

Postscript

Communications and therefore communications policy and law are ever changing. The cut-off date used for this book in respect of policy, legal and regulatory activity was June/July 2004. Since then (it is now April 2006), some things have changed. This postscript is intended to highlight some of the major changes.

Although some of the substantive detail set out in the individual chapters will no longer be accurate due to the passage of time, structurally, the chapters are sound and the majority of the information contained therein is up to date even after the passage of time. That said, any person relying on the information provided in this book must verify whether the policy or law has changed in any relevant respect. Indeed, we write this postscript knowing that once published, it will likely be out of date in certain respects.

1. POLICY

What has had the most impact on a changed regulatory environment for communications over the past two years is the Minister's lifting of certain restrictions that had been placed in the Telecommunications Act (the February 2005 Liberalisations).

Other activities have had less of an impact simply because the processes are not complete. However, we mention them here due to their anticipated significance to the industry. The activities include the Electronic Communications Act, the Icasa Amendment Bill and the Black Economic Empowerment Charter for the ICT Sector.

1.1 February 2005 Liberalisations

Effective 1 February 2005, the Minister of Communications introduced several measures intending to usher in some liberalisation in communications regulation. The measures are set out in Notice 1924 of 2004 published in Government Gazette No 26763 dated September 3, 2004 (the Minister's Notice). The Minister's Notice lifted restrictions or obligations set out in the Telecommunications Act in relation to mobile cellular telecommunications services (MCTS), value added network services (Vans), private telecommunication network (PTN) services and public pay phone services, and introduced discounted fees and charges for Internet services for public schools and further education and training institutions.

The following specific measures were introduced by the Minister's Notice:

- The restriction on Vans licensees regarding voice was lifted. Vans licensees as of 1 February 2005, may allow their networks to be used for the carriage of voice.
- The obligation for MCTS and Vans licensees to obtain the telecommunication facilities used to build their networks from Telkom was lifted. MCTS and Vans

licensees as of 1 February 2005, may self provide the telecommunication facilities they use to build their networks or they may obtain such facilities from any other party licensed to provide such facilities, including other MCTS and Vans licensees.

- The restriction on Vans and PTN licensees, not allowing them to resell excess capacity, was lifted. Vans and PTN licensees as of 1 February 2005 may resell spare capacity on the telecommunication facilities they have obtained (whether from Telkom or any other person).
- Anyone as of 1 February 2005 may apply for a licence to provide PSTS public pay phone services.
- Public schools and further education institutions as of 18 January 2005 are entitled to a 50 percent discount on Internet connection and Internet services fees.

There has been some controversy over the Minister's Notice. This is certainly the case in respect of the question whether Vans licensees may self-provide telecommunication facilities. A press release issued by the Minister of Communications prior to February 2005 cast doubt on the proper interpretation of the Minister's Notice. In the result, Icasa had been hampered in implementing the Minister's Notice in respect of Vans because the Minister refused to approve and publish Vans regulations where the regulations referred to self-provisioning of telecommunication facilities. That impasse was finally resolved by the deletion of any mention of self-provisioning in the regulations.

The Minister's Notice has also not been implemented, most notably in respect of public pay phone services and discounts for Internet and related access services to public schools.

1.2 Electronic Communications Act

In December 2003, the Department of Communications presented a Draft Convergence Bill for public comment. The President has signed the legislation into law, with a name change to the Electronic Communications Act in April 2006, but it will only come into force and effect on a date yet to be proclaimed.

The Electronic Communications Act is South Africa's substantive regulatory response to convergence. It repeals most of the existing telecommunications and broadcasting legislation. Not unlike the current legislation, the objects of the Bill deal with both economic and social imperatives.

The Act sets out categories of services and deals with licensing issues. The Act also deals with the radio frequency spectrum and equipment standards and approval. It regulates with regard to rights of way and related issues for communications network services, for interconnection and facilities leasing, pricing, numbering, and universal service. It also delineates the spheres of regulation of Icasa, the independent regulator on the one hand and the Minister of Communications on the other hand.

The most significant changes that will be brought about by the Act are changes to the market structure and licensing. Under the converged regime, there will be the following types of services providers.

