



CONSUMER ADVISORY PANEL

Annual Advisory Report

For the Fiscal Year 2018/19

March 2019

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PART A: GENERAL INFORMATION

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3. ACRONYMS

Table 1: Acronyms

Acronym/Term	Description/Definition
APP	Annual Performance Plan
CAP	Consumer Advisory Panel
CCC	Complaints and Compliance Committee
CEO	Chief Executive Officer
CMS	Council for Medical Schemes
DoC	Department of Communications
ECA	Electronic Communications Act
ICT	Information and Communications Technology
PFMA	Public Finance Management Act
SACF	South African Communication Forum
USO	Universal Service Obligation

4. FOREWORD BY THE CHAIRPERSON



4.1 BACKGROUND

It is a great honour for me to present the Annual Report for the Consumer Advisory Panel for the period 1 April 2018 to 31 March 2019 in line with its mandate as derived from the Consumer Advisory Panel Regulations, 2017. The Consumer Advisory Panel (CAP) was established in terms of Section 71 of the Electronic Communications Act, 2005, as amended with the purpose of advising ICASA Council on matters relating to the protection of consumers interests. Eleven independent CAP Members were appointed to execute the mandate.

The Panel is dependent on ICASA for its physical, human and financial resources and will also utilise ICASA's policies and processes. The Panel is guided by ICASA's vision, mission and shared values. Thus, it is CAP's responsibility to advise ICASA Council on measures that ensure universal coverage that encapsulates provision of quality products at affordable prices. CAP should monitor whether Innovation and ethical behaviour are the principles that bind relationships between ICASA and the regulated entities and between service providers and consumers.

The Panel is mandated to advise the Council on how best to ensure maximum protection of the most vulnerable members of society, that is, the historically disadvantaged members of the community. The categories of the most vulnerable people entail: (i) persons with disabilities (ii) senior citizens (iii) women; (iv) youth and children (vi) SMMEs and (vii) people living in underserved areas (mostly black people).

4.2 THE ORGANISATIONAL ENVIRONMENT AND PERFORMANCE OVERVIEW

Lack of business continuity from the previous CAP has led to current CAP re-establishing the governance structures that would lead to the sustainability of the new entity:

1. **Memorandum to Council on Operational Effectiveness Issues:** A Memorandum was sent to the Chairperson of ICASA highlighting the necessity for CAP to have access to financial, Laptops and specialised software for CAP's Members who are disabled and the need for secretariat resources which are at the heart of ensuring the smooth running of CAP. It was also highlighted that the Council is the Accounting Authority and therefore should manage CAP finances instead of CAP Chairperson.
2. **Annual Performance Plan:** The drafting and finalisation of the Annual Performance Plan to identify goals and targets that will ensure that CAP reaches its objectives.
3. **Research Processes:** Establishment and implementation of research processes to ensure that CAP fulfils its mandate of advising ICASA Council.
4. **Leveraging ICASA's Platforms:** Piggybacking, where possible, on ICASA's Road Shows to minimise the costs of liaising with consumers.
5. **Regular Reporting:** Keeping the Council informed about the developments in the ICT sector through Quarterly and Annual Reports.
6. **Panel Induction:** An induction was held to orientate CAP Members.

4.3 ACKNOWLEDGEMENT

I wish to acknowledge the dedication of CAP Members in ensuring the sustainability of CAP despite the many governance challenges relating to financial, secretariat and essential computer and specialised software resources. Nevertheless Members preserved and attended Workshops, Road Shows and conducted Research to uncover consumer issues and provided advice to ICASA Council.

A special acknowledgement also goes out to the ICASA Consumer staff assigned to support CAP.

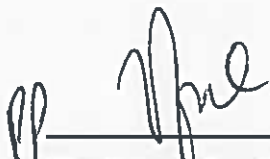
Ms Josephine Mabotja

Chairperson: Consumer Advisory Panel

5. STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY OF THE ANNUAL REPORT

It is hereby certified that this Annual Report:

- Was developed by the members of the Consumer Advisory Panel through the support of the Independent Communications Authority of South Africa;
- Takes into account all the relevant policies, legislation and the mandate for which the Consumer Advisory Panel is responsible; and
- Accurately reflects the strategic outcome oriented goals which the Consumer Advisory Panel achieved, given the resources made available over the period 2018/19.



Ms Josephine Mabotja

Chairperson: Consumer Advisory Panel

Date: 29 / 03 / 2019

Dr Keabetswe Modimoeng

Acting Chairperson: The Independent Communications Authority of South Africa

Date: ____ / ____ / 2019

6. STRATEGIC OVERVIEW

The CAP's work will be aligned to the ICASA's strategic vision, mission and values. In particular, the CAP will contribute directly to the strategic-outcome goal; "Improve stakeholder and consumer experience".

6.1 Vision of ICASA

Our Vision is *"An inclusive digital society"*.

6.2 Mission

Our Mission is to *"ensure that all South Africans have access to a wide range of high-quality communication services at affordable prices"*.

6.3 Shared Values

Our Values are driven by the following factors:

6.3.1 Innovation

We find different and better ways of applying best solutions to meet stakeholder needs by demonstrating willingness and ability to generate viable new solutions.

6.3.2 Collaboration

We eradicate silos by developing a conscious mind-set that aligns our work with organisational vision and strategy.

6.3.3. Accountability

We execute our daily work in a proactive manner.

