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REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

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PROCLAMATION
by the
President of the Republic of South Africa

No. 47, 2014

**TRANSFER OF ADMINISTRATION AND POWERS AND FUNCTIONS ENTRUSTED
BY LEGISLATION TO CERTAIN CABINET MEMBERS IN TERMS OF SECTION 97
OF THE CONSTITUTION**


In terms of section 97 of the Constitution of the Republic of South Africa, 1996, I hereby transfer the administration and powers and functions entrusted by the specified legislation, and all amendments thereto, to the specified Cabinet member as set out in the Schedule in English and isiZulu with effect from the date of publication of this Proclamation in the *Gazette*.

Given under my Hand and the Seal of the Republic of South Africa at ..Pretoria...
this ..12th... day ofJuly....., Two Thousand and Fourteen.



President

By Order of the President-in-Cabinet:


Minister of the Cabinet

SCHEDULE

1. The administration and the powers and functions entrusted by the legislation, mentioned in column 1 of the tables below, to a Cabinet member as executive authority of that department mentioned in column 2 of the tables, immediately before the President assumed office on 24 May 2014, are transferred to the Cabinet member mentioned in column 3 of the tables.

1.1 COMMUNICATION RELATED LEGISLATION:

Column 1	Column 2	Column 3
Legislation	Previous Cabinet Member	New Cabinet Member
Post and Telecommunication-Related Matters Act, 1958 (Act No. 44 of 1958)	Minister of Communications	Minister of Telecommunications and Postal Services
Films and Publication Act, 1996 (Act No. 65 of 1996)	Minister of Home Affairs	Minister of Communications
Sentech Act, 1996 (Act No. 63 of 1996)	Minister of Communications	Minister of Telecommunications and Postal Services
Former States Posts and Telecommunications Act, 1996 (Act No. 5 of 1996)	Minister of Communications	Minister of Telecommunications and Postal Services
Former States Broadcasting Reorganisation Act, 1996 (Act No. 91 of 1996)	Minister of Communications	Minister of Telecommunications and Postal Services
Postal Services Act, 1998 (Act No. 124 of 1998)	Minister of Communications	Minister of Telecommunications and Postal Services
Department of Communications Rationalisation Act, 1998 (Act No. 10 of 1998)	Minister of Communications	Minister of Telecommunications and Postal Services
Broadcasting Act, 1999 (Act No. 4 of 1999)	Minister of Communications	Minister of Communications

Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000)	Minister of Communications	Minister of Communications
Media Development and Diversity Agency Act, 2002 (Act No. 14 of 2002)	Minister in The Presidency responsible for Performance Monitoring and Evaluation	Minister of Communications
Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002)	Minister of Communications	Minister of Telecommunications and Postal Services
Electronic Communications Act, 2005 (Act No. 36 of 2005)	Minister of Communications	Minister of Telecommunications and Postal Services
South African Post Bank Limited Act, 2010 (Act No. 9 of 2010)	Minister of Communications	Minister of Telecommunications and Postal Services
South African Post Office SOC Ltd Act, 2011 (Act No. 22 of 2011)	Minister of Communications	Minister of Telecommunications and Postal Services
State Information Technology Agency Act, 1998 (Act No. 88 of 1998)	Minister for the Public Service and Administration	Minister of Telecommunications and Postal Services
Telegraph Messages Protection Act, 1963 (Act No. 44 of 1963)	Minister of Communications	Minister of Telecommunications and Postal Services

1.2 ENVIRONMENTAL RELATED LEGISLATION:

Column 1	Column 2	Column 3
Legislation	Previous Cabinet member	New Cabinet member
Sea-Shore Act, 1935 (Act No. 21 of 1935)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs
Prince Edwards Islands Act, 1948 (Act No. 43 of 1948)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs
Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs

Column 1	Column 2	Column 3
Legislation	Previous Cabinet member	New Cabinet member
Dumping at Sea Control Act, 1980 (Act No. 73 of 1980)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs
Section 38 of the Sea Fishery Act, 1988 (Act No. 12 of 1988)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs
Environment Conservation Act, 1989 (Act No. 73 of 1989)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs
Antarctic Treaties Act, 1996 (Act No. 60 of 1996)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs
Environment Conservation Act Extension Act, 1996 (Act No. 100 of 1996)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs
Marine Living Resources Act, 1998 (Act No. 18 of 1998)	Minister of Water and Environmental Affairs to the extent that powers and functions had been transferred to that Minister by Proclamation No. 16 of 2013, published in <i>Government Gazette</i> No. 36527 of 31 May 2013	Minister of Environmental Affairs to the extent set out in paragraph 1.2.1 below
National Environmental Management Act, 1998, (Act No. 107 of 1998)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs
World Heritage Convention Act, 1999 (Act No. 49 of 1999)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs
South African Weather Service Act, 2001 (Act No. 8 of 2001)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs
National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs

Column 1	Column 2	Column 3
Legislation	Previous Cabinet member	New Cabinet member
National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs
National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs
National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs
National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)	Minister of Water and Environmental Affairs	Minister of Environmental Affairs

1.2.1 The administration of and the powers and functions entrusted to the Minister of Water and Environmental Affairs in relation to the provisions of the Marine Living Resources Act, 1998 (Act No. 18 of 1998), and subordinate legislation mentioned in column 3 of Proclamation No. 16 of 2013, published in *Government Gazette* No. 36527 of 31 May 2013, are hereby transferred to the Minister of Environmental Affairs.

1.3 GENDER RELATED LEGISLATION:

Column 1	Column 2	Column 3
Legislation	Previous Cabinet member	New Cabinet member
Commission on Gender Equality Act, 1996 (Act No. 39 of 1996)	Minister of Women, Children and People with Disabilities	Minister in The Presidency responsible for Women

1.4 SMALL BUSINESS DEVELOPMENT RELATED LEGISLATION:

Column 1	Column 2	Column 3
Legislation	Previous Cabinet member	New Cabinet member
Section 2A of the Small Business Development Act, 1981 (Act No. 112 of 1981)	Minister of Trade and Industry	Minister of Small Business Development
Close Corporations Act, 1984 (Act No. 69 of 1984)	Minister of Trade and Industry	Minister of Small Business Development
National Small Enterprise Act, 1996 (Act No. 102 of 1996)	Minister of Trade and Industry	Minister of Small Business Development
Co-operatives Act, 2005 (Act No. 14 of 2005)	Minister of Trade and Industry	Minister of Small Business Development

1.5 STATISTICS RELATED LEGISLATION:

Column 1	Column 2	Column 3
Legislation	Previous Cabinet member	New Cabinet member
Statistics Act, 1999 (Act No. 6 of 1999)	Minister in The Presidency responsible for Performance Monitoring and Evaluation	Minister in The Presidency responsible for Planning, Monitoring and Evaluation

1.6 TRANSPORT RELATED LEGISLATION:

Column 1	Column 2	Column 3
Legislation	Previous Cabinet member	New Cabinet member
Wreck and Salvage Act, 1996 (Act No. 94 of 1996)	Minister of Water and Environmental Affairs	Minister of Transport

1.7 WATER AND SANITATION RELATED LEGISLATION:

Column 1	Column 2	Column 3
Legislation	Previous Cabinet member	New Cabinet member
Water Research Act, 1971 (Act No. 34 of 1971)	Minister of Water and Environmental Affairs	Minister of Water and Sanitation
Water Services Act, 1997 (Act No. 108 of 1997)	Minister of Water and Environmental Affairs	Minister of Water and Sanitation
National Water Act, 1998 (Act No. 36 of 1998)	Minister of Water and Environmental Affairs	Minister of Water and Sanitation

1.8 YOUTH RELATED LEGISLATION:

Column 1	Column 2	Column 3
Legislation	Previous Cabinet member	New Cabinet member
National Youth Development Agency Act, 2008 (Act No. 54 of 2008)	Minister in The Presidency responsible for Performance Monitoring and Evaluation	Minister in The Presidency responsible for Planning, Monitoring and Evaluation

2. The administration and the powers or functions entrusted by legislation to a Cabinet member mentioned in column 1 of the table below, immediately before the President assumed office on 24 May 2014, are transferred to the Cabinet member mentioned in column 2 of the table.