- Communications network service licensees

- communications service licensees; and
- broadcasting service licensees

Services providers must obtain either an individual or class licence, or be exempt from licensing. The legislation also sets out examples of each of the categories: individual, class and exempt. Individual licences include:

- Communications networks of national or provincial scale operated for profit;
- Commercial broadcasting and public broadcasting of national or provincial scale whether free to air or subscription;
- Voice telephony communications services that use numbers from the national numbering plan; and
- Communications network, communications or broadcasting services where a state entity owns more than 25 percent.

Class licences include:

- Communications networks of municipal scale operated for profit; and
- Community broadcasting and low power services whether free to air or subscription.

Exempt services include:

- Communications services provided not for profit;
- Communications services provided by resellers;
- Private communications networks (where excess capacity is not resold); and
- Local area networks.

1.3 Icasa Amendment Bill

At the time of signing the Electronic Communications Act, the President sent the Icasa Amendment Bill, back to Parliament for reconsideration of the manner in which councillors are appointed.

In terms of the Bill the amendments to the Icasa Act include two major changes. First, postal matters are brought into the responsibilities of Icasa. Second, the manner in which councillors are appointed has changed, to a process where Parliament and the President are involved to one where the Minister of Communications does the appointing on the recommendation of a panel also appointed by the Minister.

The other amendments are consequential to the Electronic Communications Act or re-enact certain procedural matters that previously appeared in the Telecommunications Act or the broadcasting legislation, including the following.

- Register of licences
- Enquiries
- Confidential information
- Performance management system

- Minutes of meetings
- Appointment of experts
- Complaints and Compliance Committee
- Inspectors

1.4 Black Economic Empowerment Charter for the ICT Sector

The final draft of the Black Economic Empowerment Charter for the ICT Sector is dated May 2005. It was presented to cabinet for approval in June 2005. It is intended, at some point, to be published in the Government Gazette as a Code of Good Practice for the ICT Sector in terms of the Broad-Based Black Economic Empowerment Act.

It deals with, among other things, the ICT Sector's commitments to the following.

- Access to ICTs
- Development of ICT enterprises
- Procurement
- Skills Development
- Employment
- Management
- Ownership

2 LICENSING

2.1 USALs

From the applications submitted in the first round of USAL licensing, the following licences have been awarded.

- Thinta Thinta Telecomms (Pty) Ltd (DC 21 Ugu District, KwaZulu-Natal)
- Bokone Telecoms (Pty) Ltd (DC 35 Capricorn District, Limpopo)
- Ilizwi Telecommunications (Pty) Ltd (DC 15 OR Tambo District, Eastern Cape)
- Kingdom Communications (Pty) Ltd (DC 26 Zululand District, KwaZulu-Natal)
- Karabo Telecoms (Pty) Ltd (DC 38 Central District, North West)
- Bokamoso Consortium (Pty) Ltd (DC 18 Lejweleputswa District, Free State)
- Amatole Telecommunications Services (Pty) Ltd (DC 12 Amatole District, Eastern Cape)

The Minister of Communications published an Invitation to Apply (Notice 20 of 2005 published in Government Gazette 27166 dated 11 January 2005) for USALs for the following additional USAL areas.

- Limpopo (CBDC 4 Bohlabela District Municipality and DC 34 Vhembe District Municipality)
- KwaZulu-Natal (DC 27 Umkhanyakude and DC 29 King Shaka)
- Eastern Cape (DC 13 Chris Hani and DC 14 Ukwahlamba)
- Free State (DC 20 Northern Free State and DC 19 Thabo Mafutsanyana)

- Gauteng (CBDC 2 Metsweding and CBDC 8 Westrand)
- Mpumalanga (DC 31 Nkangala and DC 30 Eastvaal)
- North West (DC 39 Bophirima and DC 37 Bojanala Platinum)

The Minister of Communications published an Invitation to Apply (Notice 192 of 2006 published in Government Gazette 28478 dated 7 February 2006) for USALs for the following additional USAL areas:

- Limpopo (DC 47 Sekhukhune and DC 33 Mopani)
- KwaZulu-Natal (DC 22 Umgungundlovu, DC 23 Uthekela, DC 24 Umzinyathi and DC 28 Uthungula)

2.2 SNO

The PSTS licence was finally awarded to the SNO on 9 December 2005. SNO Telecommunications (Pty) Ltd, the licensee, is owned as follows.

