Communications Act No 36 of 2005', Notice 1795 of 2007, Government Gazette No 30611, 24 December 2007, Independent Communications Authority of South Africa, Johannesburg, available online at <a href="http://www.info.gov.za/gazette/notices/2007/30611.pdf">http://www.info.gov.za/gazette/notices/2007/30611.pdf</a></li> <li>• ICASA (2007) 'Electronic Communications Facilities Leasing Regulations Pursuant to Chapter 8 of the Electronic Communications Act No 36 of 2005', Notice 1794 of 2007, Government Gazette No 30605, 24 December 2007, Independent Communications Authority of South Africa, Johannesburg, available online at <a href="http://www.info.gov.za/gazette/notices/2007/30605.pdf">http://www.info.gov.za/gazette/notices/2007/30605.pdf</a></li> <li>• ICASA (2007) 'Regulations Prescribing a List of Essential Facilities and Matters Related Thereto, Pursuant to Section 43(8) of the Electronic Communications Act No 36 of 2005', Notice 1800 of 2007, Government Gazette No 30612, 24 December 2007, Independent Communications Authority of South Africa, Johannesburg, available online at <a href="http://www.info.gov.za/gazette/notices/2007/30612.pdf">http://www.info.gov.za/gazette/notices/2007/30612.pdf</a></li> <li>• Interconnection agreement between Cell C (Pty) Ltd and Vodacom (Pty) Ltd</li> <li>• Melody, W (1997) 'Interconnection: Cornerstone of Competition', in Melody, W (ed) <i>Telecom Reform: Principles, Policies and Regulatory Practices</i>, Den Private Ingeniørfond, Technical University of Denmark, Lyngby, available online at <a href="http://lirne.net/2003/resources/tr/chapter05.pdf">http://lirne.net/2003/resources/tr/chapter05.pdf</a></li> </ul>
<b>Activity</b>	
<b>About your Lecturer</b>	See above.

<b>Session 7: Pricing and tariffs: principles, models and the case of South Africa</b>	
<b>Presenter</b>	<b>Charley Lewis, LINK Centre</b>
<b>Outcomes</b>	<p>Participants will be able to:</p> <ul style="list-style-type: none"> <li>• Describe the fundamentals of a range of models of price regulation;</li> <li>• Assess the advantages and disadvantages of a range of price regulation regimes;</li> <li>• Critically analyse price regulation in your country.</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Principles of price regulation</li> <li>• Rate of return regulation</li> <li>• Incentive regulation</li> <li>• Price cap regulation</li> <li>• National price regulation regimes</li> <li>• Price regulation in South Africa</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• News24 (2009) 'ISPA slams interconnect fees', News24, Johannesburg 3 July 2009, available online at <a href="http://www.news24.com/Content/SciTech/News/1132/c6320125d6584105b2326df0eccbb1a2/03-07-2009%2001-07/Ispa_slams_interconnect_fees">http://www.news24.com/Content/SciTech/News/1132/c6320125d6584105b2326df0eccbb1a2/03-07-2009%2001-07/Ispa_slams_interconnect_fees</a></li> <li>• ICASA (2004) '2004 Price Control Review Draft Consultation Document', Notice No 26977, Independent Communications Authority of South Africa, Sandton</li> <li>• Intven, H, Oliver, J &amp; Sepúlveda, E (2000) 'Price Regulation', in Telecommunications Regulation Handbook, Intven, H (ed), World Bank, Washington DC, available online at <a href="http://www.infodev.org/files/1083_file_module4.pdf">http://www.infodev.org/files/1083_file_module4.pdf</a></li> </ul>