Column 1	Column 2
Previous Cabinet member	New Cabinet member
Minister of Correctional Services	Minister of Justice and Correctional Services
Minister of Justice and Constitutional Development	Minister of Justice and Correctional Services

3. With respect to the departments mentioned below, the powers and functions entrusted by the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994), mentioned in column 1 of the tables in paragraphs 3.1 to 3.4 below, to a Cabinet member as executive authority of that department mentioned in column 2 of the tables, immediately before the President assumed office on 24 May 2014, are transferred to the Cabinet member mentioned in column 3 of the tables.

3.1 GOVERNMENT COMMUNICATION AND INFORMATION SYSTEM

Column 1	Column 2	Column 3
Powers and functions under the Public Service Act, 1994	Previous Cabinet member	New Cabinet member
All powers and functions of the executive authority of the Department	Minister in The Presidency responsible for Performance Monitoring and Evaluation	Minister of Communications

3.2 STATISTICS SOUTH AFRICA

Column 1	Column 2	Column 3
Powers and functions under the Public Service Act, 1994	Previous Cabinet member	New Cabinet member
All powers and functions of the executive authority of the Department, subject to the Statistics Act, 1999 (Act No. 6 of 1999)	Minister in The Presidency responsible for National Planning	Minister in The Presidency responsible for Planning, Monitoring and Evaluation

3.3 PERFORMANCE MONITORING AND EVALUATION

Column 1	Column 2	Column 3
Powers and functions under the Public Service Act, 1994	Previous Cabinet member	New Cabinet member
All powers and functions of the executive authority of the Department	Minister in The Presidency responsible for Performance Monitoring and Evaluation	Minister in The Presidency responsible for Planning, Monitoring and Evaluation

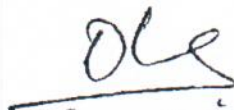
3.4 WOMEN

Column 1	Column 2	Column 3
Powers and functions under the Public Service Act, 1994	Previous Cabinet member	New Cabinet member
All powers and functions of the executive authority of the Department	Minister of Women, Children and People with Disabilities	Minister in The Presidency responsible for Women

ISIMEMEZELO*SikaMongameli***WaseRiphabhuliki yaseNingizimu Afrika****No. 47, 2014****UKUDLULISA UKUPHATHA NAMANDLA KANYE NEMISEBENZI ETHWESWE
NGOMTHETHO KUMALUNGU ATHILE EKHABHINETHI NGOKWEMIGOMO
YESIGABA SAMA-97 SOMTHETHOSISEKELO**

Ngakho-ke ngokwemigomo yesigaba sama-97 soMthethosisekelo waseRiphabhuliki yaseNingizimu Afrika, 1996, ngidlulisa ukuphatha namandla kanye nemisebenzi ethweswe ngomthetho othile, kanye nezichibiyelo zawo, kulelo lungu elithile leKhabhinethi njengoba kuveziwe eSithasiselweni sesiNgisi kusukela ngosuku lokushicilelwa kwalesi Simemezelo kuSomqulu.

Nginikeza ngaphansi kwengalo yami nangesigxivizo saseRiphabhuliki yaseNingizimu Afrika kule ndawo Pitoli Mhlaka...12...Unyaka kuNtulikazi

**Umongameli****Ngomyalelo kaMongameli kuKhabhinethi:****UNgqongqoshe wekhabhinethi**

ISITHASISELO

1. Ukuphatha namandla kanye nemisebenzi ethweswe ngomthetho, evezwe Ikhohlamu 1 yethebula ngenzansi, kulungu leKhabhinethi njengesiphathimandla kulowo mnyango ovezwe Ikhohlamu 2 yethebula, ngaphambi kokuba uMongameli aqale ukusebenza mhlaka 24 Meyi 2014, kudluliselwe elungwini leKhabhinethi elivezwe Ikhohlamu 3 yamathebula.

1.1 UMTHETHO OHAMBISANA NEZOKUXHUMANA:

Ikhohlamu 1	Ikhohlamu 2	Ikhohlamu 3
Umthetho	Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
<i>Post and Telecommunication-Related Matters Act, 1958 (Act No. 44 of 1958)</i>	UNgqongqoshe Wezokuxhumana	UNgqongqoshe Wezokuxhumana Ngezingcingo Nezamaposi
<i>Films and Publication Act, 1996 (Act No. 65 of 1996)</i>	Minister of Home Affairs	UNgqongqoshe Wezokuxhumana
<i>Sentech Act, 1996 (Act No. 63 of 1996)</i>	UNgqongqoshe Wezokuxhumana	UNgqongqoshe Wezokuxhumana Ngezingcingo Nezamaposi
<i>Former States Posts and Telecommunications Act, 1996 (Act No. 5 of 1996)</i>	UNgqongqoshe Wezokuxhumana	UNgqongqoshe Wezokuxhumana Ngezingcingo Nezamaposi
<i>Former States Broadcasting Reorganisation Act, 1996 (Act No. 91 of 1996)</i>	UNgqongqoshe Wezokuxhumana	UNgqongqoshe Wezokuxhumana Ngezingcingo Nezamaposi
<i>Postal Services Act, 1998 (Act No. 124 of 1998)</i>	UNgqongqoshe Wezokuxhumana	UNgqongqoshe Wezokuxhumana Ngezingcingo Nezamaposi

<i>Department of Communications Rationalisation Act, 1998 (Act No. 10 of 1998)</i>	UNgqongqoshe Wezokuxhumana	UNgqongqoshe Wezokuxhumana Ngezingcingo Nezamaposi
<i>Broadcasting Act, 1999 (Act No. 4 of 1999)</i>	UNgqongqoshe Wezokuxhumana	UNgqongqoshe Wezokuxhumana
<i>Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000)</i>	UNgqongqoshe Wezokuxhumana	UNgqongqoshe Wezokuxhumana
<i>Media Development and Diversity Agency Act, 2002 (Act No. 14 of 2002)</i>	Minister in The Presidency responsible for Performance Monitoring and Evaluation	UNgqongqoshe Wezokuxhumana
<i>Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002)</i>	UNgqongqoshe Wezokuxhumana	UNgqongqoshe Wezokuxhumana Ngezingcingo Nezamaposi
<i>Electronic Communications Act, 2005 (Act No. 36 of 2005)</i>	UNgqongqoshe Wezokuxhumana	UNgqongqoshe Wezokuxhumana Ngezingcingo Nezamaposi
<i>South African Post Bank Limited Act, 2010 (Act No. 9 of 2010)</i>	UNgqongqoshe Wezokuxhumana	UNgqongqoshe Wezokuxhumana Ngezingcingo Nezamaposi
<i>South African Post Office SOC Ltd Act, 2011 (Act No. 22 of 2011)</i>	UNgqongqoshe Wezokuxhumana	UNgqongqoshe Wezokuxhumana Ngezingcingo Nezamaposi
<i>State Information Technology Agency Act, 1998 (Act No. 88 of 1998)</i>	UNgqongqoshe Wezemisebenzi Kahulumeni Nokuphathwa kwayo	UNgqongqoshe Wezokuxhumana Ngezingcingo Nezamaposi
<i>Telegraph Messages Protection Act, 1963 (Act No. 44 of 1963)</i>	UNgqongqoshe Wezokuxhumana	UNgqongqoshe Wezokuxhumana Ngezingcingo Nezamaposi