- Nexus Connexion (Pty) Ltd (19 percent)
- SepCo (51 percent)
 - Tata Africa Holding (SA) (Pty) Ltd (1 percent)
 - Videsh, Sanchar, Nigam Ltd (25 percent)
 - Two Telecom Consortium (Pty) Ltd (12.5 percent)
 - CommuniTel Telecommunications (Pty) Ltd (12.5 percent)
- SoeCo (30 percent)
 - Transnet Ltd (15 percent)
 - Eskom Enterprises (Pty) Ltd (15 percent)

2.3 Vans

Following the Minister's Notice liberalising the regulatory environment for, inter alia, Vans, Icasa made and the Minister approved and published, new regulations for Vans, covering licensing, licence and application fees and empowerment requirements. The Vans regulations are published in No R 490 published in Government Gazette 27608 dated 20 May 2005.

Icasa had de facto placed a moratorium on processing applications for Vans licences, which was lifted after the publication of the regulations. More than 200 licences have been issued in terms of the new regulations.

2.4 Pending Policy Proceedings regarding Licensing

There are several pending noteworthy proceedings recently initiated by Icasa in respect of licensing issues.

First, Icasa issued a notice of an enquiry into a proposed licensing framework for satellite services (Notice 295 of 2006 published in Government Gazette No 28540 dated 21 February 2006).

Second, Icasa issued notice of its proposal to use channel 65 (822–830 MHz) currently in the broadcasting frequency band plan for telecommunication services (Notice 315 of

2006 published in Government Gazette No 28547 dated February 2006).

Third, Icasa issued notice of an enquiry into the use of the frequency band 5735–5875 MHz for broadband fixed wireless access (Notice 221 of 2006 published in government Gazette No 28600 dated 8 March 2006).

3 INTERCONNECTION

Two pending proceedings are noteworthy in respect of interconnection and facilities leasing. First, Icasa has begun proceedings to replace the existing interconnection guidelines (Notice 59 of 2005 published in Government Gazette No 27187 dated 19 January 2005) and facilities leasing guidelines (Notice 58 of 2005 published in Government Gazette No 27186 dated 19 January 2005).

Second, Icasa issued a notice of its intention to include any licensee with market share of at least 35 percent in the category of Major Operator in terms of the Interconnection Guidelines, thereby requiring them to provide Essential Services at cost based prices (either LRIC or FAC). Currently, this proceeding has been halted by a court application (Case No 22938/05 TPD).

4 PRICING

4.1 Rate Regime Regulations for Telkom

Icasa made, and the Minister approved and published, new Telkom Price Control Regulations (No R 675 published in Government Gazette No 27772 dated 6 July 2005 and amended by No R 799 published in Government Gazette No 27875 dated 4 August 2005 to replace those regulations made in 2002.

The major changes include:

- Changing the productivity factor from 1.5% to 3.5%;
- Changing the CPI to the CPI for the month of September to the month of April;
- Adding a formula for variable component price increases;
- Adding home ADSL services to the residential sub-basket;
- The limitations with regard to Telkom changing basket services have been changed; and
- New provisions have been made with regard to changes in prices within a price control year.

4.2 Pending Policy Proceedings regarding Pricing

The issue of the high costs of communications in South Africa has been on the regulatory agenda, due to, among other things, the president's state of the nation address in 2005. Several noteworthy activities have taken place or are underway.

First, the Department of Communications convened a Colloquium on the Pricing of Telecommunications in South Africa in July 2005 with the industry. A second Colloquium on Telecommunications Pricing was held in October 2005. The intended outcome of the public consultation processes was a set of recommendations to the

Ministry of Communications on ways to lower telecommunications prices.