6.3.4. Results-Driven

We achieve high-quality results that are consistent with organisational standards. We do goal-specific performance assessments and identify areas of improvement.

6.3.5. Stakeholder-Centric

We carry out our duties with the stakeholder in mind. Stakeholders are central to what we do and we welcome their feedback for a consistent and effective partnership.

7. LEGISLATIVE AND OTHER MANDATES

ICASA is an independent regulatory authority established pursuant to section 192 of the Constitution of the Republic of South Africa. The work of ICASA and the CAP is governed by a legislative framework as set out below:

Table 2: Legislative Mandate

Name of Act	Purpose
The Independent Communications Authority of South Africa Act 13 of 2000, as amended (the ICASA Act)	Section 3 of the ICASA Act enables ICASA to regulate broadcasting, electronic communications and postal services sectors in the public interest.
Astronomy Geographic Advantage Act, 2007 (Act No.21 of 2007)	Sections 22 and 23 of this Act apply to ICASA. The Act requires that ICASA protects the Square Kilometre Array (SKA) radio telescope and associated radio telescopes from harmful radio-frequency interference.
The Electronic Communications Act, 2005 (Act No. 36 of 2005), as amended (the ECA)	<ul style="list-style-type: none"> The objects of the ECA amongst others, is to enable ICASA to promote and facilitate the convergence of telecommunications, broadcasting, information technologies and other

Name of Act	Purpose
	<p>services and is mandated to include the issuing of service and radio frequency spectrum licenses.</p> <ul style="list-style-type: none"> • ICASA has concurrent regulatory oversight/jurisdiction with the Competition Commission of South Africa (Competition Commission) on competition matters in the sector (in terms of chapter 10 of the EC Act, as well as section 4B (8)(b) of the ICASA Act). ICASA also has concurrent regulatory oversight with the National Consumer Commission on matters relating to consumer protection (section 4(3A) of the ICASA Act, read together with the Consumer Protection Act No 68 of 2008).
<p>The Broadcasting Act, 1999 (Act No. 4 of 1999), as amended</p>	<p>The Act makes provision for the Minister of Communications to formulate and develop broadcasting policy that contributes to democracy, development of society, gender equality, nation building, provision of education and strengthening of the spiritual and moral fibre of society. The Act also provides for the charter of the South African public broadcaster.</p>
<p>The Promotion of Administrative Justice Act, 2000 (Act, No. 3 of 2000) (PAJA)</p>	<p>PAJA binds both ICASA and the Complaints and Compliance Committee (CCC) in the exercise of their functions.</p>

Name of Act	Purpose
The Postal Services Act, 1998 (Act No. 124 of 1998), as amended	The Postal Services Act mandates ICASA to regulate the postal services sector, which includes the licensing of the reserved and unreserved postal services.
Electronic Communications and Transactions Act, 2002 (Act No.25 of 2002) (ECTA)	<ul style="list-style-type: none"> • The Electronic Communications and Transactions Act provides for the facilitation and regulation of electronic communications and transactions. It provides for the development of a national e-strategy for the Republic, the promotion of universal access to electronic communications and transactions, and the use of electronic transactions by SMMEs. The legislation further provides for human resource development in electronic transactions, aims to prevent the abuse of information systems, and encourages the use of e-government services. • The Authority is enjoined, in terms of section 4(3)(a) of the ICASA Act, to make recommendations to the Minister on policy matters and amendments to the ICASA Act and the underlying statutes that accord with the objects of the ICASA Act and the underlying statutes to promote the development of electronic transactions. ICASA is furthermore tasked to conduct research on matters affecting electronic transactions to exercise its power and perform its duties. Additionally, it may make

Name of Act	Purpose
	recommendations to the Minister of Telecommunications and Postal Services on matters dealt with or to be dealt with in terms of the ECTA.
OTHER LEGISLATION	
Consumer Protection Act, 2008 (Act No. 68 of 2008)	<ul style="list-style-type: none"> Promote and advance social and economic welfare of consumers
National Credit Act, 2005 (Act No. 34 of 2005)	<ul style="list-style-type: none"> Promote accessibility of credit market and consumer protection
Companies Act, 2008 (Act No. 71 of 2008)	<ul style="list-style-type: none"> Provide predictable and effective environment for efficient regulation of companies
Competition Act, 1998 (Act No. 89 of 1998)	<ul style="list-style-type: none"> Promote and maintain competition in the South African economy.
Public Finance Management Act, 1999 (Act No. 1 of 1999)	<ul style="list-style-type: none"> To secure transparency and sound management of revenue, expenditure, assets and liabilities

Collectively, these key pieces of legislation highlighted above are the basis for the roles and responsibilities of ICASA which is to regulate the ICT sector in the public interest. It does this by issuing of licences; management of scarce resources; compliance monitoring and enforcement; tariffs / price regulation; research and collation of industry statistics; market reviews and regulation; consumer protection dispute resolution; setting of rules, guidelines and codes for the regulation of ICT; determining conditions of supply and applicable standards.