1.2 UMTHETHO OHAMBISANA NEZEMVELO:

Ikhohlamu 1	Ikhohlamu 2	Ikhohlamu 3
Umthetho	Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
<i>Sea-Shore Act, 1935 (Act No. 21 of 1935)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>Prince Edwards Islands Act, 1948 (Act No. 43 of 1948)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>Dumping at Sea Control Act, 1980 (Act No. 73 of 1980)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>Section 38 of the Sea Fishery Act, 1988 (Act No. 12 of 1988)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>Environment Conservation Act, 1989 (Act No. 73 of 1989)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>Antarctic Treaties Act, 1996 (Act No. 60 of 1996)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>Environment Conservation Act Extension Act, 1996 (Act No. 100 of 1996)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>Marine Living Resources Act, 1998 (Act No. 18 of 1998)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo ngendlela okudluliswe ngayo amandla nemisebenzi kulowo Ngqongqoshe Ngesimemezelo Se-16 ngowe-2013, esishicilelwe kuSomqulu kaHulumeni Inombolo 36527 mhalaka 31 Meyi 2013	UNgqongqoshe Wezezindaba Zezemvelo ngendlela evezwe endimeni 1.2.1 ngenzansi
<i>National Environmental Management Act, 1998, (Act No. 107 of 1998)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo

Ikhohlamu 1	Ikhohlamu 2	Ikhohlamu 3
Umthetho	Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
<i>World Heritage Convention Act, 1999 (Act No. 49 of 1999)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>South African Weather Service Act, 2001 (Act No. 8 of 2001)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
<i>National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo

1.2.1 Ukuphatha namandla kanye nemisebenzi ethweswe uNgqongqoshe Wezamanzi Nezindaba Zezemvelo mayelana nemibandela ye-*Marine Living Resources Act, 1998 (Act No. 18 of 1998)*, nemithetho emincane evezwe Ikhohlamu 3 yesiMemezelo Se-16 ongowe-2013, esishicilelwe kuSomqulu kaHulumeni We-36527 mhlaka 31 Meyi 2013, ngakho-ke kudluliselwa kuNgqongqoshe Wezezindaba Zezemvelo.

1.3 UMTHEHO OPATHELENE NOBULILI:

Ikhohlamu 1 Umthetho	Ikhohlamu 2 Owayeyilungu Lekhabhinethi	Ikhohlamu 3 Ilungu Lekhabhinethi Entsha
<i>Commission on Gender Equality Act, 1996 (Act No. 39 of 1996)</i>	UNgqongqoshe Wabantu Besifazane, Izingane Nabantu Abakhubazekile	UNgqongqoshe eHhovisi likaMongameli obhekele Abantu Besifazane

1.4 UMTHEHO OPATHELENE NOKUTHUTHUKISWA KWEZAMABHIZINISI ASAFUFUSA:

Ikhohlamu 1 Umthetho	Ikhohlamu 2 Owayeyilungu Lekhabhinethi	Ikhohlamu 3 Ilungu Lekhabhinethi Entsha
<i>Section 2A of the Small Business Development Act, 1981 (Act No. 112 of 1981)</i>	UNgqongqoshe Wezokuhwebelana Nezimbongi	UNgqongqoshe Wezokuthuthukiswa Kwamabhizinisi Asafufusa
<i>Close Corporations Act, 1984 (Act No. 69 of 1984)</i>	UNgqongqoshe Wezokuhwebelana Nezimbongi	UNgqongqoshe Wezokuthuthukiswa Kwamabhizinisi Asafufusa
<i>National Small Enterprise Act, 1996 (Act No. 102 of 1996)</i>	UNgqongqoshe Wezokuhwebelana Nezimbongi	UNgqongqoshe Wezokuthuthukiswa Kwamabhizinisi Asafufusa
<i>Co-operatives Act, 2005 (Act No. 14 of 2005)</i>	UNgqongqoshe Wezokuhwebelana Nezimbongi	UNgqongqoshe Wezokuthuthukiswa Kwamabhizinisi Asafufusa

1.5 UMTHEHO OPATHELENE NAMANANI:

Ikhohlamu 1 Umthetho	Ikhohlamu 2 Owayeyilungu Lekhabhinethi	Ikhohlamu 3 Ilungu Lekhabhinethi Entsha
<i>Statistics Act, 1999 (Act No. 6 of 1999)</i>	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuqapha Ukuqhutshwa Komsebenzi Nokuhlola	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuhlela, Ukuqapha Nokuhlola

1.6 UMTHETHO OHAMBISANA NEZOKUTHUTHA:

Ikhola mu 1	Ikhola mu 2	Ikhola mu 3
Umthetho	Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
<i>Wreck and Salvage Act, 1996 (Act No. 94 of 1996)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezokuthutha

1.7 UMTHETHO OPATHELENE NAMANZI NOKUHLANZWA KWAUO:

Ikhola mu 1	Ikhola mu 2	Ikhola mu 3
Umthetho	Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
<i>Water Research Act, 1971 (Act No. 34 of 1971)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezamanzi Nokuhlazwa kwawo
<i>Water Services Act, 1997 (Act No. 108 of 1997)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezamanzi Nokuhlazwa kwawo
<i>National Water Act, 1998 (Act No. 36 of 1998)</i>	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezamanzi Nokuhlazwa kwawo

1.8 UMTHETHO OTHINTA INTSHA:

Ikhola mu 1	Ikhola mu 2	Ikhola mu 3
Umthetho	Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
<i>National Youth Development Agency Act, 2008 (Act No. 54 of 2008)</i>	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuqapha Ukuqhutshwa Komsebenzi Nokuhlola	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuhlela, Ukuqapha Nokuhlola

2. Ukuphatha namandla kanye nemisebenzi ethweswe ilungu leKhabhinethi ngomthetho ovezwe Ikhohlamu 1 lethebula ngenzansi, ngaphambi kokuba uMongameli aqale ukusebenza mhlaka 24 Meyi 2014, adluliselwa elungwini leKhabhinethi elivezwe Ikhohlamu 2 lethebula.

Ikhohlamu 1	Ikhohlamu 2
Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
UNgqongqoshe Wezokuhlunyeleliswa Kwezimilo	UNgqongqoshe Wezobulungiswa Nokuhlunyeleliswa Kwezimilo
UNgqongqoshe Wezobulungiswa Nokuthuthukiswa Komthethosisekelo	UNgqongqoshe Wezobulungiswa Nokuhlunyeleliswa Kwezimilo

3. Mayelana neminyango ebalulwe ngenzansi, amandla nemisebenzi okuthweswe nge-*Public Service Act, 1994* (okusungulwe ngaphansi kwesiMemezelo Se-103 ngowe-1994), avezwe Ikhohlamu 1 yamathebula ezindimeni 3.1 ukuya 3.4 ngenzansi, ilungu leKhabhinethi njengesiphathimandla salowo mnyango ovezwe Ikhohlamu 2 yamathebula, ngaphambi kokuba uMongameli aqale ukusebenza mhlaka 24 Meyi 2014, kudluliselwa elungwini leKhabhinethi elivezwe Ikhohlamu 3 yamathebula.

