

EXHIBIT CC 46.1 & CC 46.2

AFFIDAVITS & ANNEXURES

OF

CECIL PETRUS LOUWRENS

AND

THOBEKILE HERRIET KHUMALO



JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE

2nd floor, Hillside House 17 Empire Road, Parktown Johannesburg 2193 Tel: (010) 214-0651

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Website: <u>www.sastatecapture.org.za</u>

INDEX: EXHIBIT CC 46

#	Description
A.	Affidavit of Cecil Petrus Louwrens
B.	Thobekile Herriet Khumalo



EXHIBIT CC 46.1

AFFIDAVIT & ANNEXURES

OF

CECIL PETRUS
LOUWRENS



JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE

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INDEX: EXHIBIT CC 46.1

#	Description	Pages
1.	Affidavit of Cecil Petrus Louwrens	001 to 005
2.	Annexure "A"	006 to 008
3.	Annexure "B"	009 to 118

AFFIDAVIT

I, the undersigned,

CECIL PETRUS (BUKS) LOUWRENS

do hereby make oath and state that:

The facts herein contained are, unless otherwise stated or indicated, within my personal knowledge and are to the best of my belief both true and correct and I can and do swear positively thereto.

A. CREDENTIALS AND QUALIFICATIONS

- 2. I am a 61-year-old adult male with identity number consulting firm, Quintessence Digital Forensics ("QDF"), which consults in the field of digital forensics and data recovery.
- I am also part-time employed by the University of Johannesburg as a visiting professor.
- I hold the following degrees:
 - 4.1 BSc (Military Science);
 - 4.2 BSc Hons (Computer Science);
 - 4.3 MSc (Computer Science); and
 - 4.4 Ph.D. (Computer Science).
- For the past 15 years, I have lectured at the University of Johannesburg on digital forensics, IT risk management and IT project management. I have also

supervised several masters and doctoral degrees in the fields of information security and digital forensics.

- I have more than 40 years' experience in security and related fields in the financial services industry and military comprising of:
 - 6.1 28 years in information security, physical security, personnel security, digital forensic and business continuity management experience at Chief Information Security (CISO) and senior management levels in the financial services industry; and
 - 9 years in intelligence and information security in a military environment at middle management level.
 - 6.3 4 years in Digital Forensics consulting.
- I have published several articles in international scientific publications and have been an invited speaker at several national and international conferences on the topics of information security and digital forensics.

B. CONTEXT

- I am part of a multi-disciplinary team of skilled and dedicated digital forensic technology ("DFT") professionals, employed by the Commission.
- 9. I have been tasked to conduct a digital forensic assessment of the authenticity of the hard disk drive ("HDD"), internally referred to as "HDD H". The data on HDD H is, in similar vein, referred to as the "HDD H data". The HDD H data came to be colloquially referred to in the media as the "Gupta Leaks". The "H" in the reference HDD H refers to the numbering of the various forensic images made of the original hard disk drive provided to the Commission by the two



whistle-blowers referred to during the testimony of Mr Brian Currin at the hearings.

10. The HDD H data was received into evidence on 28 September 2018 by the Chairperson of the Commission, as reflected on page 17 of the transcript of the proceedings on that date:

"The data referred to as the "HDD H Data" on a hard drive (with model number ST500DM009 and serial number Z9ADLVFT) referred to as "HDD H" is received as evidence before this Commission".

- 11. Testimony in respect of the authenticity of the HDD H data will be lead at the hearings of Commission in due course. This testimony will encompass, inter alia, the authenticity of the HDD H data as a composite (i.e. the HDD H data as a complete data set), as well as the authenticity of the individual evidential artefacts used during the course of the hearings.
- This affidavit serves to support the use of the evidential artefacts ("HDD H
 documents") listed in the annexures attached herewith.

C. FORENSIC EXTRACTION OF HDD H DOCUMENTS

- I have forensically imaged HDD H and created an evidence file, containing all the HDD H data.
- I submitted this evidence file for processing into the Commission's e-Discovery platform ("Relativity").
- 15. The documents attached hereto as Annexure A were subsequently forensically extracted from Relativity. More specifically, I confirm that:

- 15.1 the documents listed in Annexure A are those attached as Annexure B hereto, as can also be seen from the corresponding Relativity control numbers (CN-000XXX) particularised in the second column of Annexure A, which correspond with the Relativity control numbers at the top of each of the pages of Annexure B;
- 15.2 these documents are located within the HDD H data:
- 15.3 the hash values (message digests) for Annexure B are as follows:

MD5: 4ea5ecf3800a4dcd78c05f95e52a2d08

SHA-1: 1b1d2c4fca3d45e6dbebbf33ab3174a8cfba49db

15.4 hash values are cryptographic (hashing) algorithms that result in a string of characters that <u>uniquely</u> identifies the totality of the data in the evidence file and I will therefore rely on these hash values for purposes of the testimony in respect of the authenticity of the HDD H data in that said hash values can be used to verify that the evidence herewith submitted is indeed an exact copy of the evidence located within the HDD H data.

Cecil Petrus (Buks) Louwrens

Thereby certify that the deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn before me at on the contained in Government Notice No R1258 of 21 July 1972, as amended, and

Government Notice No 1648 of 19 August 1977, as amended, having been complied with.