Policy Mandates: ICASA also contributes to the socio-economic development of South Africa under the following policy mandates as they relate to the ICT sector including:

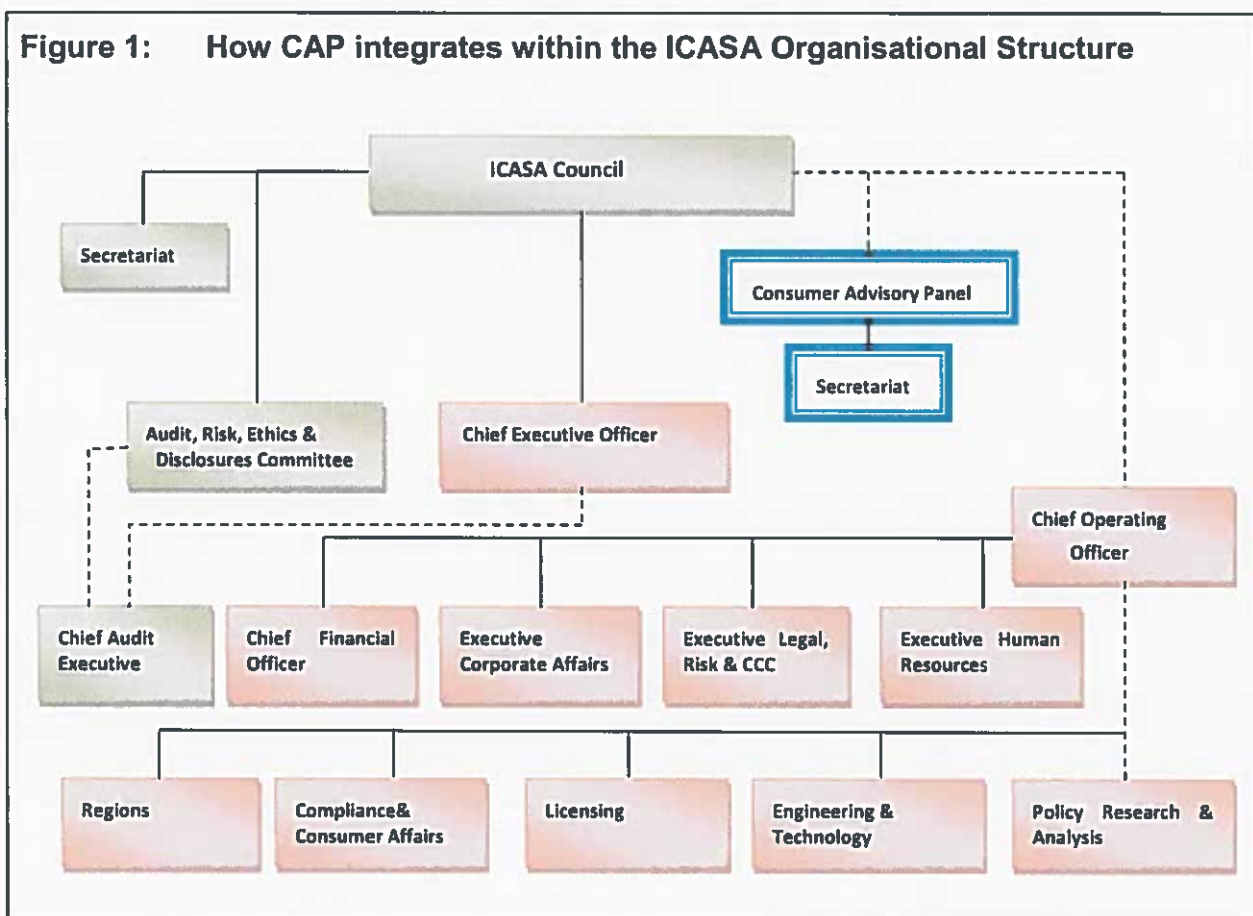
1. The Government Priority Outcomes;
2. The National Development Plan; and

3. The National Infrastructure Plan.

8. OPERATIONAL STRUCTURE

The CAP executes its business through the ICASA organisational structure, which is depicted by Figure 1.

Figure 1: How CAP integrates within the ICASA Organisational Structure



PART B: GOVERNANCE

1. INTRODUCTION

The Consumer Advisory Panel (CAP) was established by the Independent Communications Authority of South Africa (ICASA) in terms of Section 4 read with Section 71 of the Electronic Communications Act, 2005 (36 of 2005, as amended) and the Amended Regulations on the establishment of CAP, Government Gazette, no 40725 of 2017. The CAP was appointed by the ICASA Council and took up their responsibilities in earnestness from the 1 April 2018.

2. GOVERNANCE STRUCTURE

CAP members have been appointed after a nomination process and report directly to the Council. The Council of ICASA reports to the Executive Authority i.e., the Minister of Communications through the Public Entity Oversight Unit (PEO) of the Department Communication (DoC). ICASA's activities are funded by the provision of a budget from funds voted annually to the DoC. ICASA's CEO is accountable for ICASA governance and oversight, inclusive of oversight of operational management. The CAP budget is allocated from ICASA funds

Good governance is crucial to sustainability and functioning of the CAP.

3. COMPOSITION OF THE PANEL

The Consumer Advisory Panel (CAP) comprises of 11 members, appointed through a public nomination and selection process. The currently appointed members of the panel include:

Members of the Panel all represent a consumer segment or work in an environment that provides the member with relevant Electronic Communications, Broadcasting or Postal Services consumer insight which will enhance the Authority's consumer protection mandate.