3.1 EZOKUXHUMANA KUHULUMENI NOHLELO LWEZEMININGWANE

Ikhohlamu 1	Ikhohlamu 2	Ikhohlamu 3
Amandla nemisebenzi ngaphansi kwe- <i>Public Service Act, 1994</i>	Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
Wonke amandla nemisebenzi eziphathimandla zoMnyango	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuqhutshwa komsebenzi, Ukuqapha Nokuhlola	UNgqongqoshe Wezokuxhumana

3.2 ISILINGANISO MANANI ENINGIZIMU AFRIKA

Ikhohlamu 1	Ikhohlamu 2	Ikhohlamu 3
Amandla nemisebenzi ngaphansi kwe- <i>Public Service Act, 1994</i>	Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
Wonke amandla nemisebenzi eziphathimandla zoMnyango, ngokwe- <i>Statistics Act, 1999 (Act No. 6 of 1999)</i>	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuhlela Kuzwelonke	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuhlela, Ukuqapha Nokuhlola

3.3 UKUQAPHA UKUQHUTSHWA KOMSEBENZI NOKUHLOLA

Ikhohlamu 1	Ikhohlamu 2	Ikhohlamu 3
Amandla nemisebenzi ngaphansi kwe- <i>Public Service Act, 1994</i>	Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
Wonke amandla nemisebenzi eziphathimandla zoMnyango	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuqapha Ukuqhutshwa Komsebenzi Nokuhlola	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuhlela, Ukuqapha Nokuhlola

3.3 ABANTU BESIFAZANE

Ikhohlamu 1	Ikhohlamu 2	Ikhohlamu 3
Amandla nemisebenzi ngaphansi kwe- <i>Public Service Act, 1994</i>	Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
Wonke amandla nemisebenzi eziphathimandla zoMnyango	UNgqongqoshe Wabantu Besifazane, Izingane Nabantu Abakhubazekile	UNgqongqoshe eHhovisi likaMongameli obhekele Abantu Besifazane

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 GeneralEnquiries@gpw.gov.za
 - Maps : 012 748 6061/6065 BookShop@gpw.gov.za
 - Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
 - Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
 Publications: Tel: (012) 748 6052, 748 6053, 748 6058
 Advertisements: Tel: (012) 748 6205, 748 6208, 748 6209, 748 6210, 748 6211
 Subscriptions: Tel: (012) 748 6054, 748 6055, 748 6057

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
 Publikasies: Tel: (012) 748 6052, 748 6053, 748 6058
 Advertensies: Tel: (012) 748 6205, 748 6208, 748 6209, 748 6210, 748 6211
 Subskripsies: Tel: (012) 748 6054, 748 6055, 748 6057

COM 3

From: Ashu<ashu@sahara.co.za>
Sent on: Friday, July 18, 2014 10:58:50 AM
To: Tony Gupta <tony@sahara.co.za>
Subject: Fwd: 37839_15-7_ProcPSA ProofOut.pdf
Attachments: 37839_15-7_ProcPSA ProofOut.pdf (2.88 MB)

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Faith Muthambi

Date:18/07/2014 06:47 (GMT+02:00)

To: Ashu

Subject: 37839_15-7_ProcPSA ProofOut.pdf

Sent from my i

COM 4

From: Faith Muthambi <faith.muthambi@gmail.com>
Sent on: Friday, July 18, 2014 6:45:21 AM
To: Ashu <ashu@sahara.co.za>
Subject: Effect of presidential proclamation.docx
Attachments: Effect of presidential proclamation.docx (14.8 KB)

Sent from my iPad

Presidential Proclamation: Gazette No. 37839 dated 15 July 2014 Transfer of powers**Introduction**

On 25 May 2014, the President announced the creation of two new Ministries: a Ministry of Telecommunications and Postal Services and a Ministry of Communications with responsibility for ICASA and the SABC amongst others. The assumption was then made that broadcasting including digital migration would report to the Minister of Communications. The proclamation published on 15 July 2014 did not give effect to this division.

Powers of the Minister of Communication as set out in the proclamation

The Minister of Communication was given the powers set out in the ICASA Act, 2000 (Act No. 13 of 2000) and the Broadcasting Act, 1999 (Act No. 4 of 1999). These two Acts establish and deal with *administrative and governance* matters relating to ICASA and the SABC such as the appointment, removal, performance management, staffing, etc. of the two institutions. They do not include substantive matters relating to regulation of broadcasting. Broadcasting is regulated by the Electronic Communications Act, 2005 (Act No 36 of 2005). The ability to make broadcasting policy and issue broadcasting policy directions are set out in section 3 of this Act. These powers have been transferred from the Minister of Communications to the Minister of Telecommunications and Postal Services. It is therefore the Minister of Telecommunications and Postal Service who will make policy and issue policy directives to ICASA for broadcasting, including public service broadcasting.

Uncertainty still exists

Uncertainty remains as to how the division will practically function especially in respect to ICASA. While the Minister of Communications appoints, removes and performance manages ICASA, she has no input into the substantive work to be done by ICASA. It's like having an employer being able to hire, fire and performance manage an employee but having no ability to set, direct, make input or give guidance on the work of that employee.

What should happen?

If it is the intention of the President that broadcasting and matters related to broadcasting should sit with the Minister of Communications, then the powers and functions of the Minister as set out in the Electronic Communications Act needs to be split between the Minister of Telecommunications and Postal Services and the Minister of Communications. T

The President has transferred the powers in the Films and Publication Act, 1996 (Act 65 of 1996) to the Minister of Communication. The Minister of Communications in this instance has substantive (not just administrative) powers in respect of content which is not regulated as traditional broadcasting content. This regulation is currently applicable to video on demand services which will become more prevalent as convergence becomes a reality. These content services pose a real threat to traditional broadcasters and will predominantly come from international operators who are not regulated in South Africa. One would have expected that all content, whether regulated as broadcasting by the Electronic Communications Act or film by the Films and Publication Act should be housed in one Ministry.

COM 6

From: Faith Muthambi <faith.muthambi@gmail.com>
Sent on: Friday, July 25, 2014 8:31:58 AM
To: Ashu <ashu@sahara.co.za>
Subject: proclamtion new 18 July 2014 (clean).docx
Attachments: proclamtion new 18 July 2014 (clean).docx (22.06 KB)

These sections must be transferred to the Minister of Communications.
Sent from my iPad

The following powers, functions and duties in the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("ECA") should be transferred to the Minister of Communications to give effect to the separation of broadcasting from telecommunications and postal services

- s3 Deals with the power of the Minister to make policies and to issue policy directions to ICASA. This power must be exercised by the Minister of Communications to the extent that it deals in any way with a broadcasting service or matters related to broadcasting (e.g. broadcasting signal distribution, broadcasting infrastructure)

The power assigned to the Minister in section 3 must be exercised by the Minister of Communications to the extent that it deals in any way with a broadcasting service or an electronic communications facility, electronic communications service or electronic communications network service used for or in the provision of a broadcasting service.

- s4(5) Deals with the duty imposed on ICASA to inform the Minister of its intention to make regulations and to provide the Minister with a copy of those regulations. To the extent that any such regulations deal in any way with a broadcasting service or matters related to broadcasting, ICASA must inform the Minister of Communications of its intention to make such regulations and must provide the Minister of Communications with a copy of those regulations.

The reference to the Minister in section 4(5) must be construed as a reference to the Minister of Communications to the extent that ICASA intends to make regulations which in any way deal with a broadcasting service or an electronic communications facility, electronic communications service or electronic communications network service used for or in the provision of a broadcasting service.

- s5(6) Deals with the power of the Minister to issue a policy direction to ICASA in respect of applications for individual electronic communications network service licences. To the extent that it is intended that the electronic communications network service is to be used for the provision of broadcasting services, the Minister of Communications must exercise this power.

The power assigned to the Minister in section 5(6) must be exercised by the Minister of Communications to the extent that it is intended that the electronic communications network service is to be used for the provision of a broadcasting service.

s34(2)

Deals with the power, function and duty of the Minister to approve the national radio frequency plan. To the extent that any part of the national radio frequency plan deals with broadcasting radio frequency bands, the Minister of Communications must approve that part of the plan.

The power, and function and duty assigned to the Minister in section 34(2) must be exercised and performed by the Minister of Communications to the extent that any part of the national radio frequency plan deals with broadcasting radio frequency bands.

s34(7)(c)(iii)

Deals with the duty imposed on ICASA to consult with the Minister to coordinate a plan for the migration of existing users to make available radio frequency spectrum. To the extent that this relates to any part of the national radio frequency plan which deals with the broadcasting radio frequency bands or with the migration of any broadcasting services, ICASA must consult with the Minister of Communications.

The reference to the Minister in section 34(7)(c)(iii) must be construed as a reference to the Minister of Communications to the extent that ICASA's preparation of the national radio frequency plan relates to any part of the national radio frequency plan which deals with the broadcasting radio frequency bands or with the migration of any broadcasting services

s60(1)

Deals with the duty imposed on ICASA to consult the Minister on sporting events of national interest. ICASA must consult with the Minister of Communications and the Minister of Sport.