Second, Icasa issued findings and conclusions in its enquiry into whether and how MCTS handset subsidies should be regulated, indicating that it will draft regulations necessary to protect consumers from non-transparent pricing, to protect pre-paid customers from discriminatory terms and to require contracts to be offered for periods other than 24 months (notice 227 of 2006 published in Government Gazette No 28516 dated 17 February 2006).

Third, Icasa began an enquiry (Notice 1327 of 2005 published in Government Gazette No 27854 dated 28 July 2005) into MCTS prices, indicating that there may be a need to more rigorously regulate MCTS pricing.

5 OTHER TELECOMMUNICATIONS REGULATIONS

Two other regulations significant for the communications industry have been promulgated, on carrier pre-selection and on number portability.

5.1 Carrier Pre-selection

The Regulations on Carrier Pre-Selection appear in Notice 975 of 2005 published in Government Gazette No 27717 dated 24 June 2005.

5.2 Number Portability

The number portability regulations appear in No R 963 published in Government Gazette No 28091 dated 30 September 2005.

6 INTERCEPTION LEGISLATION

The Regulation of Interception of Communications and Provision of Communication-Related Information Act came into force on 30 September 2005, with the exception of sections 40 and 62(6), which will come into effect on 30 June 2006. These dates were fixed by the President in No R 55 of 2005 published in Government Gazette No 28075 dated 30 September 2005 as amended by No R 67 of 2005 published in Government Gazette No 28282 dated 29 November 2005.

Certain regulations have been made in terms of the interception legislation. The Minister of Communications has made directives in respect of telecommunication services providers in Notice 1325 of 2005 published in Government Gazette No 28271 dated 28 November 2005. The Minister of Justice and Constitutional Development declared certain instruments listed equipment in terms of the legislation in No R 1263 of 2005 published in Government Gazette No 28371 dated 29 December 2005.

Lisa Thornton,
Director, Lisa Thornton Inc,
April 2006

Acronyms

COA/CAM	Chart of Accounts and Cost Allocation Manual
CPE	customer premises equipment
CSOs	community service obligations
CSTs	community service telephones
DOC	Department of Communications
ECT Act	Electronic Communications and Transactions Act, 25 of 2002
FAC	fully allocated costs
Gats	General Agreement on Trade in Services
Gatt	General Agreement on Trade and Tariffs
GMPCS	global mobile personal communications by satellite services
GSM	Global System for Mobile communications
IBA	Independent Broadcasting Authority
Icasa	Independent Communications Authority of South Africa
Icasa Act	Independent Communications Authority of South Africa Act
ICT	information, communications and technology
IEC	Independent Electoral Commission
ISP	Internet services provider
ITA	invitation to apply
ITU	International Telecommunication Union
JED	joint economic development
LAN	Local Area Network
LRIC	long-run incremental cost
MAN	metropolitan area network
MCTS	mobile cellular telecommunication services
MFN	Most Favoured Nation
MPCCs	multi-purpose community centres

NRF	National Revenue Fund
PAIA	Promotion of Access to Information Act, 2 of 2000
PAJA	Promotion of Administrative Justice Act, 3 of 2000
PFMA	Public Finance Management Act, 1 of 1999
POP	point of presence
PSTN	public switched telecommunication network
PSTS	public switched telecommunication services
SABC	South African Broadcasting Corporation
Sacba	South African Call Back Association
SACSA	South African Council for Space Affairs
SADC	Southern Africa Development Community
SALC	South African Law Review Commission
SAPO	South African Post Office
SATCC	Southern Africa Transport and Communications Commission
Satra	South African Telecommunications Regulatory Authority
Sava	South African Vans Association
Sita	State Information Technology Agency (Pty) Ltd
SLA	service level agreement
SMME	small, medium and micro enterprises
SMS	short message service
SNO	Second National Operator
USA	Universal Service Agency
USALs	under-serviced area licences
USF	Universal Service Fund
Vans	value-added network services
VPN	virtual private network
WAN	wide area network
WTO	World Trade Organisation
WWW	World Wide Web