COMMISSIONER OF OATHS

Full names: Circon

Office: 718 7126-

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To:

Faith Muthambi[faith.muthambi@gmail.com]

Cc:

khumaloth@sabc.co.za[khumaloth@sabc.co.za]; Ashu[ashu@sahara.co.za]

From:

Ellen

Sent:

Fri 8/8/2014 7:38:04 AM (UTC)

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 my iPad



To: Ashu[ashu@sahara.co.za]

From: Faith Muthambi

Sent: Fri 8/1/2014 9:39:33 AM (UTC)

Subject: final proclamation 01 August 2014.docx

final proclamation 01 August 2014.docx

See attached Proclamation that President must sign



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

04_CN-000191119



To:

khumaloth@sabc.co.za[khumaloth@sabc.co.za]; Ashu[ashu@sahara.co.za]

Cc:

Ellen[ellen@fortuneholdings.co.za]

From:

Faith Muthambi

Sent:

Fri 8/1/2014 9:29:11 AM (UTC)

Subject: final proclamation 01 August 2014.docx

final proclamation 01 August 2014.docx

See proposed proclamation the President must sign



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



To: Ashu[ashu@sahara.co.za]

From: Faith Muthambi

Sent: Tue 7/29/2014 2:46:41 PM (UTC)
Subject: LETTER TO THE MINISTER
DR S CWELE.pdf 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...







MINISTRY: COMMUNICATIONS REPUBLIC OF SOUTH AFRICA

Private Bag X745, Pretoria, (IIII) , 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 23Ro 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 (OTT 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 OTT regulations require that the SABC commence digital broadcasting on the commencement date. Due to the numerous delays and the stop/start nature of the OTT 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 OTT 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 5.2 million of those and on a sliding scale of between 29 and 77%. These 6.2 million people are the core market of the SABC.

hile 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



To: Ashu[ashu@sahara.co.za]

From: Faith Muthambi

Sent: Fri 7/25/2014 6:35:35 AM (UTC)

Subject: Responsibility for InfraCo and Sentech.docx

Responsibility for InfraCo and Sentech.docx

Sentech's signal distribution must rest with the Ministry of Communications



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.



To: Ashu[ashu@sahara.co.za]

From: Faith Muthambi

Sent: Fri 7/25/2014 6:31:58 AM (UTC)

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

proclamtion new 18 July 2014 (clean).docx

These sections must be transferred to the Minister of Communications.



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

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.

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.

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.



To:

duduzani.zuma@gmail.com[duduzani.zuma@gmail.com]

From:

Ashu

Sent: Fri 7/25/2014 7:24:26 AM (UTC)

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

proclamtion new 18 July 2014 (clean).docx

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.



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

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.

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.

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.



To: Ashu[ashu@sahara.co.za]

From: Faith Muthambi

Sent: Fri 7/18/2014 4:42:42 AM (UTC) **Subject:** 37839_15-7_ProcPSA ProofOut.pdf

37839 15-7 ProcPSA ProofOut.pdf

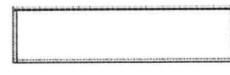






Vol. 589

Pretoria, 15 July 2014 No. 37839





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CONTENTS &INHOUD

No.

PROCLAMATION

Page No.

Gazette No.

47 The Constitution of the Republic of South Africa, 1996: Transfer of administration and powers and functions entrusted by legislation to certain cabinet members

3 37839



P ROCLAM ATION

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.

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. 1996 (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. 38 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 Government Gazette No. 36527 of 31 May 2013	Minister of Environmental Affairs to the extent set out it 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 Cablnet 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) Water Services Act, 1997 (Act No. 108 of 1997)	Minister of Water and Environmental Affairs Minister of Water and Environmental Affairs	Minister of Water and Sanitation 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 2	Column 3
Previous Cabinet member	New Cabinet member
Minister in The Presidency responsible for Performance Monitoring and Evaluation	Minister in The Presidency responsible for Planning, Monitoring and Evaluation
	Previous Cabinet member Minister in The Presidency responsible for Performance

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	Minister of Justice and Correctional Services
Development	128 20 04744190194580



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 Wamen

B-28

ISIMEMEZEILO

SikaMongameli

WaseRiphabhuliki yaseNingizimu Afrika

47.2014 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

J.

No.

ISITHASISELO

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

1.1 UMTHETHO OHAMBISANA NEZOKUXHUMANA:

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



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



1.2 UMTHETHO OHAMBISANA NEZEMVELO:

kholamu 1	ikholamu 2	Ikhołamu 3
Umthetho	Owayeyilungu Lekhabhinethi	Bungu Lekhabhinethi Entsha
Sea-Shore Act, 1935 (Act No. 21 of 1935)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Prince Edwards Islands Act, 1948 (Act No. 43 of 1948)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Dumping at Sea Control Act, 1980 (Act No. 73 of 1980)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Section 38 of the Sea Fishery Act, 1988 (Act No. 12 of 1988)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Environment Conservation Act, 1989 (Act No. 73 of 1989)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Anterctic Treaties Act. 1996 (Act No. 60 of 1996)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Environment Conservation Act Extension Act, 1996 (Act No. 100 of 1996)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Marine Living Resources Act, 1998 (Act No. 18 of 1998)	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
National Environmental Management Act, 1998, (Act No. 107 of 1998)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo



Ikholamu 1	Ikholamu 2	Ikholamu 3
Umthetho	Owayeyilungu Lekhabhinethi	llungu Lekhabhinethi Entsha
World Heritage Convention Act, 1999 (Act No. 49 of 1999)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
South African Weather Service Act, 2001 (Act No. 8 of 2001)	UNgqongqoshė Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemyelo
National Environmental Management: Integrated Coasial Management Act, 2008 (Act No. 24 of 2008)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)	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 Ikholamu 3 yesiMemezelo Se-16 ongowe-2013, esishicilelwe kuSomqulu kaHulumeni We-36527 mhlaka 31 Meyi 2013, ngakho-ke kudluliselwa kuNgqongqoshe Wezezindaba Zezemvelo.



1.3 UMTHETHO OPHATHELENE NOBULILI:

Ikholamu 1	lkholamu 2	lkholamu 3
Umthetho	Owayeyilungu Lekhabhinethi	llungu Lekhabhinethi Entsha
Commission on Gender Equality Act, 1996 (Act No. 39 of 1996)	UNgqongqoshe Wabantu Besifazane, Izingane Nabantu Abakhubazekile	UNgqongqoshe eHhovisi likaMongameli obhekele Abantu Besifazane

1.4 UMTHETHO OPHATHELENE NOKUTHUTHUKISWA KWEZAMABHIZINISI ASAFUFUSA:

lkholamu 1	Ikholamu 2	Ikholamu 3
Umfhetho	Owayeyilungu Lekhabhinethi	llungu Lekhabhinethi Entsha
Section 2A of the Small Business Development Act, 1981 (Act No. 112 of 1981)	UNgqongqoshe Wezokuhwebelana Nezimboni	UNgqongqoshe Wezokuthuthukiswa Kwamabhizinisi Asafufusa
Close Corporations Act, 1984 (Act No. 69 of 1984)	UNgqongqoshe Wezokuhwebelana Nezimboni	UNgqongqoshe Wezokuthuthukiswa Kwamabhizinisi Asafufusa
National Small Enterprise Act, 1996 (Act No. 102 of 1996)	UNgqongqoshe Wezokuhwebelana Nezimboni	UNgqongqoshe Wezokuthuthukiswa Kwamabhizinisi Asafufusa
Co-operatives Act, 2005 (Act No.14 of 2005)	UNgqongqoshe Wezokuhwebelana Nezimboni	UNgqongqoshe Wezokuthuthukiswa Kwamabhizinisi Asafufusa

1.5 UMTHETHO OPHATHELENE NAMANANI:

Ikholamu 1	lkholamu 2	Ikholamu 3
Umthetho	Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
Statistics Act, 1999 (Act No. 6 of 1999)	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuqapha Ukuqhutshwa Komsebenzi Nokuhlola	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuhlela, Ukuqapha Nokuhlola



1.6 UMTHETHO OHAMBISANA NEZOKUTHUTHA:

Ikholamu 1	Ikholamu 2	Ikholamu 3
Umthetho	Owayeyilungu	Ilungu Lekhabhinethi
	Lekhabhinethi	Entsha
Wreck and Salvage Act, 1996	UNgqongqoshe Wezamanzi	UNgqongqoshe
(Act No. 94 of 1996)	Nezindaba Zezemvelo	Wezokuthutha

1.7 UMTHETHO OPHATHELENE NAMANZI NOKUHLANZWA KWAWO:

Ikholamu 1	Ikholamu 2	Ikholamu 3
Umthetho	Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
Water Research Act, 1971 (Act No. 34 of 1971)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezamanzi Nokuhlanzwa kwawo
Water Services Act, 1997 (Act No. 108 of 1997)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezamanzi Nokuhlanzwa kwawo
National Water Act, 1998 (Act No. 36 of 1998)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezamanzi Nokuhlanzwa kwawo

1.8 UMTHETHO OTHINTA INTSHA:

Ikholamu 2	Ikholamu 3
Owayeyilungu Lekhabkinethi	llungu Lekhabhinethi Entsha
UNgqongqoshe eHhovisi likaMongameli obhekele Ukuqapha Ukuqhutshwa Komsebenzi Nokuhlola	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuhlela, Ukuqapha Nokuhlola
	Owayeyi!ungu Lekhabkinethi UNgqongqoshe eHhovisi likaMongameli obhekele Ukuqapha Ukuqhutshwa



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

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

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

3.1 EZOKUXHUMANA KUHULUMENI NOHLELO LWEZEMINININGWANE

lkholamu 1	Ikholamu 2	Ikholamu 3
Amandla nemisebenzi ngaphansi kwe-Public Service Act, 1994	Owayeyilungu Lekhabhiлethi	Ilungu Lekhabhinethi Entsha
Wonke amandla nemisebenzi eziphathimandla zoMnyango	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuqhutshwa komsebenzi, Ukuqapha Nokuhlola	UNgqongqoshe VVezokuxhumana