The reference to the Minister in section 60(1) must be construed as a reference to the Minister of Communications.

s65 and s66

Deals with limitations on control of commercial broadcasting services. This reference in s65(7) and (8) and in s66(7) and (8) must be construed as a reference to the Minister of Communications.

The reference to the Minister in section 65(7) and (8) and in section 66(7) and (8) must be construed as a reference to the Minister of Communications.

s79B

Deals with the power of the Minister to request data, information and documents from ICASA or any person. The Minister of Communications must exercise this power to the extent that it deals with broadcasting and broadcasting related matters.

The powers assigned to the Minister in section 79B must be exercised by the Minister of Communications to the extent that it deals with a broadcasting service or an electronic communications service or an electronic communications network service used for or in the provision of a broadcasting service.

Com 8

From: Faith Muthambi <faith.muthambi@gmail.com>
Sent on: Friday, July 25, 2014 8:35:35 AM
To: Ashu <ashu@sahara.co.za>
Subject: Responsibility for InfraCo and Sentech.docx
Attachments: Responsibility for InfraCo and Sentech.docx (19.05 KB)

Sentech's signal distribution must rest with the Ministry of Communications
Sent from my iPad

Responsibility for InfraCo and Sentech

Transferring the powers, functions and duties assigned to the Minister of Public Enterprises in the Broadband InfraCo Act, 2007 (Act No. 33 of 2007) to the Minister of Telecommunications and Postal Services

Broadband InfraCo was set up as a state owned enterprise to lower the cost of access to telecommunication network and facilities in order to lower the cost to communicate and specifically broadband access for South African consumers. If we are to reap the synergies from state owned enterprises who operate in the telecommunications space then responsibility for Broadband InfraCo should reside with the Minister of Telecommunications and Postal Services.

Transferring the powers, functions and duties assigned to the Minister of Telecommunications and Postal Services in the Sentech Act, 1996 (Act No. 63 of 1996) to the Minister of Communications.

Sentech's primary function is broadcasting signal distribution which it provides to the SABC and commercial broadcasters. Sentech's activities should be limited to this function and hence should report to the Minister of Communications.

Sentech did attempt to enter the telecommunications space but its commercial broadband services were a failure and the service ultimately had to close down. Treasury has also consistently refused to provide funding for Sentech to operate in the broadband retail market.

Sentech has valuable broadband spectrum. Again if we are to reap the synergies from state owned enterprises who operate in the telecommunications space then this spectrum should be transferred to InfraCo which should report directly to the Minister of Telecommunications and Postal Services. By doing this government will be in a better position to achieve its objectives for broadband in this country.

The transfer of spectrum from Sentech to InfraCo cannot be done in a proclamation but by application to ICASA for a transfer of spectrum.

COM 10 A

From: Ashu<ashu@sahara.co.za>
Sent on: Friday, July 25, 2014 8:41:41 AM
To: Tony Gupta <tony@sahara.co.za>
Subject: Fwd: proclamtion new 18 July 2014 (clean).docx
Attachments: proclamtion new 18 July 2014 (clean).docx (22.06 KB)

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Faith Muthambi

Date:25/07/2014 08:39 (GMT+02:00)

To: Ashu

Subject: proclamtion new 18 July 2014 (clean).docx

These sections must be transferred to the Minister of Communications.

Sent from my iPad

The following powers, functions and duties in the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("ECA") should be transferred to the Minister of Communications to give effect to the separation of broadcasting from telecommunications and postal services

s3

Deals with the power of the Minister to make policies and to issue policy directions to ICASA. This power must be exercised by the Minister of Communications to the extent that it deals in any way with a broadcasting service or matters related to broadcasting (e.g. broadcasting signal distribution, broadcasting infrastructure)

The power assigned to the Minister in section 3 must be exercised by the Minister of Communications to the extent that it deals in any way with a broadcasting service or an electronic communications facility, electronic communications service or electronic communications network service used for or in the provision of a broadcasting service.

s4(5)

Deals with the duty imposed on ICASA to inform the Minister of its intention to make regulations and to provide the Minister with a copy of those regulations. To the extent that any such regulations deal in any way with a broadcasting service or matters related to broadcasting, ICASA must inform the Minister of Communications of its intention to make such regulations and must provide the Minister of Communications with a copy of those regulations.

The reference to the Minister in section 4(5) must be construed as a reference to the Minister of Communications to the extent that ICASA intends to make regulations which in any way deal with a broadcasting service or an electronic communications facility, electronic communications service or electronic communications network service used for or in the provision of a broadcasting service.

s5(6)

Deals with the power of the Minister to issue a policy direction to ICASA in respect of applications for individual electronic communications network service licences. To the extent that it is intended that the electronic communications network service is to be used for the provision of broadcasting services, the Minister of Communications must exercise this power.

The power assigned to the Minister in section 5(6) must be exercised by the Minister of Communications to the extent that it is intended that the electronic communications network service is to be used for the provision of a broadcasting service.

s34(2)

Deals with the power, function and duty of the Minister to approve the national radio frequency plan. To the extent that any part of the national radio frequency plan deals with broadcasting radio frequency bands, the Minister of Communications must approve that part of the plan.

The power, and function and duty assigned to the Minister in section 34(2) must be exercised and performed by the Minister of Communications to the extent that any part of the national radio frequency plan deals with broadcasting radio frequency bands.

s34(7)(c)(iii)

Deals with the duty imposed on ICASA to consult with the Minister to co-ordinate a plan for the migration of existing users to make available radio frequency spectrum. To the extent that this relates to any part of the national radio frequency plan which deals with the broadcasting radio frequency bands or with the migration of any broadcasting services, ICASA must consult with the Minister of Communications.

The reference to the Minister in section 34(7)(c)(iii) must be construed as a reference to the Minister of Communications to the extent that ICASA's preparation of the national radio frequency plan relates to any part of the national radio frequency plan which deals with the broadcasting radio frequency bands or with the migration of any broadcasting services

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The reference to the Minister in section 65(7) and (8) and in section 66(7) and (8) must be construed as a reference to the Minister of Communications.

s79B

Deals with the power of the Minister to request data, information and documents from ICASA or any person. The Minister of Communications must exercise this power to the extent that it deals with broadcasting and broadcasting related matters.

The powers assigned to the Minister in section 79B must be exercised by the Minister of Communications to the extent that it deals with a broadcasting service or an electronic communications service or an electronic communications network service used for or in the provision of a broadcasting service.

Com 11A

From: Ashu<ashu@sahara.co.za>
Sent on: Friday, July 25, 2014 8:41:31 AM
To: Tony Gupta <tony@sahara.co.za>
Subject: Fwd: Responsibility for InfraCo and Sentech.docx
Attachments: Responsibility for InfraCo and Sentech.docx (19.05 KB)

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Faith Muthambi
Date: 25/07/2014 08:40 (GMT+02:00)
To: Ashu
Subject: Responsibility for InfraCo and Sentech.docx
Sentech's signal distribution must rest with the Ministry of Communications
Sent from my iPad

Responsibility for InfraCo and Sentech

Transferring the powers, functions and duties assigned to the Minister of Public Enterprises in the Broadband InfraCo Act, 2007 (Act No. 33 of 2007) to the Minister of Telecommunications and Postal Services

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Sentech has valuable broadband spectrum. Again if we are to reap the synergies from state owned enterprises who operate in the telecommunications space then this spectrum should be transferred to InfraCo which should report directly to the Minister of Telecommunications and Postal Services. By doing this government will be in a better position to achieve its objectives for broadband in this country.

The transfer of spectrum from Sentech to InfraCo cannot be done in a proclamation but by application to ICASA for a transfer of spectrum.