Profiles of Authors and Editors

Anton Alberts was born in Johannesburg, South Africa. He is an advocate specialising in the legal fields of entertainment law, ICT and space law. Anton regularly acts as legal counsel to foreign ICT firms investing in South Africa, ICT firms active in Canada, and several film and television production houses operating in South Africa, Canada and the United States. His career path includes lecturing in Criminal, Corporate and International Law at Technikon SA (now part of Unisa) and Rand Afrikaans University (now the University of Johannesburg), acting as head of legal affairs for M-Net, acting as legal manager at Internet Solutions (part of Dimension Data) and Shaw Communications (Canada) and later at Mobile Data Solutions Incorporated (a Vancouver-based ICT firm) for whom he still performs legal counselling. On occasion Anton provides legal services to South African-based satellite projects, ie SUNSAT. Anton received his legal education at the University of Johannesburg where he obtained the degrees, BA (Law), LLB, and LLM (International Law (Cum Laude)). He has published several legal works, most notably the Entertainment Law edition of Butterworths' Forms and Precedents and a chapter in the Internet law publication, *Cyberlaw@SA*.

Nazreen Bawa was born in Cape Town, South Africa. She graduated with a Bachelor of Business Science in 1993 and a Bachelor of Law (LLB) in 1995 from the University of Cape Town. In 1996/1997 Nazreen worked as a researcher at the Constitutional Court of South Africa. She was also employed as a researcher at the University of Queens, Belfast. Since 1998, Nazreen Bawa has been practising as an advocate and is a member of the Cape Town Bar. She is involved predominantly in human rights, constitutional and administrative law litigation and advises in areas of inter alia government policy, local and provincial laws, environmental law, access to information and medical negligence and legislative drafting.

Mike Brierley was born in Cape Town, where he attended Bishops College and UCT, obtaining a BSc Degree in Civil Engineering. Mike worked as a programmer and business analyst for Dow Chemical in Germany and Dow in Louisiana in the USA. He returned home to work for Dow South Africa in 1985, as its IT Manager. He subsequently held a number of IT management positions with listed companies, Cargo Carriers and Sappi, before joining Times Media Limited (now Johnnic Publishing) as IT Manager in January 1992. He was a founding Director of Johnnic e-Ventures and was initially responsible for the re-launch and growth of Ananzi, South Africa's leading search portal. During this period, he acquired and sold a number of small start-up businesses, which culminated in the acquisition of the ISP company Citec, which Mike now manages as his core responsibility. He is currently the Chief Executive Officer of MTN Network Solutions (Pty) Ltd.

Yasmin Carrim was born in Pretoria, South Africa. She graduated with a BSc LLB from UCT and completed her articles at Webber Wentzel Bowens. After working as a

researcher at the Constitutional Court Yasmin became a partner at Cheadle Thompson & Haysom. She was subsequently appointed as an Icasa Councillor and thereafter as Group Executive Regulatory Affairs at MTN. She currently serves as a full-time member on the Competition Tribunal of South Africa.

Kerron Edmunson was born in Durban, South Africa. She is an attorney of the High Court of South Africa and a solicitor of the Supreme Court of England and Wales. Her expertise covers new technology and communications ventures, commercial and corporate transactions in utilities, financing, and regulation. She has acted, as part of a team, for various public bodies, including the Government of the Bahamas, States of Guernsey and the telecommunications regulator in Bulgaria and Ireland in relation to privatisation of state resources and utilities and revising the telecommunications legal and regulatory framework. This has included preparing policy, legislation and licences. She has also worked in a team advising various banks and suppliers on the vendor and project financing of new utility projects. Kerron previously worked in the in-house legal department at MTN (Pty) Ltd and then worked at London law firm Denton Wilde Sapte for four years and in-house at Royal Mail plc for a year. Since her return to South Africa in January 2004, Kerron has advised on the commercial, regulatory and legal aspects of telecommunications and broadcasting in South Africa at Ashira Consulting (Pty) Ltd and Edward Nathan, where she is currently based.