<b>Additional References</b>	<ul style="list-style-type: none"> <li>• Hodge, J (nd) 'Administered Prices: Telecommunications - A report for National Treasury', Republic of South Africa, Pretoria</li> <li>• InfoDev (2007) 'ICT Regulation Toolkit Module 2: Competition, Interconnection and Price Regulation, Executive Summary', prepared by NERA Economic Consulting, InfoDev, Washington, available online at <a href="http://www.ictregulationtoolkit.org/en/Document.3732.pdf">http://www.ictregulationtoolkit.org/en/Document.3732.pdf</a></li> <li>• ICASA (2005) 'Telkom Price Control Regulations', Notice No R 675, Government Gazette No 27772, Independent Communications Authority of South Africa, Sandton</li> <li>• Melody, W (2002), 'Assessing Telkom's 2003 Price Increase Proposal: Price Cap Regulation as a Test of Progress in South African Telecom Reform, and E-economy Development', LINK Centre Policy Research Paper No 2, University of the Witwatersrand, Johannesburg, available online at <a href="http://link.wits.ac.za/papers/wm20021130.pdf">http://link.wits.ac.za/papers/wm20021130.pdf</a></li> </ul>
<b>Activity</b>	
<b>About your Lecturer</b>	<p>Charley Lewis is a senior lecturer and researcher at the LINK Centre, Faculty of Humanities at the University of the Witwatersrand. He is Convenor of the Masters of Management in ICT Policy and Regulation. Charley's research interests include issues in universality, quality of service and consumer protection and he publishes research reports, journal articles and book chapters in these areas. In 2009 – 2011, Charley was lead researcher with Russell Southwood on a consumer rights project conducted in 5 African countries, which produced the report entitled <i>Empowering Regulators to Protect Consumer Rights in the ICT Sector</i>.</p>

<b>Session 8: Competition policy, competition law and the ICT sector</b>	
<b>Presenter</b>	<b>Leona Mentz, Pygma Consulting</b>
<b>Outcomes</b>	Participants will be able to: <ul style="list-style-type: none"> <li>• Describe the institutional structures set up in terms of the Competition Act;</li> <li>• Articulate key substantive issues in competition law as they effect the ICT sector;</li> <li>• Analyse the differences between competition law and public regulation;</li> <li>• Analyse the competition provisions in the 2005 Electronic Communications Act and their implications;</li> <li>• Debate jurisdictional questions raised by the presence of sectoral and competition regulators.</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Principles of competition policy</li> <li>• Competition legislation in South Africa</li> <li>• Institutional framework governing competition in South Africa</li> <li>• Competition vs sector specific regulation</li> <li>• MoA between Competition Commission and ICASA</li> <li>• 2005 Electronic Communications Act (competition provisions)</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• RSA (1998) <i>Competition Act No 89 of 1998</i> (as amended), Republic of South Africa, Pretoria, available online at <a href="http://www.compcom.co.za/thelaw/ConsolidatedAct.doc">http://www.compcom.co.za/thelaw/ConsolidatedAct.doc</a></li> <li>• RSA (2008) <i>Competition Amendment Bill No 31 of 2008</i>, Government Gazette No 31101, 29 May 2008, Republic of South Africa, Pretoria, available online at <a href="http://www.info.gov.za/view/DownloadFileAction?id=82751">http://www.info.gov.za/view/DownloadFileAction?id=82751</a></li> <li>• Competition Commission (2002) 'Memorandum of Agreement Entered into between the Competition Commission and the Independent Communications Authority of South Africa', Competition Commission, Pretoria</li> <li>• RSA (2005) <i>Electronic Communications Act, No 36 of 2005</i>, Republic of South Africa, Pretoria, available online at <a href="http://www.icasa.org.za/Manager/ClientFiles/Documents/EComsAct_2005_No_36.pdf">http://www.icasa.org.za/Manager/ClientFiles/Documents/EComsAct_2005_No_36.pdf</a></li> <li>• Thornton, L, Cupido, C &amp; Edmunson, K (2007) 'Competition Matters under the Electronic Communications Act', mimeo, Lisa Thornton Inc, Johannesburg</li> <li>• Intven, H, Oliver, J &amp; Sepúlveda, E (2000) 'Competition Policy', in <i>Telecommunications Regulation Handbook</i>, Intven, H (ed), World Bank, Washington DC, available online at <a href="http://www.infodev.org/projects/314regulationhandbook/module5.pdf">http://www.infodev.org/projects/314regulationhandbook/module5.pdf</a></li> </ul>