3.2 ISILINGANISO MANANI ENINGIZIMU AFRIKA

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

3.3 UKUQAPHA UKUQHUTSHWA KOMSEBENZI NOKUHLOLA

Skholamu 1	Ikholamu 2	Ikhofamu 3
Amandia nemisebenzi ngaphansi kwe-Public Service Act, 1994	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

Ikholamu 1	łkholamu 2	Ikholamu 3
Amandia nemisebenzi ngaphansi kwe-Public Service Act, 1994	Owayeyilungu Lekhabhinethi	llungu 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 Tel: (012) 748 6054, 748 6055, 748 6057

Gedruk deur en verkrygbaar

by die Staatsdrukker, Bosmanstraat,

Publikasies: Tel: (012) 748 6052, 748 6053, 748 6058

Privaatsak X85, Pretoria, 0001

Advertensies:

Tel: (012) 748 6205, 748 6208, 748 6209, 748 6210, 748 6211



To: Ashu[ashu@sahara.co.za]

From: Faith Muthambi

Sent: Fri 7/18/2014 4:45:21 AM (UTC)

Subject: Effect of presidential proclamation.docx

Effect of presidential proclamation.docx



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.

To: Tony Gupta[tony@sahara.co.za]

From:

Fri 7/18/2014 8:58:51 AM (UTC) Sent:

Subject: Fwd: 37839_15-7_ProcPSA ProofOut.pdf 37839_15-7_ProcPSA ProofOut.pdf

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







REPUBLIC OF SOUTH AFRICA REPUBLIEK VAN SUID-AFRIKA

Vol. 589

Pretoria, 15 July 2014

No. 37839

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes





9771682584003



AIDS HELPLINE: 0800- 0123- 22 Prevention is the cure

To:

Tony Gupta[tony@sahara.co.za]

From:

Ashu

Sent: Fri 7/18/2014 8:51:13 AM (UTC)

Subject: Fwd: Effect of presidential proclamation.docx

Sent from my Samsung Galaxy smartphone.

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

From: Faith Muthambi

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

To: Ashu

Subject: Effect of presidential proclamation.docx



To:

Tony Gupta[tony@sahara.co.za]

From: Sent:

Ash

Fri 8/1/2014 9:42:18 AM (UTC)

Subject: FW: final proclamation 01 August 2014.docx

final proclamation 01 August 2014.docx

From: Faith Muthambi [mailto:faith.muthambi@gmail.com]

Sent: 01 August 2014 11:40 AM

To: Ashu

Subject: final proclamation 01 August 2014.docx

See attached Proclamation that President must sign



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

X

To:

Tony Gupta[tony@sahara.co.za]

From: Sent: Ashu

Tue 7/29/2014 3:06:07 PM (UTC)

Subject: Fwd: LETTER TO THE

MINISTER DR S CWELE.pdf 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

Sent from my iPad

X





MINISTRY: COMMUNICATIONS REPUBLIC OF SOUTH AFRICA

Private Bag X745, Pretoria, 0001, Tel: +27 -12 47.3 0409 URL: http://www.gov.za

26 July 2014

Dr Siyabonga Cwele, MP

Minister of Telecommunications and Postal Services

120 Plein Street

CAPETOWN

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 (OTT 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 OTT regulations require that the SABC commence digital broadcasting on the commencement date. Due to the numerous delays and the stop/start nature of the OTT 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 f have serious doubts as to whether any other commercial broadcaster will be ready. The SABC may well then find itself in contravention of the OTT 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 ve,y difficult to afford STB's" We are only supporting 5.2 million 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 retabling 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

A .

To: Tony Gupta[tony@sahara.co.za]

From: Ashu

Sent: Fri 7/25/2014 6:41:41 AM (UTC)

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

proclamtion new 18 July 2014 (clean).docx

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.



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

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.

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.

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.



ANNEXURE B TO FAITH MUTAMBI AFFIDAVIT

27_CN-000365319

To:

Tony Gupta[tony@sahara.co.za]

From:

Sent:

Fri 7/25/2014 6:41:31 AM (UTC)

Subject: Fwd: Responsibility for InfraCo and Sentech.docx

Responsibility for InfraCo and Sentech.docx

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



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.



To:

Faith Muthambi[faith.muthambi@gmail.com]

Cc:

khumaloth@sabc.co.za[khumaloth@sabc.co.za]; Ashu[ashu@sahara.co.za]

From:

Ellen

Sent:

Fri 8/8/2014 7:38:04 AM (UTC)

Subject: Re

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>

>

>



Ashu[ashu@sahara.co.za] To:

Faith Muthambi From:

Sent: Fri 8/1/2014 9:39:33 AM (UTC)
Subject: final proclamation 01 August 2014.docx

final proclamation 01 August 2014.docx

See attached Proclamation that President must sign



PROCLAMATION

by the President of the Republic of South Africa

No. XX, 2014

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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

04_CN-000191119



To:

khumaloth@sabc.co.za[khumaloth@sabc.co.za]; Ashu[ashu@sahara.co.za]

Cc:

Ellen[ellen@fortuneholdings.co.za]

From:

Faith Muthambi

Sent:

Fri 8/1/2014 9:29:11 AM (UTC)

Subject: final proclamation 01 August 2014.docx

final proclamation 01 August 2014.docx

See proposed proclamation the President must sign



PROCLAMATION

by the President of the Republic of South Africa

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President

By Order of the President-in-Cabinet:

Minister of the Cabinet



To: Ashu[ashu@sahara.co.za]

From: Faith Muthambi

Sent: Tue 7/29/2014 2:46:41 PM (UTC)
Subject: LETTER TO THE MINISTER
DR S CWELE.pdf 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...