Shumani Gereda was born in Venda, South Africa. He holds B.Luris and LLB degrees from the University of the North. Shumani was admitted as an attorney in February 2002 after serving a two-year period of articles of clerkship at the Legal Resources Centre. During 2001, Shumani completed an LLM degree focusing on Telecommunications and IT Law at the University of the Witwatersrand. In 2002, he joined the Constitutional Court and served as a law clerk to Justices Zak Yacoob and Barend Du Plessis. He was awarded an Ishmael Mohammed Scholarship to pursue an LLM degree at the University of Toronto, in Canada. In 2003, Shumani joined the Media & Technology Department of Webber Wentzel Bowens Attorneys where he practised as an attorney. In August 2003, he left South Africa to pursue an LLM degree focusing on Regulatory Laws i.e. telecommunications, intellectual property, information technology and competition law at the University of Toronto, which degree he completed in 2004. Upon his return to South Africa in 2004, Shumani joined the Competition Commission of South Africa.

James Hodge was born in the UK and raised in South Africa. He received his bachelors degree in business science and economics from the University of Cape Town in 1990. He then worked at Andersen Consulting in Johannesburg for a number of years before returning to the University of Cape Town in 1994 to complete his masters degree in economics. After a year teaching within the School of Economics at UCT, he took up a research post within the Development Policy Research Unit. In January 2000, he rejoined the economics department as a senior lecturer in the School of Economics. His research and teaching has focused on the economics of regulation, including the increasing inclusion of regulatory requirements in international trade agreements. Aside from publishing in a number of academic journals, James continues to do policy-

orientated research and training for the World Bank, UNCTAD, National Treasury, Department of Trade and Industry and the Competition Commission.

Joy-Marie Lawrence was born in South Africa. She was accepted to study the accelerated BA LLB degree, and graduated with a BA in political science and Roman Dutch law in 1994 and an LLB in 1996 from the University of Cape Town, studying both degrees concurrently. She also obtained her LLM from the University of Witwatersrand in 2002 focusing on Media and the Constitution, Space and Satellite Law, Telecommunications law and Broadcasting law. Joy-Marie completed her articles at Webber Wentzel Bowens and was admitted as an attorney in 1999. She continued working at Webber Wentzel Bowens in the Media and Technology department. In September 2000, she joined MTN as a commercial legal advisor to the MTN Group. Thereafter she worked at the SABC as the senior legal advisor attending to both regulatory and commercial legal work in the broadcasting environment. She relocated to the Western Cape and is presently the senior legal advisor for Business Connexion (formerly Comparex Africa) for the Western Cape, Port Elizabeth and East London regions. Joy-Marie also co-lectured in the Master's law class in Space and Satellite law at the University of Witwatersrand.

Mandlesilo (Mandla) Msimang was born in Lusaka, Zambia. She graduated with a BA in Africana Studies (magna cum laude) from Cornell University, New York in 1998. She also obtained an MSc Regulation (Utilities) from the London School of Economics in 2004. Mandla initially worked as an Assistant to the Deputy Chairperson of the South African Telecommunications Regulatory Authority (Satra). Thereafter, following the merger between SATRA and the Independent Broadcasting Authority (IBA) to form the Independent Communications Authority of South Africa (Icasa), Mandla took up a position as Senior Manager, Policy Analysis and Development, in the Telecommunications Division of Icasa, focusing on the areas of research, financial and economic analysis and competition. Mandla is currently Senior Manager: Regulatory Affairs at Cell C (Pty) Ltd. She has also done some independent consulting work including work for the International Telecommunications Union and authored a chapter on universal service best practice in ITU's Trends 2003 Report.

Lerato Mokgosi was born in South Africa. She has a BProc Degree from Vista University (Soweto Campus) and an LLB from the University of South Africa. She completed her articles at Maluleke Msimang and Associates (Johannesburg). She was admitted in January 2001. She then joined Madhlopa Attorneys where she focussed on telecommunications law. She subsequently worked at Simpson Thacher & Bartlett (New York) as an International Associate and JP Morgan (New York) in the Global Corporate Finance Department. She is currently working for Stanbic Africa Credit Department.