<b>Additional References</b>	<ul style="list-style-type: none"> <li>• Mochiko, T (2008) 'Competition commission still gunning for Telkom', 22 June 2008, Business Report, Johannesburg, available online at <a href="http://www.busrep.co.za/general/print_article.php?fArticleId=446850">http://www.busrep.co.za/general/print_article.php?fArticleId=446850</a></li> <li>• McLeod, D (2008) 'Telkom wins competition dispute', 20 June 2008, available online at <a href="http://www.fmtech.co.za/?p=10116">http://www.fmtech.co.za/?p=10116</a></li> <li>• InfoDev (2007) 'ICT Regulation Toolkit Module 2: Competition, Interconnection and Price Regulation, Executive Summary', prepared by NERA Economic Consulting, InfoDev, Washington, available online at <a href="http://www.ictregulationtoolkit.org/en/Document.3732.pdf">http://www.ictregulationtoolkit.org/en/Document.3732.pdf</a></li> <li>• Ngwepe, W (2003) 'Serving two masters: Concurrent jurisdiction between the Competition Commission and the Independent Communications Authority of South Africa', SA Law Journal, Vol 120, Issue 2</li> </ul>
<b>About your Lecturer</b>	Leona Mentz is Director: Policy & Regulation at Pygma Consulting. An experienced regulatory advisor and admitted Attorney of the High Court of South Africa, Leona's fields of legal expertise include electronic communications, competition and corporate law. Prior to this, Leona was head of regulatory compliance with a major SA mobile operator, where she was the principal interface with government and the regulator on issues such as consumer protection, market regulation, privacy and licensing in a converging environment. She spent a period as an investigator at the Competition Commission, where she was responsible for investigating contraventions of the Competition Act 89 of 1998 with a focus on telecommunications. Leona has a Master of Laws (Intellectual Property) (2001- 2003) obtained at UNISA together with Master of Laws (Corporate Law) (2002 – 2004) and Bachelor of Laws degrees from University of Pretoria.

<b>Session 9: Quality of service and consumer protection</b>	
<b>Presenter</b>	<b>Charley Lewis</b>
<b>Outcomes</b>	<p>Participants will be able to:</p> <ul style="list-style-type: none"> <li>• Understand the basic principles and concepts of regulating to ensure quality for users and consumers;</li> <li>• Appreciate the importance of consumer voice and procedures for ensuring consumer concerns.</li> </ul>
<b>Content</b>	<ul style="list-style-type: none"> <li>• Rationale for Quality of Service Regulation</li> <li>• Quality of Service indicators &amp; statistics</li> <li>• Principles and practices for Quality of Service Regulation</li> <li>• Consumer access, complaints and dispute resolution</li> <li>• Standard setting</li> <li>• Enforcement mechanisms</li> </ul>
<b>Core Readings</b>	<ul style="list-style-type: none"> <li>• ICASA (2008) 'Regulations Setting out the Minimum Standards for End-User and Subscriber Service Charters', Notice No 272 of 2008, Government Gazette No 30792, 25 February 2008, Independent Communications Authority of South Africa, Johannesburg</li> <li>• OECD (2005) 'Quality of Service', in OECD (2005) <i>OECD Communications Outlook 2005</i>, Organisation for Economic Co-operation and Development, Paris, last seen online at <a href="http://www.thepublicvoice/events/tunis05/oezd_outlook.pdf">http://www.thepublicvoice/events/tunis05/oezd_outlook.pdf</a></li> <li>• OECD (2008) 'OECD Policy Guidance for Protecting and Empowering Consumers in Communication Services', Organisation for Economic Co-operation and Development, Paris, available online at <a href="http://www.oecd.org/dataoecd/49/38/40878993.pdf">http://www.oecd.org/dataoecd/49/38/40878993.pdf</a></li> <li>• Southwood, R, Nguo, J, Sagna, O, Lewis, C (2006) <i>Assessing consumer activity in the telecoms and Internet sectors in Africa</i>, IDRC, Ottawa, <a href="http://www.afridigital.net/downloads/IDRCConsumerftV2.doc">http://www.afridigital.net/downloads/IDRCConsumerftV2.doc</a></li> </ul>
<b>Additional References</b>	<ul style="list-style-type: none"> <li>• ICASA (2007) 'Notice of intention to make regulations in terms of section 4 read with section 69 of the Electronic Communications Act (the "ECA") (Act 36 of 2005) setting out the code of conduct for licensees', Notice No 767, Government Gazette No 29993, Independent Communications Authority of South Africa, Johannesburg, 18 June 2007</li> <li>• ITU (2007) 'Quality of Service and Consumer Protection in an NGN World', GSR 2007 Discussion paper, International Telecommunication Union, Geneva, available online at <a href="http://www.itu.int/ITU-D/treg/Events/Seminars/GSR/GSR07/discussion_papers/Rosalind_Stevens_Consumer_Protection.pdf">http://www.itu.int/ITU-D/treg/Events/Seminars/GSR/GSR07/discussion_papers/Rosalind_Stevens_Consumer_Protection.pdf</a></li> <li>• Sutherland, E (2007) 'The regulation of the quality of service in mobile networks', info, Vol 9 No 6, pp 17-34, Emerald Group Publishing Limited, Bingley, United Kingdom</li> <li>• Milne, C (2006), 'ICT Quality of Service Regulation: Practices and Proposals', background paper, International Telecommunication Union, Geneva, available online at <a href="http://www.itu.int/ITU-D/treg/Events/Seminars/2006/QoS-consumer/documents/QoS_Bkgpaper.pdf">http://www.itu.int/ITU-D/treg/Events/Seminars/2006/QoS-consumer/documents/QoS_Bkgpaper.pdf</a></li> <li>• Southwood, R (2006) 'Consumer protection in the digital age: assessing current and future activities', International Telecommunication Union, Geneva, available online at <a href="http://www.itu.int/ITU-D/treg/Events/Seminars/2006/QoS-consumer/documents/Cons_Bkgpaper.pdf">http://www.itu.int/ITU-D/treg/Events/Seminars/2006/QoS-consumer/documents/Cons_Bkgpaper.pdf</a></li> <li>• Milne, C (1997), 'Regulating Quality of Service', in Melody, W (ed) <i>Telecom Reform: Principles, Policies and Regulatory Practices</i>, Den Private Ingeniørfond, Technical University of Denmark, Lyngby, available online at <a href="http://www.lirne.net/resources/tr/chapter14.pdf">http://www.lirne.net/resources/tr/chapter14.pdf</a></li> </ul>
<b>Lecturer</b>	As above.

<b>Session 12: Group assignment plenary report back</b>	
<b>Presenter</b>	<b>Luci Abrahams</b>
<b>Outcomes</b>	Analysis of South African legislative environment
<b>Content</b>	Group Assignment (10%)
<b>Activity</b>	Reading & discussion groups: <ul style="list-style-type: none"> <li>• Analyse and discuss Limpitlaw's overview of South African ICT legislation</li> <li>• Analyse and discuss Thornton's overview of South African legislation</li> <li>• Review the Intven, Oliver &amp; Sepulveda reading and discuss their treatment of regulation and sector reform</li> </ul> Plenary comments and discussion: <ul style="list-style-type: none"> <li>• Comment on and compare Limpitlaw and Thornton's reviews of South African ICT legislation</li> <li>• What are the key themes in ICT sector reform and regulation?</li> <li>• What lessons can we take for ICT policy and regulation in Southern African countries?</li> </ul>
<b>About your Lecturer</b>	As above.