Com 12A

From: Ashu<ashu@sahara.co.za>
Sent on: Friday, July 25, 2014 9:24:26 AM
To: duduzani.zuma@gmail.com
Subject: Fwd: proclamtion new 18 July 2014 (clean).docx
Attachments: proclamtion new 18 July 2014 (clean).docx (22.06 KB)

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Faith Muthambi

Date:25/07/2014 08:39 (GMT+02:00)

To: Ashu

Subject: proclamtion new 18 July 2014 (clean).docx

These sections must be transferred to the Minister of Communications.

Sent from my iPad

The following powers, functions and duties in the Electronic Communications Act, 2005 (Act No. 36 of 2005) ("ECA") should be transferred to the Minister of Communications to give effect to the separation of broadcasting from telecommunications and postal services

s3 Deals with the power of the Minister to make policies and to issue policy directions to ICASA. This power must be exercised by the Minister of Communications to the extent that it deals in any way with a broadcasting service or matters related to broadcasting (e.g. broadcasting signal distribution, broadcasting infrastructure)

The power assigned to the Minister in section 3 must be exercised by the Minister of Communications to the extent that it deals in any way with a broadcasting service or an electronic communications facility, electronic communications service or electronic communications network service used for or in the provision of a broadcasting service.

s4(5) Deals with the duty imposed on ICASA to inform the Minister of its intention to make regulations and to provide the Minister with a copy of those regulations. To the extent that any such regulations deal in any way with a broadcasting service or matters related to broadcasting, ICASA must inform the Minister of Communications of its intention to make such regulations and must provide the Minister of Communications with a copy of those regulations.

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s5(6) Deals with the power of the Minister to issue a policy direction to ICASA in respect of applications for individual electronic communications network service licences. To the extent that it is intended that the electronic communications network service is to be used for the provision of broadcasting services, the Minister of Communications must exercise this power.

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The reference to the Minister in section 34(7)(c)(iii) must be construed as a reference to the Minister of Communications to the extent that ICASA's preparation of the national radio frequency plan relates to any part of the national radio frequency plan which deals with the broadcasting radio frequency bands or with the migration of any broadcasting services

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The reference to the Minister in section 65(7) and (8) and in section 66(7) and (8) must be construed as a reference to the Minister of Communications.

s79B

Deals with the power of the Minister to request data, information and documents from ICASA or any person. The Minister of Communications must exercise this power to the extent that it deals with broadcasting and broadcasting related matters.

The powers assigned to the Minister in section 79B must be exercised by the Minister of Communications to the extent that it deals with a broadcasting service or an electronic communications service or an electronic communications network service used for or in the provision of a broadcasting service.

COM 13A

From: Ashu<ashu@sahara.co.za>
Sent on: Friday, July 25, 2014 9:24:58 AM
To: duduzani.zuma@gmail.com
Subject: Fwd: Responsibility for InfraCo and Sentech.docx
Attachments: Responsibility for InfraCo and Sentech.docx (19.05 KB)

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Faith Muthambi

Date: 25/07/2014 08:40 (GMT+02:00)

To: Ashu

Subject: Responsibility for InfraCo and Sentech.docx

Sentech's signal distribution must rest with the Ministry of Communications
Sent from my iPad

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COM 14

From: Ashu
Sent on: Tuesday, July 29, 2014 5:06:07 PM
To: Tony Gupta
Subject: Fwd: LETTER TO THE MINISTER DR S CWELE.pdf

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Faith Muthambi
Date: 29/07/2014 16:48 (GMT+02:00)
To: Ashu
Subject: LETTER TO THE MINISTER DR S CWELE.pdf

Hi Toni

Despite my request, the cde is determined to table the matter in cabinet tomorrow .. He called me that he was coming to Cape Town this morning ... I hope he still on his way...

Sent from my iPad



MINISTRY: COMMUNICATIONS
REPUBLIC OF SOUTH AFRICA
Private Bag X745, Pretoria, 0001, Tel: +27 12 473 0409
URL: <http://www.gov.za>

26 July 2014

Dr Siyabonga Cwele, MP

Minister of Telecommunications and Postal Services

120 Plein Street

CAPE TOWN

8000

BY HAND

Dear Colleague

**CABINET MEMO 1 OF 2014 DATED 23RD JULY 2014: FINAL AMENDMENTS OF
BROADCASTING DIGITAL MIGRATION POLICY**

As part of the cabinet memoranda received for the 23 July cabinet meeting, I noted the inclusion in an ancillary file of the proposed amendments to the draft Broadcast Digital Migration Policy (the policy).

The policy was not discussed at the cabinet meeting of the 23rd but it's clear from a reading of the draft that it has a serious and material implication for the management and sustainability of the South African Broadcasting Corporation (SABC) both in terms of budget and human resources. Government has embarked on a process of

stabilizing the SABC and I am concerned that what is captured in the policy when read with the Broadcasting Digital Migration Regulations (DTT regulations) published by ICASA in 2012 may create challenges for the SABC.

By way of example I refer to the proposal in the policy to a revised commencement date of 01 November 2014. The DTT regulations require that the SABC commence digital broadcasting on the commencement date. Due to the numerous delays and the stop/start nature of the DTT process, broadcasters have scaled down their preparations for digital migration and dates such as a November start date previously proposed by broadcasters in their state of readiness meetings were based on what are now outdated plans. The SABC will not be ready to commence on this date and I have serious doubts as to whether any other commercial broadcaster will be ready. The SABC may well then find itself in contravention of the DTT regulations.

There are other areas of specific concern which affects the SABC. The policy indicates in item 6.3 that a minimum lead time of 3 months is required to produce the first batch of set top boxes (STB's) but this is for the retail, the unsubsidized market, those who can afford to pay for a box in full. This period does not appear to include a time for retail distribution, just for manufacture. It makes no sense for the SABC to rush to commence digital broadcasting when there are no STB's in the market.

The policy further indicates that the public acquisition of the subsidized STB's will happen as soon as the policy is finalized. This has to go through a public procurement process and no time-frame has been given for this process.

The policy indicates that there are approximately 13 million households of which 65% (8.45 million) rely exclusively on free to air broadcasting. The rest subscribe to Top TV, DSTV and now Open View HD – the ETV free to view satellite service. Those who can afford an STB have already migrated to the digital free to view and pay satellite platforms. Of the 8.45 million the policy indicates that 6.2 million "would find it very difficult to afford STB's" We are only supporting 5.2million of those and on a sliding scale of between 29 and 77%. These 6.2 million people are the core market of the SABC.

While serving on the Parliamentary Portfolio Committee of Communications it became clear to us that the migration policy should focus on these 6.2million people as switching off the analogue signal will depend on them – we can't simply deprive our people of the services of the public broadcaster in June 2015, the ITU date. We will have delivery protests in the streets and play into the hand of our detractors.

The policy also imposes obligations on the Minister of Communications. So in the proposed amendment of paragraph 3 of the Policy (the pages are unfortunately not numbered) the switch-off date for the analogue signal is to be determined by me after engaging with cabinet and the relevant stakeholders. I have not been consulted on this provision either.

I have not canvassed in detail the concerns I have with the policy given the serious consequences it has for the SABC except to detail some examples. I hereby request that the Minister of Telecommunications and Postal Services consult with the Minister of Communication before re-tabling the policy at cabinet for approval so that we may address these concerns in advance.