Patric Mzolisi Mtshaulana was born and grew up in Mount Frere, South Africa. He has a B.luris (UFH) from the University of Fort Hare, and Meester in De Rechten (Mr) Vrije Universiteit (Amsterdam). He was admitted as a member of the Johannesburg Bar in November 1996. He has worked with the Constitutional Litigation Unit of the Legal

Resources Centre (1996), lectured at the University of the North (human rights and international law) (1993-6), served as a research assistant to Justice Chaskalson, President of the Constitutional Court (1995), and worked as a public prosecutor in Bizana (1976). He now runs his own practice as an advocate at Fountain Chambers, Sandton.

Kameshni Pillay was born in Durban, South Africa. She is a practising advocate of the High Court and a member of the Johannesburg Bar. Before joining the Bar, Kameshni was employed as an attorney and acting-Director of the Constitutional Litigation Unit of the Legal Resources Centre. Kameshni obtained her BA in 1994, an LLB in 1996, and an LLM (by Coursework) in 2000 from the University of the Witwatersrand.

Pippa Reyburn was born in South Africa. She Graduated from UCT with a BA in 1988, and an LLB (cum laude) in 1993, and obtained an LLM from the University of Toronto in 1999, in Constitutional Law. Pippa completed her articles of clerkship in Cape Town and was admitted as an attorney and conveyancer in 1996. She worked at a law firm in Cape Town from 1994 to 1996, and at the Constitutional Court during 1997 and 1998, as a researcher to Justice O'Regan. After completing her Masters degree, Pippa worked for Edward Nathan and has been there since. She works on both the constitutional and the commercial aspects of public sector transactions. This includes public sector procurement and financial management, alternative service delivery mechanisms, all aspects of regulatory law, legislative drafting, administrative justice and access to information issues, as well as contractual drafting and the commercial aspects of public private partnerships and government restructuring.

Matthews Suping (Oupa) was born in Johannesburg, South Africa. He obtained his BProc degree from the University of the North West. He served his articles of clerkship with Versfeld Nkosi Inc. where he was introduced to Cyber Law, under the Commercial Law Department. Oupa completed his articles in 2001 and was then appointed at the same firm of attorneys as the Manager of the Cyber Law Department and co-manager of the Commercial Law Department. In October 2002, he moved to Ncube Inc and started the ICT Law Department, which he managed as well as the Commercial Law Department. In 2004 he opened up Suping Consulting (Pty) Ltd., a consulting firm specialising in corporate and/or commercial and information, communications and technology law services.

Lisa Allen Thornton was born in Kentucky, USA. She graduated magna cum laude with a BA in political science and business from Georgetown College in 1985 and a JD from Georgetown University Law School in 1989. Since 1994, she has lived and worked in Africa. She has done volunteer work for the Institute for Democracy in South Africa, and has worked for the South African Independent Electoral Commission, the United Nations Operation Mozambique, and the Centre for Human Rights and served as a law clerk at the Constitutional Court of South Africa for Justice Kriegler. Lisa graduated from the University of the Witwatersrand with an LLB in 1999 (with honours in international law) and opened Lisa Thornton Inc (LTI) in 2001 as a full-service practice for the communications and media industries. Ms Thornton has been named as the

leading lawyer in the area of technology, media and communications in South Africa by Global Counsel 3000 and is included in The International Who's Who of Regulatory Communications Lawyers.

Keith Weeks was born in South Africa. He studied economics and econometrics at RAU and graduated cum laude with an MCom in economics in 2000. After a short period in academia, Keith moved to the Policy and Research division of the Competition Commission where he conducted research on competition policy issues and assisted with economic analysis in the investigation of mergers and acquisitions before the Commission, as well as providing economic assistance in cases heard before the Competition Tribunal. Keith was later appointed to the position of senior investigator (economist) in the Enforcement and Exemptions division of the Commission where he was responsible for managing a number of investigations into complaints of anti-competitive conduct. Keith has worked as a consultant economist at Deneys Reitz, where he assisted with economic analysis of competition law related matters, and is currently a consultant economist at the Competition Commission.

Seena Yacoob was born in Durban South Africa. She graduated with a BMus from the University of Durban Westville in 1996 and an LLB from the University of Cape Town in 2000. She worked as a researcher for Thornton & Morris Attorneys (now Lisa Thornton Inc) for six months, and at the Land Claims Court for two years, before becoming an advocate at the Johannesburg Bar.