Ms. Josephine Mabotja
Chairperson



Mr. Mongezi Menye
CAP Member



Mr. Jeremiah Sikhosana
CAP Member



Mr. Dylan Thomas
CAP Member



Ms. Mariza Jürgens
CAP Member
(Person with Disability)



Mr. Fanie Swanepoel
CAP Member
(Person with Disability)



Mr. Rajesh Jock
CAP Member



Mr. Ishmael Hlomane
CAP Member



Mr. George Maluleke
CAP Member



Ms. Monica Ledingwane
CAP Member



Ms. Noxolo Gogo
CAP Member

Table 3: CAP Members' Profile

Name and Designation	Qualifications	Area(s) of Expertise	Board Directorships	Other Committees
Josephine Mabotja Chairperson	<ul style="list-style-type: none"> Master of Arts (Economics) (USA) B. Com. Honours (Economics) (SA) Diploma in General Nursing & Midwifery 	<ul style="list-style-type: none"> Economics Finance Research Report Writing Regulatory Governance Telecommunications 	<ul style="list-style-type: none"> Gauteng Consumer Affairs Court. 	<ul style="list-style-type: none"> Prescribed Minimum Benefits Review Advisory Committee (CMS).
Dylan Thomas Member	<ul style="list-style-type: none"> BSoc Science (Hons) LLB 	<ul style="list-style-type: none"> Law Research Regulatory Governance 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> None
Fanie Swanepoel Member	<ul style="list-style-type: none"> Grade 12 	<ul style="list-style-type: none"> Disability Right and Advocacy Universal design and Access for inclusion of Persons with Disabilities 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> ICT subcommittee Accessibility: Department of Transport. ICT Subcommittee Education ICT Working Group
Jeremiah Sikhosana Member	<ul style="list-style-type: none"> BA Soc Science (Economics & Public Admin) Masters in Business Administration 	<ul style="list-style-type: none"> Corporate Strategy and M&E Broadcast Signal Distribution Telecommunications National Skills Development Issues 	<ul style="list-style-type: none"> None 	<ul style="list-style-type: none"> CATHSSETA's Governance & Strategy Committee CATHSSETA's Audit & Risk Committee
Mongezi Menye	<ul style="list-style-type: none"> Master of Philosophy: 	<ul style="list-style-type: none"> Governance Investigations 	<ul style="list-style-type: none"> Board Member: Anti-Corruption Centre 	<ul style="list-style-type: none"> None

Member	<ul style="list-style-type: none"> Conflict Management B. Juris (Law) Certificate in Forensic and Investigative Auditing 	<ul style="list-style-type: none"> Mediation Adjudication Enforcement Consumer/Human Rights 	for Education and Research of the University of Stellenbosch (ACCERUS)	
Name and Designation	Qualifications	Area(s) of Expertise	Board Directorships	Other Committees
Mariza Jurgens Member	<ul style="list-style-type: none"> BA (Political Science & Public Administration) BA Honours (International Relations) 	<ul style="list-style-type: none"> Disability Investment Financial regulatory Compliance International Relations 	<ul style="list-style-type: none"> Chair of Retina SA Northern Gauteng President of United Nations Women's Guild Rome Member of National Management Committee of Retina South Africa Vice Chair of Retina SA Member of the Board of the Commonwealth Ladies Association of Belgium 	<ul style="list-style-type: none"> Chair of Working Group on Affordable & Accessible ICT for Persons with Disabilities in SA Convener of the Sub-Committee on Taxation of Persons with Disabilities in SA Member of SABS Technical Committee (TC 0001/SC03) on ICT for Persons with Disabilities
Noxolo Gogo Member	<ul style="list-style-type: none"> University of South Africa: BA Communication University of South Africa: Diploma in Management College: Diploma in Teaching 	Communications expertise and representing women	??	??
Rajesh Jock Member	<ul style="list-style-type: none"> Masters in Philosophy Postgraduate Higher Diploma: Company Law Postgraduate Diploma: Marketing Management Bachelor of Commerce 	<ul style="list-style-type: none"> Organisational Development Strategy Development Supply Chain and Provisioning Transformation and Change Management 	<ul style="list-style-type: none"> Community Schemes Ombud Services ArtsCape 	<ul style="list-style-type: none"> Company Tribunal Human Resources Committee

	<ul style="list-style-type: none"> National Diploma: Technology 			
George Maluleke Member	<ul style="list-style-type: none"> ?? 	rural Consumer expertise	??	??
Ishmael Hlomane Member	<ul style="list-style-type: none"> Bachelor of Administration SALES mastery programme (SMP) Sales mastery programme Brand and marketing Leadership 	SMMs and telecommunications expertise	??	??
Maletlatsa Ledingwane Member	<ul style="list-style-type: none"> Honours: Presidential Strategic Leadership Development BA Law [Four-years degree] 	legal expertise and representing women	??	??