Yours faithfully



MS FAITH MUTHAMBI, MP

MINISTER OF COMMUNICATIONS

DATE 2014-07-26

Com 16

From: Faith Muthambi<faith.muthambi@gmail.com>
Sent on: Friday, August 1, 2014 11:29:11 AM
To: Ashu <ashu@sahara.co.za>; khumaloth@sabc.co.za
CC: Ellen <ellen@fortuneholdings.co.za>
Subject: final proclamation 01 August 2014.docx
Attachments: final proclamation 01 August 2014.docx (23.87 KB)

See proposed proclamation the President must sign
Sent from my iPad

COM 17

From: Ashu<ashu@sahara.co.za>
Sent on: Friday, August 1, 2014 11:33:04 AM
To: Tony Gupta <tony@sahara.co.za>
Subject: FW: final proclamation 01 August 2014.docx
Attachments: final proclamation 01 August 2014.docx (23.87 KB)

From: Faith Muthambi [mailto:faith.muthambi@gmail.com]
Sent: 01 August 2014 11:29 AM
To: khumaloth@sabc.co.za; Ashu
Cc: Ellen
Subject: final proclamation 01 August 2014.docx

See proposed proclamation the President must sign
Sent from my iPad

PROCLAMATION
by the
President of the Republic of South Africa

No. XX , 2014

**TRANSFER OF ADMINISTRATION AND POWER AND FUNCTIONS ENTRUSTED BY
LEGISLATION TO CERTAIN CABINET MEMBERS IN TERMS OF SECTION 97 OF THE
CONSTITUTION**

In terms of section 97 of the Constitution of the Republic of South Africa, 1996, I hereby transfer the powers, functions and duties entrusted by the specified legislation, and all amendments thereto, to the specified Cabinet member as set out in the Schedule in English and with effect from the date of publication of this Proclamation in the Gazette.

Given under my Hand and the Seal of the Republic of South Africa at this day of, Two Thousand and Fourteen.

President

By Order of the President-in-Cabinet:

Minister of the Cabinet

SCHEDULE

1. To the extent stated below, the administration, and the powers and functions entrusted by the legislation, mentioned in column 1 of the tables below, to a Cabinet member as executive authority of that department mentioned in column 2 of the tables, are transferred to the Cabinet member mentioned in column 3 of the tables.

1.1 Communications Related Legislation:

Column 1 Legislation	Column 2 Previous Cabinet Minister	Column 3 New Cabinet Minister
<p>Electronic Communications Act, 2005 (Act No. 36 of 2005):</p> <p>(a) The power assigned to the Minister in section 3 to the extent that it deals in any way with a broadcasting service or an electronic communications facility, electronic communications service or electronic communications network service used for or in the provision of a broadcasting service.</p> <p>(b) The reference to the Minister in section 4(5) to the extent that ICASA intends to make regulations which in any way deal with a broadcasting service or an electronic communications facility, electronic communications service or electronic communications network service used for or in the provision of a broadcasting service.</p> <p>(c) The power assigned to the Minister in section 5(6) to the extent that it is intended that the electronic communications network service is to be used for the provision of a broadcasting service.</p> <p>(d) The power assigned to the Minister in section 34(2) must be exercised and performed to the extent that any part of the</p>	<p>Minister of Telecommunications and Postal Services</p>	<p>Minister of Communications</p>

national radio frequency plan deals with broadcasting radio frequency bands.

(e) The reference to the Minister in section 34(7)(c)(iii) to the extent that ICASA's preparation of the national radio frequency plan relates to any part of the national radio frequency plan which deals with the broadcasting radio frequency bands or with the migration of any broadcasting services.

(f) The reference to the Minister in section 60(1).

(h) The reference to the Minister in section 65(7) and (8) and in section 66(7) and (8).

(i) The powers assigned to the Minister in section 79B to the extent that it deals with a broadcasting service or an electronic communications service or an electronic communications network service used for or in the provision of a broadcasting service.

Sentech Act, 1996 (Act No. 63 of 1996)	Minister of Telecommunications and Postal Services	Minister of Communications
Broadband Infraco Act, 2007 (Act No. 33 of 2007)	Minister of Public Enterprises	Minister of Telecommunications and Postal Services

Com 19

From: Ellen<ellen@fortuneholdings.co.za>
Sent on: Friday, August 8, 2014 9:38:04 AM
To: Faith Muthambi <faith.muthambi@gmail.com>
CC: Ashu <ashu@sahara.co.za>; khumaloth@sabc.co.za
Subject: Re: final proclamation 01 August 2014.docx

Hon.Min.Muthambi

Sincere apologies for my late responses, my e-mail has been disabled for the last four days.

Thanks for the proposed proclamation.

Regards

Zandile

Sent from my iPad

On Aug 1, 2014, at 11:29 AM, Faith Muthambi <faith.muthambi@gmail.com> wrote:

- > See proposed proclamation the President must sign
- >
- > <final proclamation 01 August 2014.docx>
- >
- >
- >
- > Sent from

GOVERNMENT NOTICE

DEPARTMENT OF COMMUNICATIONS

No. 232

18 March 2015

ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT 36 OF 2005)

AMENDMENT OF BROADCASTING DIGITAL MIGRATION POLICY ISSUED
UNDER GOVERNMENT GAZETTE NO 31408 ON 08 SEPTEMBER 2008

I, Azwihangwisi Faith Muthambi, Minister of Communications, hereby amend the Broadcasting Digital Migration Policy issued in Government Gazette No 31408 on 08 September 2008 as amended by amendments published in Government Gazette No. 35014 on 17 February 2012, to the extent indicated below taking into consideration submissions made by stakeholders on the amendments proposed by the Department of Communications on 06 December 2013.

1. Insertion of an Acronym in the Policy

The following Acronym is hereby inserted to the List of Acronyms in the Policy

Inserted Acronym

MUX: 1 Multiplexer 1

2. Amendment of paragraph 5 of the Foreword by the Minister in the Policy

The following paragraph is substituted for paragraph 5 of the Foreword by the Minister in the Policy:

"In conclusion, the time to migrate to a digital broadcasting system has inevitably arrived. We need to embrace it because it is a major step in improving our people's lives and I sincerely hope that this policy is a bold step in our quest to achieve that goal. The looming switch-on date requires us to work at the speed of light, consistent with our business unusual approach to enhance the benefits of digital television to all our people."

3. Amendment of subparagraphs 1 and 2 of paragraph 2 of the Executive Summary of the Policy

The following paragraphs are substituted for subparagraphs 1 and 2 of paragraph 2 of the Executive Summary of the Policy:

"The switch-on and switch-off date of the digital and analogue broadcasting digital terrestrial television signals will respectively be determined by the Minister of Communications in consultation with Cabinet".

The national broadcasting terrestrial television digital signal coverage shall aim to cover 84 percent of the total South African population. Areas that may be deemed difficult or uneconomical to reach will be covered by free-to-air DTH satellite using the DVB-S2 technology”.

4. Amendment of paragraph 1.1.8 of the Policy

The following paragraph is hereby substituted for paragraph 1.1.8 of the Policy:

“1.1.8 In order to continue viewing television using the current analogue TV sets, the public will be required to use set-top boxes (STBs) as a transitional measure, which converts the transmitted digital terrestrial television signal to analogue. Otherwise, it will be necessary to acquire digital-enabled TV sets”.

5. Amendment of paragraph 2.1.3 of the Policy

The following paragraph is hereby substituted for paragraph 2.1.3 of the Policy:

“2.1.3 Universal access, the availability and accessibility of broadcasting services to all citizens are a key component of successful digital migration. In order for households to continue to receive television services on their current analogue TV sets after the analogue signal is switched-off, set-top boxes (STBs), which convert the digital signals into analogue signals, are required. The total TV-owning households in South Africa are estimated at 13 million, of which approximately 65 per cent rely exclusively on free-to-air broadcasting services”.

6. Amendment of paragraph 3.3.1 of the Policy

The following paragraph is hereby substituted for paragraph 3.3.1 of the Policy:

“3.3.1 Government is committed to ensure a successful migration in South Africa. Taking into account the different processes, that need to be completed before digital switch-on, Government has decided that the digital signal should be switched-on, on a date to be determined by the Minister in consultation with Cabinet. The date for the final switch-off of the analogue signal will similarly be announced by the Minister in consultation with Cabinet.”

7. Amendment of paragraph 5.1.2 of the Policy

Paragraph 5.1.2 of the Policy is amended by the deletion of paragraphs 5.1.2.6 and 5.1.2.8.

The following paragraph is hereby substituted for paragraph 5.1.2.2 and 5.1.2.7 of the Policy:

"5.1.2.2 have a control system to prevent government subsidised free-to-air DTT STBs from functioning in non-South African DTT networks.