MINISTRY: COMMUNICATIONS REPUBLIC OF SOUTH AFRICA

Private Bag X745, Pretoria, ()()()1 , 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

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stabilizing the SABC and I am concerned that what is captured in the policy when read with the Broadcasting Digital Migration Regulations (OTT 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 OTT regulations require that the SABC commence digital broadcasting on the commencement date. Due to the numerous delays and the stop/start nature of the OTT 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 OTT 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 5.2 million of those and on a sliding scale of between 29 and 77%. These 6.2 million people are the core market of the SABC.

hile 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

To: Ashu[ashu@sahara.co.za]

From: Faith Muthambi

Sent: Fri 7/25/2014 6:35:35 AM (UTC)

Subject: Responsibility for InfraCo and Sentech.docx

Responsibility for InfraCo and Sentech.docx

Sentech's signal distribution must rest with the Ministry of Communications



09 CN-000192130

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.



To: Ashu[ashu@sahara.co.za]

From: Faith Muthambi

Sent: Fri 7/25/2014 6:31:58 AM (UTC)

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

proclamtion new 18 July 2014 (clean) docx

These sections must be transferred to the Minister of Communications.



11 CN-000192132

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

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.

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.

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.



To:

duduzani.zuma@gmail.com[duduzani.zuma@gmail.com]

From: Sent:

Ashu

Fri 7/25/2014 7:24:26 AM (UTC)

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

proclamtion new 18 July 2014 (clean).docx

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.

13 CN-000192260

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

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.

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.

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.



To: Ashu[ashu@sahara.co.za]

From: Faith Muthambi

Sent: Fri 7/18/2014 4:42:42 AM (UTC)
Subject: 37839_15-7_ProcPSA ProofOut.pdf
37839_15-7_ProcPSA ProofOut.pdf







Vol. 589

Pretoria, 15 July 2014 No. 37839







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CONTENTS &INHOUD

No.

PROCLAMATION

Page No.

Gazette No.

47 The Constitution of the Republic of South Africa, 1996: Transfer of administration and powers and functions entrusted by legislation to certain cabinet members

37839



P ROCLAM ATION

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.

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 Postat 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. 38 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



Previous Cabinet member	
Flevious Cabinet member	New Cabinet member
mping at Sea Control Act, Minister of Water and Environmental Affairs	
Minister of Water and Environmental Affairs	Minister of Environmental Affairs
Minister of Water and Environmental Affairs	Minister of Environmental Affairs
Minister of Water and Environmental Affairs	Minister of Environmental Affairs
Minister of Water and Environmental Affairs	Minister of Environmental Affairs
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 Government Gazette No. 36527 of 31 May 2013	Minister of Environmental Affairs to the extent set out in paragraph 1.2.1 below
Minister of Water and Environmental Affairs	Minister of Environmental Affairs
Minister of Water and Environmental Affairs	Minister of Environmental Affairs
Minister of Water and Environmental Affairs	Minister of Environmental Affairs
Minister of Water and Environmental Affairs	Minister of Environmental Affairs
	Environmental Affairs 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 Government Gazette No. 36527 of 31 May 2013 Minister of Water and Environmental Affairs Minister of Water and Environmental Affairs Minister of Water and 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 2	Column 3
Previous Cabinet member	New Cabinet member
Minister in The Presidency responsible for Performance Monitoring and Evaluation	Minister in The Presidency responsible for Planning, Monitoring and Evaluation
	Previous Cabinet member Minister in The Presidency responsible for Performance Monitoring

1.6 TRANSPORT RELATED LEGISLATION:

Column 1	Column 2	Column 3
Legisiation	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) Water Services Act, 1997 (Act No. 108 of 1997) National Water Act, 1998 (Act No. 36 of 1998)	Minister of Water and Environmental Affairs Minister of Water and Environmental Affairs Minister of Water and Environmental Affairs	Minister of Water and Sanitation Minister of Water and Sanitation 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

47.2014 W

, 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 kwengato yami nangesigxivizo saseRiphabhuliki yaseNingizimu Afrika kule ndawo ... Pitoli ... Mhlaka ... 12 ... Unyaka ... kuNtulikazi ...

A STATE OF THE PARTY OF THE PAR

Umongameli

Ngomyalelo kaMongameli kuKhabhinethi:

UNggonggoshe wekhabhinethi

No.