Table 4: Meetings Attendance

Member	Quarterly 4	Induction 2 Days	Finance Team 1	CEO 1	Council 3	Annual Report Workshop 2 Days
Ms. Josephine Mabotja	4	2	1	1	2	2
Mr. Dylan Thomas	2	2	N/A	N/A	N/A	2
Mr. Fanie Swanepoel	2	2	N/A	N/A	1	2
Mr. George Maluleke	2	2	N/A	N/A	N/A	2
Mr. Jeremiah Sikhosana	2	2	1	0	N/A	0
Ms. Mariza Jurgens Member	4	2	N/A	N/A	N/A	2
Mr. Mongezi Menye	0	1	N/A	N/A	N/A	2

Ms. Noxolo Gogo	2	2	N/A	1	1	2
Mr. Rajesh Jock	2	2	N/A	N/A	1	2
Mr. Ishmael Hlomane	2	2	1	1	2	2
Ms. Monica Ledingwane	0	Half Day	1	1	1	2

4 The Panel performs the following functions as per Regulations:

- 1) Advise the Authority in a report submitted annually on consumer issues resulting from Electronic Communications, Broadcasting and Postal Services usage, which includes: a) critical concerns of consumers; b) consumer protection research to be conducted by the Authority; and c) proposed annual priorities for the Authority.
- 2) Provide a consumer perspective through commentary on relevant regulations and regulatory projects when published for public comment;
- 3) Liaise with consumers on an annual basis to understand their perspectives on issues impacting the sector;
- 4) Promote the interest of consumers, with particular emphasis on persons with disabilities, senior citizens and people living in underserved areas when commentary is submitted or in the annual report;
- 5) Prepare an annual plan and budget for the Panel for approval by the Authority; and
- 6) Report quarterly and annually to the ICASA Council through the Panel's Chairperson on activities and findings for the year or as required.

The Work Performance Plan for the fiscal year 2018/19 takes into account the aforementioned considerations, and consolidates all priority activities and projects for the review period under the following strategic outcome-oriented goals:

1. Improve stakeholder experience
2. Improve consumers' experience through identifying critical consumer issues for research, and
3. Improve CAP governance and service delivery

PART C: PERFORMANCE INFORMATION

1. SITUATIONAL ANALYSIS

1.1 INTRODUCTION

The Consumer Advisory Panel embarked on implementing an annual plan as approved by Council for the financial year, 2018/2019. In performing their duties, CAP Members developed processes and procedures to strengthen governance structures. Weaknesses continued to exist throughout the year especially regarding secretariat resources, remuneration of CAP Members and information sharing despite efforts made by CAP to improve the effectiveness of the working environment.

CAP Members attended Workshops, Road Shops and conducted Research in order to fulfil their Mandate of unpacking consumer issues, writing Quarterly Reports and Research Reports. These Reports were presented to the Council.

1.2 QUARTERLY AND ANNUAL REPORTS

CAP has written four Quarterly Reports and an Annual Report and has presented the three Quarterly Reports to the Council.

1.3 WORKSHOPS

- ✚ CAP representatives attended Persons with Disabilities Roundtable / Dialogue hosted by the South African Communication Forum (SACF). The Forum afforded CAP an opportunity to introduce CAP to the stakeholders and to gather information on consumer issues affecting disabled persons.
- ✚ CAP Members attended a Workshop organised internally to orientate CAP Members and to draft the Annual Performance Plan. The macroeconomic environment -Political, Economic, Social, Technological, Environmental and Legal (PESTEL) factors were analysed. The Organisational Environment - Strengths, Weaknesses, Opportunities and Threats (SWOT Analysis) were evaluated and Targets were set for the financial year, 2018/19.
- ✚ Another Workshop was organised internally to draft the Annual Report.

1.4 ROAD SHOWS

CAP Members attended Road Shows in three Provinces namely Western Cape, Free State and North West for the purpose of introducing CAP to consumers and to gather consumer issues:

In all three Provinces, Campaigns were held in either two or three venues. Closed sessions were held at one of these venues and Presentations were delivered to inform consumers about their rights and they were also enlightened about the existence of CAP and its functions. Informal engagements were held at Shopping Centres.

Observations were made about the low turnout at these Road Shows and the fact that the working class consumers were excluded despite the fact that they were the ones who had the capacity to demand ICT goods and services.

1.5 RESEARCH PAPERS

Research was conducted to look into challenges faced by Persons with Disabilities. Another area that was researched was to analyse the macroeconomic environment, the effectiveness of the Regulatory Environment and the ethical behaviour of an ICT operator.

It has already been mentioned that during the drafting of the Annual Performance Plan, the scanning of the macroeconomic environment was effected to detect the impact that economic factors may have on the ICT sector. An effective regulation of the ICT sector and addressing the plight of Persons with Disabilities and the underserved areas may have a beneficial effect on the preparedness of the country for the introduction of the 4th industrial revolution and the creation of jobs.

2. PERFORMANCE INFORMATION

2.1 GOALS AND OBJECTIVES

The CAP's Strategic Goals were derived from an extensive assessment of the ICASA's Strategic Plan, Annual Performance Plan (APP), macro-environment within which the CAP operates; its internal strengths and weaknesses, as well as its external opportunities and threats (challenges). Critical challenges and opportunities facing the CAP were reviewed, refined and reshaped to define critical areas of focus for the CAP over the next financial year.

The following Strategic Goals were pursued by the CAP over the period 2018/19 and received a clear focus in this Annual Performance Plan. They were aligned to detailed and measurable objectives, which provide a way to commit resources and accountabilities to a particular course of action. The strategic objectives were supported by projects and/or activities which were detailed in the operational plans for the CAP.

