I beg to present for Second Reading the Communications Regulatory Authority Bill, 2011 (No. 21 of 2011). Madam Speaker, we have taken note that the existing Telecommunications Act of 1996 confines the mandate of the Botswana Telecommunications Authority to telecommunications sector regulations and assumes technical regulation of broadcasting in the old sense, which is no longer applicable.

The convergence of technologies which is taking place today has resulted in the provision of telecommunications and broadcasting on one platform, in some instances thus rendering them inseparable. As an example Madam Speaker, we now are able to listen to radio over the internet as well as make phone calls through the same medium. The proliferation of these news services was never anticipated when the existing frameworks were developed. This is a concern and that is why I am happy today Madam Speaker to be presenting the Botswana Communications Regulatory Authority (BOCRA) Bill which will correct all these short falls.

The Telecommunications Act was not designed for this transformation, neither was The Broadcasting Act. The Bill before you Honourable Members thus provide for the repeal of these inadequate pieces of legislation and their provisions and have the functions transferred to the new Bill.

Madam Speaker, through the new Bill, the National Broadcasting Board and the Botswana Telecommunications Authority Institutions as well as the Botswana National Broadcasting Board, Botswana Telecommunications Authority are to be merged since some of their functions
will overlap. Their regulatory oversight functions are to be transferred to what will be called BOCRA, which is the new Bill. The provisions covering the regulatory functions from the existing Broadcasting Act have been incorporated into the new Bill with a dedicated chapter appearing in the body of the Bill. As a consequence of the transfer of these provisions to the new Bill, there is need to repeal The Broadcasting Act.

Madam Speaker, the Bill provides for consequential amendments as well to the Botswana Postal Services Act of 1989. Up to today, Botswana Post has been self regulating, and therefore the consequential amendments have transferred the regulatory provisions contained in that Act to the new Bill. These will relief the Botswana Post of the regulatory work and allow it to focus on its core mandate of service provision. By transferring the regulatory functions from Botswana Post a service provider by definition will also ensure proper governance and regulatory independence to the benefit of the postal sector now with an increasing number of players in the economy.

Madam Speaker, the new Bill seeks to empower the authority in line with best practice to apply punitive measures against regulated suppliers where transgressions may have been committed in particular cases, without much reliance on the courts of law, which may lead sometimes to delayed rulings that may render the sector inefficient if it fails to respond to some of these transgressions on time as some of the cases may demand.

Madam Speaker, to formulate this Bill, extensive consultations were carried out with stakeholders to seek views and opinions. These consultations have ensured that a comprehensive Bill is produced in a transparent and all inclusive manner. The Bill Madam Speaker has 11 parts which have been summarised as follows;

The Bill provides for the establishment duties and membership of the Board.
At Part II the Authority shall maintain a register of regulatory documents and have the power to obtain information from any person.

At Part III the Bill deals with meetings and proceedings of the Board. The Board has power to retain specialist advices and to form committees.

Conflict of interest must be notified to the Board in order to enhance transparency within the Board.

At Part IV the Bill deals with the appointment and duties of the Chief Executive Officer, as well as the Internal Auditor and other senior officers.

Part IV deals with financial provisions. Part VI deals with the application and issue of broadcasting licenses whilst Part VII deals with telecommunications licenses radio frequency management, network connections and offences therewith.

Part VIII deals with the postal services. Part VIII deals with dispute regulation and appeals to the High Court whilst Part X deals with consumer and news affairs and the establishment of advisory panels. Part XI deals with repeals and savings of the Act.

Madam Speaker, this covers the very brief presentation and I am happy therefore to move that the Communications Regulatory Authority Bill, 2011 (No. 21 of 2011) be read a second time. I thank you Madam Speaker.