ISITHASISELO

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

1.1 UMTHETHO OHAMBISANA NEZOKUXHUMANA:

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



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



1.2 UMTHETHO OHAMBISANA NEZEMVELO:

lkholamu 1	ikholamu 2	Ikholamu 3
Umthetho	Owayeyilungu Lekhabhinethi	Nungu Lekhabhinethi Entsha
Sea-Shore Act, 1935 (Act No. 21 of 1935)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Prince Edwards Islands Act, 1948 (Act No. 43 of 1948)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Dumping at Sea Control Act, 1980 (Act No. 73 of 1980)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Section 38 of the Sea Fishery Act, 1988 (Act No. 12 of 1988)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Environment Conservation Act, 1989 (Act No. 73 of 1989)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Antarctic Treaties Act. 1996 (Act No. 60 of 1996)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Environment Conservation Act Extension Act, 1996 (Act No. 100 of 1996)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
Marine Living Resources Act, 1998 (Act No. 18 of 1998)	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
National Environmental Management Act, 1998, (Act No. 107 of 1998)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo



Ikholamu 1	Ikholamu 2	Ikholamu 3
Úmthetho	Owayeyilungu Lekhabhinethi	llungu Lekhabhinethi Entsha
World Heritage Convention Act, 1999 (Act No. 49 of 1999)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
South African Weather Service Act, 2001 (Act No. 8 of 2001)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)	UNggongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezezindaba Zezemvelo
National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)	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 Ikholamu 3 yesiMemezelo Se-16 ongowe-2013, esishicilelwe kuSomqulu kaHulumeni We-36527 mhlaka 31 Meyi 2013, ngakho-ke kudluliselwa kuNgqongqoshe Wezezindaba Zezemvelo.



1.3 UMTHETHO OPHATHELENE NOBULILI:

Ikholamu 1	lkholamu 2	lkholamu 3
Umthetho	Owayeyilungu Lekhabhinethi	llungu Lekhabhinethi Entsha
Commission on Gender Equality Act, 1996 (Act No. 39 of 1996)	UNgqongqoshe Wabantu Besifazane, Izingane Nabantu Abakhubazekile	UNgqongqoshe eHhovisi likaMongameli obhekele Abantu Besifazane

1.4 UMTHETHO OPHATHELENE NOKUTHUTHUKISWA KWEZAMABHIZINISI ASAFUFUSA:

lkholamu 1	Ikholamu 2	Ikholamu 3
Úmthetho	Owayeyilungu Lekhabhinethi	llungu Lekhabhinethi Entsha
Section 2A of the Small Business Development Act, 1981 (Act No. 112 of 1981)	UNgqongqoshe Wezokuhwebelana Nezimboni	UNgqongqoshe Wezokuthuthukiswa Kwamabhizinisi Asafufusa
Close Corporations Act, 1984 (Act No. 69 of 1984)	UNgqongqoshe Wezokuhwebelana Nezimboni	UNgqongqoshe Wezokuthuthukiswa Kwamabhizinisi Asafutusa
National Small Enterprise Act, 1996 (Act No. 102 of 1996)	UNgqongqoshe Wezokuhwebelana Nezimboni	UNgqongqoshe Wezokuthuthukiswa Kwamabhizinisi Asafufusa
Co-operatives Act, 2005 (Act No.14 of 2005)	UNgqongqoshe Wezokuhwebelana Nezimboni	UNgqongqoshe Wezokuthuthukiswa Kwamabhizinisi Asafufusa

1.5 UMTHETHO OPHATHELENE NAMANANI:

lkholamu 1	lkholamu 2	Ikholamu 3
Umthetho	Owayeyilungu Lekhabhinethi	llungu Lekhabhinethi Entsha
Statistics Act, 1999 (Act No. 6 of 1999)	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuqapha Ukuqhutshwa Komsebenzi Nokuhlola	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuhlela, Ukuqapha Nokuhlola



1.6 UMTHETHO OHAMBISANA NEZOKUTHUTHA:

Ikholamu 1	Ikholamu 2	Ikholamu 3
Umthetho	Owayeyilungu	Ilungu Lekhabhinethi
	Lekhabhinethi	Entsha
Wreck and Salvage Act. 1996	UNgqongqoshe Wezamanzi	UNgqongqoshe
(Act No. 94 of 1996)	Nezindaba Zezemvelo	Wezokuthutha

1.7 UMTHETHO OPHATHELENE NAMANZI NOKUHLANZWA KWAWO:

Ikholamu 1	Ikholamu 2	Ikholamu 3
Umthetho	Owayeyilungu Lekhabhinethi	Ilungu Lekhabhinethi Entsha
Wafer Research Act, 1971 (Act No. 34 of 1971)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezamanzi Nokuhlanzwa kwawo
Water Services Act, 1997 (Act No. 108 of 1997)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezamanzi Nokuhlanzwa kwawo
National Water Act, 1998 (Act No. 36 of 1998)	UNgqongqoshe Wezamanzi Nezindaba Zezemvelo	UNgqongqoshe Wezamanzi Nokuhlanzwa kwawo

1.8 UMTHETHO OTHINTA INTSHA:

lkholamu 1	Ikholamu 2	Ikholamu 3
Umthetho	Owayeyi!ungu Lekhabkinethi	llungu Lekhabhinethi Entsha
National Youth Development Agency Act, 2008 (Act No. 54 of 2008)	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuqapha Ukuqhutshwa Komsebenzi Nokuhlola	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuhlela, Ukuqapha Nokuhlola
	1	