The following table sets out the alignment between the CAP Strategic Goals, Strategic Objectives, Performance Indicators and achievements:

Table 5: CAP Performance Indicators and Annual Targets for 2018/19

Strategic Goal/ Outcome	Output	Performance Indicator	Baseline	Planned Annual Target	Actual Achievement	Deviation from Planned Target	Reason for Deviation
To contribute to an efficient and effective consumer protection environment	Cooperation and partnership amongst stakeholders	Number of structured engagements with stakeholders including events, structured meetings and joint forums	0	3	4	Target Exceeded	3 Road Shows were attended and also attended SACF Dialogue
	Increased knowledge on areas identified	Number of research areas identified	0	2	3	Target Exceeded	Three Research Papers written.
To contribute to efficient and effective governance of the CAP	Improved governance	Number of Performance Plans produced	0	1	1	Target Achieved	No deviation

Strategic Goal/ Outcome	Output	Performance Indicator	Baseline	Planned Annual Target	Actual Achievement	Deviation from Planned Target	Reason for Deviation
To contribute to efficient and effective governance of the CAP	Compliance as per legislation	Number of quarterly Reports produced	CCA Reports	4	4	Target Achieved	No deviation
		Number of Annual Reports produced	0	1	1	Target Achieved	No deviation
	Competent CAP members	Number of induction sessions/trainings held	0	2	2	Target Achieved	No deviation

2.2. TECHNICAL INDICATOR DESCRIPTIONS

Goal: To contribute to an efficient and effective consumer protection environment.

Measurable objective: To ensure co-operation and partnership amongst stakeholders through ongoing engagement.

Table 6: Technical Indicator Descriptions

Indicator title	Number of structured engagements with stakeholders including events, structured meetings and joint forums
Short definition	This indicator measures the number of structured engagements with stakeholders, inclusive of events, meetings and joint forums.
Purpose/Importance	Stakeholder engagement allows the CAP to gauge the prevailing circumstances impacting the consumer and the marketplaces within which the consumer participates. Regular engagement allows for information gathering, the exchange of views and for an ongoing dialogue to be developed. The engagements further allow for information sharing to ensure that consumers obtain redress as effectively and efficiently as possible.
Source/collection of data	Attendance registers
Method of calculation	Simple count

Indicator title	Number of structured engagements with stakeholders including events, structured meetings and joint forums
Data limitations	None
Type of indicator	Output
Calculation type	Cumulative
Reporting cycle (quarterly, annually or at longer time intervals)	Quarterly
New indicator	Yes
Desired performance	3 Engagements
Indicator responsibility	Chairperson: Consumer Advisory Panel

Measurable objective: To increase the knowledge base on research areas identified

Indicator title	Number of research areas identified
Short definition	This is a measure of the number of research areas identified by the CAP which will be submitted for further processing and handling by ICASA.
Purpose/Importance	Inform ICASA about the most critical issues facing consumers that require further research and attention.
Source/collection of data	Data collected from engagements with consumers, regulatory frameworks implemented locally and elsewhere, as well as research published across the globe would provide indicative areas for future research.

Indicator title	Number of research areas identified
Method of calculation	Simple count
Data limitations	None
Type of indicator	Output
Calculation type	Cumulative
Reporting cycle (quarterly, annually or at longer time intervals)	Bi-annually
New indicator	Yes
Desired performance	Two research areas identified that will inform ICASA of critical issues facing consumers.
Indicator responsibility	Chairperson: Consumer Advisory Panel

Goal: To contribute to efficient and effective governance of the CAP.

Measurable objective: To ensure compliance as per legislation.

Indicator title	Number of Performance Plans produced.
Short definition	The operational CAP will produce a work plan for the financial year to identify key areas to deliver on.
Purpose/Importance	This indicator aims to ensure greater accountability of CAP.
Source/collection of data	Data will be collected from ICASA reports, Consumer Affairs Division reports and databases of ICASA.
Method of calculation	Simple count

Indicator title	Number of Performance Plans produced.
Data limitations	Lack of advisory reports, no prior contact directly to be informed of consumer related challenges.
Type of indicator	Outcome
Calculation type	Non-cumulative
Reporting cycle (quarterly, annually or at longer time intervals)	Annually
New indicator	Yes
Desired performance	1 CAP Annual Performance Plan produced
Indicator responsibility	Chairperson: Consumer Advisory Panel

Measurable objective: To ensure compliance as per legislation.

Indicator title	Number of quarterly reports produced.
Short definition	The operational CAP will produce a report for each quarter of the financial to advise ICASA on matters related to consumer issues.
Purpose/Importance	This indicator aims to ensure greater consumer protection and to advise ICASA as prescribed in the ECA and the CAP Regulations.
Source/collection of data	Data will be collected from the CAP engagements with consumers and CAP meeting minutes.
Method of calculation	Simple count
Data limitations	Incomplete minutes, lack of engagement reports.
Type of indicator	Outcome
Calculation type	Cumulative

Indicator title	Number of quarterly reports produced.
Reporting cycle (quarterly, annually or at longer time intervals)	Quarterly
New indicator	Yes
Desired performance	4 Quarterly Reports produced.
Indicator responsibility	Chairperson: Consumer Advisory Panel

Measurable objective: To ensure compliance as per legislation

Indicator title	Number of Consumer Advisory Panel (CAP) Annual Reports produced.
Short definition	The operational CAP will produce an annual report to advise ICASA on matters related to consumer issues.
Purpose/Importance	This indicator aims to ensure greater consumer protection and to advise ICASA as prescribed in the ECA and the CAP Regulations.
Source/collection of data	Data will be collected from the CAP advisory reports.
Method of calculation	Simple count (CAP meeting minutes).
Data limitations	Lack of advisory reports.
Type of indicator	Outcome
Calculation type	Non-cumulative
Reporting cycle (quarterly, annually or at longer time intervals)	Annually
New indicator	Yes
Desired performance	1 CAP Annual Report produced

Indicator title	Number of Consumer Advisory Panel (CAP) Annual Reports produced.
Indicator responsibility	Chairperson: Consumer Advisory Panel

Measurable objective: To ensure CAP members are competent and qualified.