"5.1.2.7 have a robust control system that will be used to benefit the TV households by ensuring that they continue to receive free-to-air broadcasting services in their existing analogue television sets".

8. Paragraphs 5.1.2(A), (B) and (C) are inserted in the Policy:

"5.1.2(A) In keeping with the objectives of ensuring universal access to broadcasting services in South Africa and protecting government investment in subsidised STB market, STB control system in the free-to-air DTT will be non-mandatory.

"5.1.2(B) The STB control system for the free-to-air DTT STBs shall -

- (a) not have capabilities to encrypt broadcast signals for the subsidised STBs; and
- (b) be used to protect government investment in subsidised STB market thus supporting the local electronic manufacturing sector.

"5.1.2(C) Depending on the kind of broadcasting services broadcasters may want to provide to their customers, individual broadcasters may at their own cost make decisions regarding encryption of content."

9. Amendment of paragraph 5.1.4 of the Policy

The following paragraph is substituted for paragraph 5.1.4 of the Policy:

"5.1.4 The South African Bureau of Standards will develop a conformance testing regime to ensure that STBs conform to the South African Standards for the South African DTT electronic communications network".

10. Amendment of paragraph 7.2 of the Policy

The following paragraph is substituted for paragraph 7.2 of the Policy:

"7.2. Transmission facilities for MUX 1, or any multiplex allocated for the public broadcaster, shall aim to cover 84 per cent of the population coverage. The remaining 16 per cent shall be covered by free-to-air DTH satellite network, which shall have a footprint covering the entire country. This will thus enable analogue switch-off in South Africa with 100% population coverage for the public broadcasting services".



MS AF MUTHAMBI, MP
MINISTER OF COMMUNICATIONS

PROCLAMATION

by the

President of the Republic of South Africa

No. 79, 2014

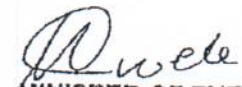
TRANSFER OF ADMINISTRATION OF AND POWERS AND FUNCTIONS ENTRUSTED BY LEGISLATION TO CERTAIN CABINET MEMBERS IN TERMS OF SECTION 97 OF THE CONSTITUTION

In terms of Section 97 of the constitution of the Republic of South Africa, 1996, I hereby transfer the administration of and the powers and functions entrusted by the specified legislation and all amendments thereto, to the specified Cabinet member as set out in the Schedule with effect from the date of publication of this Proclamation in the *Gazette*.

Given under my Hand and the Seal of the Republic of South Africa at *Pretoria*.....
on this *25*..... day of *November*..... Two Thousand and Fourteen.



PRESIDENT


MINISTER OF THE CABINET
MINISTER OF THE CABINET

SCHEDULE

1. The administration of and powers and functions entrusted by the legislation, mentioned in Column 1 of the table below, to a Cabinet member mentioned in Column 2 of that table, are hereby transferred to the Cabinet member mentioned in Column 3 of the table.
2. Column 3 of the table below states the relevant Minister and the extent of transfer of the administration of and powers and functions entrusted by legislation to that Minister.

Column 1	Column 2	Column 3
Legislation	Cabinet member responsible	Cabinet member to whom function is transferred and extent of transfer
Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000): Section 4(3)(a)	Minister of Communications	1. The Minister of Communications in so far as the Independent Communications Authority may make recommendations to that Minister on policy matters and amendments to the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000), and the Broadcasting Act, 1999 (Act No. 4 of 1999), which accord with the objects of these Acts to promote development in

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		<p>the broadcasting sector.</p> <p>2. The Minister of Telecommunications and Postal Services, in so far as the Independent Communications Authority may make recommendations to that Minister on policy matters and amendments to the Electronic Communications Act, 2005 (Act No. 36 of 2005), and the Postal Services Act, 1998 (Act No. 124 of 1998), which accord with the objects of these Acts to promote development in the electronic transactions, postal and electronic communications sectors.</p>
<p>Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000): Section 4(3)(o)</p>	<p>Minister of Communications</p>	<p>Minister of Telecommunications and Postal Services: The administration of the section referred to in Column 1.</p>

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<p>Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000): Section 4(3A)(a)</p>	<p>Minister of Communications</p>	<p>1. The Minister of Communications in so far as policy made, and policy directions issued, by that Minister in terms of the Broadcasting Act, 1999 (Act No. 4 of 1999), the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000), and any other applicable law.</p> <p>2. The Minister of Telecommunications and Postal Services in so far as policy made, and policy directions issued, by that Minister in terms of the Postal Services Act, 1998 (Act No. 124 of 1998), the Electronic Communications Act, 2005 (Act No. 36 of 2005), and any other applicable law.</p>
<p>Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000): Section 6A(2)(a) and (b)</p>	<p>Minister of Communications</p>	<p>1. The Minister of Communications in so far as appropriate key performance indicators and measurable performance targets contemplated in the section</p>

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		<p>referred to in Column 1 relate to the laws administered by that Minister.</p> <p>2. The Minister of Telecommunications and Postal Services in so far as appropriate key performance indicators and measurable performance targets contemplated in the section referred to in Column 1 relate to the laws administered by that Minister.</p>
<p>Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000): Section 15(1A)</p>	<p>Minister of Communications</p>	<p>1. The Minister of Communications in so far as the administration of and powers and functions entrusted by the section referred to in Column 1 relate to the laws administered by that Minister.</p> <p>2. The Minister of Telecommunications and Postal Services in so far as the administration of and powers and functions entrusted by the section</p>

*see
Ann*

		referred to in Column 1 relate to the laws administered by that Minister.
Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000): Section 16(1) and (2)	Minister of Communications	The Minister of Communications and the Minister of Telecommunications and Postal Services: The administration of and powers and functions entrusted by the section referred to in Column 1.
Electronic Communications Act, 2005 (Act No. 36 of 2005): Section 3	Minister of Telecommunications	<p>1. The Minister of Communications in so far as policies contemplated in the section referred to in Column 1 relate to the Broadcasting Act, 1999 (Act No. 4 of 1999), and the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000).</p> <p>2. The Minister of Telecommunications and Postal Services in so far as policies contemplated in the section referred to in Column</p>

*see
ATM*

		1 relate to the Electronic Communications Act, 2005 (Act No. 36 of 2005).
Electronic Communications Act, 2005 (Act No. 36 of 2005): Section 4(5)	Minister of Telecommunications	<p>1. The Minister of Communications in so far as regulations proposed in terms of the section referred to Column 1 relate to the Broadcasting Act, 1999 (Act No. 4 of 1999), and the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000).</p> <p>2. The Minister of Telecommunications and Postal Services in so far as regulations proposed in terms of the section referred to Column 1 relate to the Electronic Communications Act, 2005 (Act No. 36 of 2005).</p>
Electronic Communications Act, 2005 (Act No. 36 of 2005): Section 5(6)	Minister of Telecommunications	1. The Minister of Communications in so far as a policy direction contemplated in the section

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		<p>referred to Column 1 relates to the Broadcasting Act, 1999 (Act No. 4 of 1999), and the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000).</p> <p>2. The Minister of Telecommunications and Postal Services in so far as a policy direction contemplated in the section referred to Column 1 relates to the Electronic Communications Act, 2005 (Act No. 36 of 2005).</p>
Electronic Communications Act, 2005 (Act No. 36 of 2005): Chapter 9	Minister of Telecommunications	The Minister of Communications: The administration of the Chapter referred to in Column 1.
Electronic Communications Act, 2005 (Act No. 36 of 2005): Section 79B	Minister of Telecommunications	1. The Minister of Communications in so far as the administration of and powers and functions entrusted by the section referred to in Column 1 relates to the functions of the Minister.

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		<p>2. The Minister of Telecommunications and Postal Services in so far as the administration of and powers and functions entrusted by the section referred to in Column 1 relates to the functions of the Minister.</p>
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Amy