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

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

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

3.1 EZOKUXHUMANA KUHULUMENI NOHLELO LWEZEMINININGWANE

lkholamu 1	Ikholamu 2	Ikholamu 3
Amandla nemisebenzi ngaphansi kwe-Public Service Act, 1994	Owayeyilungu Lekhabhinethi	llungu Lekhabhinethi Entsha
Wonke amandla nemisebenzi eziphathimandla zoMnyango	UNgqongqoshe eHhovisi likaMongameli obhekele Ukuqhutshwa komsebenzi, Ukuqapha Nokuhlola	UNgqongqoshe Wezokuxhumana



3.2 ISILINGANISO MANANI ENINGIZIMU AFRIKA

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

3.3 UKUQAPHA UKUQHUTSHWA KOMSEBENZI NOKUHLOLA

Skholamu 1	i Ikholamu 2	Ikhofamu 3
Amandia nemisebenzi ngaphansi kwe-Public Service Act, 1994	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

Ikholamu 1	Ikholamu 2	Ikholamu 3
Amandla nemlsebenzi ngaphansi kwe-Public Service Act, 1994	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

om 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 62

Tel: (012) 748 6205, 748 6208, 748 6209, 748 6210, 748 6211 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

To:

Ashu[ashu@sahara.co.za]

Sent:

From: Faith Muthambi
Sent: Fri 7/18/2014 4:45:21 AM (UTC)

Subject: Effect of presidential proclamation.docx

Effect of presidential proclamation.docx



17 CN-000193023

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.

To:

Tony Gupta[tony@sahara.co.za]

From: A

Sent:

Fri 7/18/2014 8:58:51 AM (UTC)

Subject: Fwd: 37839_15-7_ProcPSA ProofOut.pdf

37839 15-7 ProcPSA ProofOut.pdf

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







Government Gaze Staatskoerant

REPUBLIC OF SOUTH AFRICA REPUBLIEK VAN SUID-AFRIKA

Vol. 589

Pretoria, 15 July 2014

No. 37839

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes





9771682584003



AIDS HELPLINE: 0800- 0123- 22 Prevention is the cure

To: Tony Gupta[tony@sahara.co.za]

From: Ashu

Sent: Fri 7/18/2014 8:51:13 AM (UTC)

Subject: Fwd: Effect of presidential proclamation.docx

Sent from my Samsung Galaxy smartphone

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

From: Faith Muthambi

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

To: Ashu

Subject: Effect of presidential proclamation.docx

To: Tony Gupta[tony@sahara.co.za]

From: Ashu

Sent: Fri 8/1/2014 9:42:18 AM (UTC)

Subject: FW: final proclamation 01 August 2014.docx

final proclamation 01 August 2014.docx

From: Faith Muthambi [mailto:faith.muthambi@gmail.com]

Sent: 01 August 2014 11:40 AM

To: Ashu

Subject: final proclamation 01 August 2014.docx

See attached Proclamation that President must sign



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



ANNEXURE B TO FM AFFIDAVIT

23 CN-000365121

To:

Tony Gupta[tony@sahara.co.za]

From: Ashu

Sent:

Tue 7/29/2014 3:06:07 PM (UTC)

Subject: Fwd: LETTER TO THE

MINISTER DR S CWELE.pdf 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







MINISTRY: COMMUNICATIONS REPUBLIC OF SOUTH AFRICA

Private Bag X745, Pretoria, 0001, Tel: +27 -12 47.3 0409

URL: ht!tp://www.gov.za

26 July 2014

Dr Siyabonga Cwele, MP

Minister of Telecommunications and Postal Services

120 Plein Street

CAPETOWN

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 (OTT 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 OTT regulations require that the SABC commence digital broadcasting on the commencement date. Due to the numerous delays and the stop/start nature of the OTT 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 f have serious doubts as to whether any other commercial broadcaster will be ready. The SABC may well then find itself in contravention of the OTT 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 ve,y difficult to afford STB's" We are only supporting 5.2 million 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 retabling 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

A.

To: Tony Gupta[tony@sahara.co.za]

From: Ashu

Sent: Fri 7/25/2014 6:41:41 AM (UTC)

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

proclamtion new 18 July 2014 (clean).docx

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

A

26 CN-000365318

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

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.

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.

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.



To: Tony Gupta[tony@sahara.co.za]

From: Ashu

Sent: Fri 7/25/2014 6:41:31 AM (UTC)

Subject: Fwd: Responsibility for InfraCo and Sentech.docx

Responsibility for InfraCo and Sentech.docx

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



28 CN-000365320

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.