Indicator Title	Number of induction sessions/trainings held
Short Definition	This is to measure the number of induction sessions or training and development interventions that are provided for the new CAP members.
Purpose / Importance	To enhance CAP members competence so that they are better able to execute their tasks.
Source / Collection of Data	Attendance register, Individual Development Plans (IDP) of CAP members.
Method of Calculation	Simple count
Data Limitations	Lack of attendance register
Type of Indicator	Output
Calculation Type	Cumulative
Reporting Cycle	Annually
New Indicator	Yes
Desired Performance	To achieve 100% of training
Indicator Responsibility	Chairperson: Consumer Advisory Panel

3. RECOMMENDATIONS

3.1 GOVERNANCE OF CAP:

3.1.1 MANAGEMENT OF FINANCES

Regulation 5.1(d) of the Consumer Advisory Panel Regulations, 2017 states that: "The Chairperson must manage the budget of the Panel". CAP has recommended that the Regulations be amended to remove this responsibility on the following grounds:

1. ICASA is a Schedule 1 Constitutional Institution and CAP is a Committee that reports to ICASA Council.
2. Section 49(2)(a) of the PFMA states that: "If the public entity has a board or other controlling body, that board or the controlling body is the accounting authority for that entity".
3. According to Section 36(2)(b): "...the chief executive officer of a constitutional institution must be the accounting officer for that institution".
4. CAP viewed in light of other Committees:

Table 7: CAP versus Audit Committee versus Social & Ethics Committee

ACT	ELECTRONIC COMMUNICATIONS ACT	COMPANIES ACT	COMPANIES ACT
COMMITTEE / PANEL	ICASA COUNCIL	BOARD	ACCOUNTING OFFICER
CAP	1. Section 71 establishes CAP 2. Regulations		Ex-Officio Member
AUDIT		1. Section 94 establishes the Audit Committee 2. Regulations	Ex-Officio Member
SOCIAL & ETHICS		1. Section 72 establishes Committees of the Board 2. Section 72(4) establishes Social & Ethics Committee 3. Regulations	Ex-Officio Member

CAP, Audit Committee and Social and Ethics Committee are Committees established by the Acts and Regulations and the two Committees established by the Companies Act do not manage their finances as the Board has the responsibility to manage finances.

It is therefore prudent that CAP Regulations be amended to remove clause 5.1(d) especially because CAP does not have employees reporting to it, who will apply control measures to ensure effective management of finances.

3.1.2 SECRETARIAT

Secretariat services have been inconsistent and sluggish. CAP requests that a one stop Secretariat service be provided, however currently it is not clear where the support will come from. It is for this reason that CAP Members have not received:

- (i) Packs for third and fourth Quarter Meetings.
- (ii) The Minutes for the fourth Quarter Meetings have not been made available despite numerous requests.
- (iii) CAP Members remuneration is not consistent. Payments not made for a Meeting held by a Finance Team Sub-committee to discuss the draft Annual Report and finances; and a Meeting held with the CEO to discuss governance issues.
- (IV) Inadequate Secretariat support leading to poor quality Minutes. Regulation 11.14 states that: "The Authority must ensure administrative support is provided for meetings and that all meetings are recorded". The Regulation does not specifically mandates CCA to provide Secretariat Support.

3.1.3 TERMS OF REFERENCE OR MEMORUNDUM OF UNDERSTANDING (MOU)

Terms of Reference or Memorandum of Understanding establishes the principles that are agreed upon between ICASA and CAP to harmonise the relationship and / or clarify duties that are performed by each party.

Lack of MOU has created a disharmony between the two parties in for instance, submissions of Reports or attendance of Council Meetings by CAP Members because of invitations to Meetings at a short notice.

Recommendations

- ✚ Competent Secretariat be hired to provide CAP with a one stop service (writing minutes, preparing packs, travelling and remuneration) in order to improve effectiveness and efficiency.
- ✚ Regulation 11.2. states that: "Additional meetings must be agreed to and approved by the Authority prior to such a meeting being held". This clause leads to bureaucracy predispose to CAP to inefficient process as applying for approval leads to a waste of time. It is also for this reason that CAP Members were not remunerated for holding important Meetings that were used to improve⁴ governance. CCC is not exposed to this inefficient requirement. Thus, CAP recommends that this clause be removed.
- ✚ Invitation of CAP to Council Meetings be scheduled to cover the financial year.

3.2 CONSUMER PROTECTION ENVIRONMENT

Consumer education Campaigns are a medium used to collect consumer complaints and to educate consumer about ICT their rights in the ICT sector. Cap attended Road Shows held in the Western Cape, the Free State and North West. The fourth Road

Show that CAP will attend is in Limpopo and it will be conducted on the 29th to the 30th March 2019 and the Report will be included in the Annual Advisory Report.