EXHIBIT CC 46.2

AFFIDAVIT & ANNEXURES

OF

THOBEKILE HERRIET KHUMALO



JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE

2nd floor, Hillside House 17 Empire Road, Parktown Johannesburg 2193 Tel: (010) 214-0651

Email: <u>inquiries@sastatecapture.org.za</u>
Website: <u>www.sastatecapture.org.za</u>

INDEX: EXHIBIT CC 46.2

#	Description	Pages
1.	Affidavit of Thobekile Herriet Khumalo	01 to 04
2.	Annexure "THK001"	05
3.	Annexure "THK002"	06 to 09
4.	Annexure "THK003"	10

IN THE COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE ("THE COMMISSION")

AFFIDAVIT

I, the undersigned,

THOBEKILE HERRIET KHUMALO

hereby declare under oath as follows:

- I am an adult female South African citizen, currently employed at the South African Broadcasting Corporation ("SABC") as Manager Operations (Provinces).
- The content of this affidavit is true and correct and falls within my own personal knowledge, unless the contrary clearly appears from the context or is otherwise stated.
- 3. I have been approached by investigators associated with the Commission of Inquiry into Allegations of State Capture, Fraud and Corruption in the Public Sector and certain Organs of State ("the Commission") and have been requested to provide an affidavit which confirms certain email communication sent and received during 2014.

MY BACKGROUND AND PROFESSIONAL EXPERIENCE

4. I hold the following qualifications:

B

FH

- 4.1 Degree in Ministry from Christian Family Church International;
- 4.2 Diploma in Personal Assistant from Quest Computer School; and
- 4.3 Matric Certificate from Asser Maloka Secondary School.
- I started my career at the SABC as an intern (Provinces) in 2006 and was appointed permanently as an Administrative Assistant in 2007. In 2009, I moved to the Human Resources Department as an Administrative Officer. In 2011, I was appointed as Personal Assistant ("PA") to Mr. Motsoeneng when he occupied the position of Group Executive Stakeholder: Regions. In 2012 I continued to serve as PA to Mr. Motsoeneng in his capacity as Acting Chief Operating Officer.
- 6. I confirm while in Mr Motsoeneng's office, I would receive emails intended for Mr Motsoeneng which I would need to ensure he would receive as there would be instances where we wouldn't have access to his emails. I further confirm I received the following emails on my email address, khumaloth@sabc.co.za:
- On 01 August 2014, I received an email from Ms Faith Muthambi, ("Ms Muthambi") faith.muthambi@gmail.com, with subject line, final proclamation 01 August 2014, the body of the email stated, see proposed proclamation the president must sign, attached to this email was a document titled Proclamation by the Republic President of the Republic of South Africa, attached hereto are copies of the email and attachment as

PS Titl

Annexure "THK 001" and Annexure "THK 002"

- On 08 August 2014, I was copied in an email to Ms Muthambi by Ms Ellen Shabalala, wherein she responds to the email of 01 August 2014, attached hereto is copy of the email, as **Annexure "THK 003"**.
- 7. I confirm the annexures attached herein are authentic and I would receive said emails in the ordinary course of business.
- I have agreed to provide this affidavit as well as evidence to the Commission freely and voluntarily.
- 9. This is all I wish to declare and accordingly reserve my rights to provide further documents to the Commission as and when they may become available or come into my possession and insofar as they may be relevant to the investigation.

DEPONENT

Signed and sworn I	before me at _	BRIXTON	SARS	this	24	day of
FEBRUARY	2020 after	the depone	nt declared th	at the dep	onent is	familiar
with the contents of	this statement	and regards	the prescrib	ed oath as	binding	on the
deponent's conscien-	ce and has no	objection a	gainst taking	the said	prescribe	d oath.
There has been co	mpliance with t	the requirer	nents of the	Regulation	ns contai	ined in
Government Gazette	R1258, dated 21	July 1972 (as amended).			

COMMISSIONER OF OATHS:	Con Maria Con
FULL NAMES:	C Sul B
CAPACITY:	CONSIDILE
ADDRESS:	Man Shever - Barpon
	CSO CSO
	2020 -02- 2 4
	BDYTTON



Subject:

final proclamation 01 August 2014.docx

Date:

Friday, 01 August 2014 at 11:29:11 South Africa Standard Time

From:

Faith Muthambi <faith.muthambi@gmail.com>

To:

khumaloth@sabc.co.za <khumaloth@sabc.co.za>, Ashu <ashu@sahara.co.za>

CC:

Ellen <ellen@fortuneholdings.co.za>

Attachments: final proclamation 01 August 2014.docx

See proposed proclamation the President must sign

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

President

By Order of the President-in-Cabinet:

Minister of the Cabinet

Thousand and Fourteen.

THE

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	Column 2	Column 3
Legislation	Previous Cabinet Minister	New Cabinet Minister
Electronic Communications Act, 2005 (Act No. 36 of 2005): (a) The power assigned to the Minister in section 3 to the extent that it deals in any way with a	Minister of Telecommunications and Postal Services	Minister of Communications
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.		
(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.		
(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.		
(d) The power assigned to the Minister in section 34(2) must be exercised and performed to the extent that any part of the		

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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.

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

T_M

Subject: Re: final proclamation 01 August 2014.docx

Date: Friday, 08 August 2014 at 09:38:04 South Africa Standard Time

From: Ellen <ellen@fortuneholdings.co.za>

To: Faith Muthambi <faith.muthambi@gmail.com>

CC: khumaloth@sabc.co.za <khumaloth@sabc.co.za>, Ashu <ashu@sahara.co.za>

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>

> < IIIIai prociamation of August 2014.uocx

>

> Sent from my iPad

Page 1 of 1

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