3.2.1 CONSUMER EDUCATION CAMPAIGNS (ROAD SHOWS)

Comparative Analysis was conducted to evaluate the success of Road Shows held in three Provinces, and make recommendations:

Table 8: Road Shows: Conclusions & Recommendations

PROVINCE	CONCLUSIONS	RECOMMENDATIONS
WESTERN CAPE	<ul style="list-style-type: none"> • Few people attended the Road Shows in all Provinces. 	<ul style="list-style-type: none"> • There is a need to conduct the cost-benefit analysis to determine the benefits of continuing with the Road Shows.
FREE STATE	<ul style="list-style-type: none"> • Musicians got the most exposure instead of promoting small business in the ICT sector. The only positive factor was that playing music attracted consumers to Road Shows. Although also attracting small school children. 	<ul style="list-style-type: none"> • It may be fruitful to reach a greater population through television and radio stations than travelling around the country. This mode of communication will also benefit consumers who are not necessarily living in underserved areas as they also need to lodge complaints or learn more about the new acts and regulations.
NORTH WEST	<ul style="list-style-type: none"> • CAP did not necessarily receive exposure in the instance where the Road Show was held at a Shopping Centre. • CAP Members at the Free State Road Show noted that there were no persons with Disabilities except those who worked for ICASA. 	<ul style="list-style-type: none"> • Finance that was used to conduct Road Show should be channelled to subsidising the needy consumers so that that get access to ICT services, thus fulfilling universal access.

	<ul style="list-style-type: none"> • Western Cape noted that there was a language barrier and that other members of the society that CAP may want to invite to Road Shows might not be interested in attending in the townships. • Costs of delivering these Road Shows might be higher than the benefit derived from conducting them. • Consumers were interested in job opportunities that ICASA offers, indicating that consumers are affected by the high unemployment in South Africa. 	<ul style="list-style-type: none"> • Operators should be encouraged to offer consumers bursaries to further studies in the ICT sector which may assist in creating small business. • There may therefore be a need to amend CAP Regulations to remove a clause that requires CAP to meet consumers at least once a year, because CAP can get access to consumer issues through: <ol style="list-style-type: none"> 1. Information collected by ICASA via its Website and contact number. 2. Information collected by ICASA through radio and television broadcast. 3. Information collected through research and attending Conferences. • Funds be made available for CAP to attend Conferences and training in light of a need to advise Council on the introduction of 4th Industrial Revolution and any other innovation tools.
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3.2.2 RESEARCH PAPERS

Three Research Papers were written to look into Persons with Disabilities issues and also to evaluate our macroeconomic environment, regulatory environment and operator's ethical behaviour and the following conclusions and recommendations were reached and:

Table 9: Research Papers: Conclusions & Recommendations

#	PAPER	CONCLUSIONS	RECOMMENDATIONS
1.	The Deaf & Hard of hearing Issues.		ICASA to implement the following with priority 1) Real time open capturing on all live broadcasts i.e. news, breaking news and State of the Nation Address (Sona). 2) Close or open capturing of other programs
2.	Understanding the disability digital divide & the inclusion of Persons with Disabilities through ICT.		Further research into the following issues: <ul style="list-style-type: none"> • Emergency Call Centres. • Digital Voice Broadcasting. • Disability Regulations. • ICASA Consumer Complaints. • Universal Service Obligation (USO).
3.	Universal Service & Access - A Symbiotic relationship between IICT Sector and Economic Growth: 1. The State of South African Economy. 2. The Regulatory Environment 3. Ethical Issues	<ul style="list-style-type: none"> • The independency of ICASA is questionable and that it does not have financial independence as funds collected from the industry are appropriated by Parliament. • The Functionality of ICASA is hampered by government interference (the Act allows for this situation to materialise). • The Sector contributes to high inflation due to 	<ul style="list-style-type: none"> • Further studies to conduct comparative analysis into the costs and benefits of promoting Structural, Financial and Functionality Independence from government. • Swift and effective functionality in promulgating policies and regulations in order to avoid reputational risk is a necessary step in laying a foundation to attract investment.

		<p>inefficiencies in the allocation of Spectrum and delays in Digital Migration.</p> <ul style="list-style-type: none"> • The Energy Sector has the potential to increase inflation due to high electricity pricing. • Telkom contributes to high unemployment through retrenchments and non-compliance with the Labour Act. • The inefficient allocation and use of Funds meant to promote universal service and access to ICT Services and products. • It is difficult to analyse the impact of ICT Sector on the economic growth as data is not easily available. Statistics SA (STATSSA) only provide annual data and also, the quarterly data is lumped together with Transportation. STATSSA was able to show that transport Sector contributed positively to economic growth in the second quarter; however there was no information on the impact of Communication Sector. 	<ul style="list-style-type: none"> • Analysis of Social and Ethics Reports to detect inconsistencies in the protection of consumers and labour interests as a foundation to provide quality service to consumers. • Forging strategic partnership with regulators such as the National Energy Regulator of South Africa and the Companies and Intellectual Property Commission may prove to be important in order to ensure that operators promote economic and social welfare. • Further research to determine the extent to which finances contributed by the operators are ploughed back into the ICT Sector. There is a need to negotiate with the department of Finance with regard to gaining control of finances. • Making proposals to STATSSA to provide quarterly ICT data separately and the department of Labour to update ICT-related skills data.
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PART D

LINKS TO OTHER PLANS

The Consumer Advisory Panel aligns its activities with all ICASA's policies, processes and plans

ANNEXURES

1. Fourth Quarter Performance Information Report;
2. Road Show Reports: North West and Limpopo Provinces;