



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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OFFICE OF THE PRESIDENCY

No. 462.

5 May 2000

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 13 of 2000: Independent Communications Authority of South Africa Act, 2000.

KANTOOR VAN DIE PRESIDENSIE

No. 462.

5 Mei 2000

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 13 van 2000: Wet op die Onafhanklike Kommunikasie-oowerheid van Suid-Afrika, 2000.

Act No. 13, 2000

INDEPENDENT COMMUNICATIONS AUTHORITY
OF SOUTH AFRICA ACT, 2000**GENERAL EXPLANATORY NOTE:**

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 4 May 2000.)

ACT

To provide for the establishment of the Independent Communications Authority of South Africa; to provide for the dissolution of the Independent Broadcasting Authority and the South African Telecommunications Regulatory Authority; to transfer the functions of the latter authorities to the Independent Communications Authority of South Africa; to amend the Independent Broadcasting Authority Act, 1993, the Telecommunications Act, 1996, and the Broadcasting Act, 1999; and to provide for matters connected therewith.

PREAMBLE

Recognising that technological and other developments in the fields of broadcasting and telecommunications are causing a rapid convergence of these fields;

Acknowledging that the establishment of an independent body to regulate broadcasting and telecommunications is required,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

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ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken.)
(Goedgekeur op 4 Mei 2000.)

WET

Om voorsiening te maak vir die instelling van die Onafhanklike Kommunikasie-owerheid van Suid-Afrika; om voorsiening te maak vir die ontbinding van die Onafhanklike Uitsaai-owerheid en die Suid-Afrikaanse Telekommunikasiereguleringsowerheid; om die werksaamhede van laasgenoemde owerhede oor te dra op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika; om die Wet op die Onafhanklike Uitsaai-owerheid, 1993, die Wet op Telekommunikasie, 1996, en die Uitsaaiwet, 1999, te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

AANHEF

Gesien dat tegnologiese en ander ontwikkelings op die terreine van die uitsaai- en telekommunikasiewese die snelle samevloei van hierdie terreine veroorsaak;

In die beseft dat die instelling van 'n onafhanklike liggaam om die uitsaai- en telekommunikasiewese te reguleer, vereis word,

WORD DAAR DERHALWE deur die Parlement van die Republiek van Suid-Afrika, soos volg bepaal:—

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CHAPTER I**INTRODUCTORY PROVISIONS****Definitions**

1. In this Act, unless the context indicates otherwise, any word or expression defined in the Broadcasting Act, the IBA Act or the Telecommunications Act has the meaning assigned to it in the Act in question and—

- | | | |
|-------|--|----|
| (i) | “Authority” means the Independent Communications Authority of South Africa established by section 3; (ix) | |
| (ii) | “Broadcasting Act” means the Broadcasting Act, 1999 (Act No. 4 of 1999); (iv) | 35 |
| (iii) | “Council” means the Council referred to in section 5; (xi) | |
| (iv) | “establishment date” means the date determined as such by the Minister by notice in the <i>Gazette</i> ; (iii) | |
| (v) | “family member”, in relation to any person, means his or her parent, child or spouse, and includes a person living with that person as if they were married to each other; (i) | 40 |
| (vi) | “former authorities” means the IBA, SATRA or both, as the case may be; (xv) | |
| (vii) | “IBA” means the Independent Broadcasting Authority established by section 3 of the IBA Act; (vii) | 45 |

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- 25 **Bylae 2**

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HOOFSTUK 1

INLEIDENDE BEPALINGS

Woordomskrywing

- 30 1. In hierdie Wet, tensy uit die samehang anders blyk, het enige woord of uitdrukking wat in die Uitsaaiwet, die OUO-wet of die Telekommunikasiewet omskryf word, die betekenis in die betrokke Wet toegeken, en beteken—
- (i) “gesinslid”, met betrekking tot enige persoon, sy of haar ouer, kind of gade, en ook ’n persoon wat met daardie persoon saamleef asof hulle met mekaar
- 35 getroud is; (v)
- (ii) “hierdie Wet” ook enige regulasie uitgevaardig kragtens die onderliggende wette; (xv)
- (iii) “instellingsdatum” die datum wat as sodanig deur die Minister by kennisgewing in die *Staatskoerant* bepaal word; (iv)
- 40 (iv) “Minister” die Minister van Kommunikasie; (ix)
- (v) “Nasionale Inkomstefonds” die Fonds bedoel in artikel 213 van die Grondwet; (x)
- (vi) “onderliggende wette” die Uitsaaiwet, OUO-wet en Telekommunikasiewet; (xvi)
- 45 (vii) “OUO” die Onafhanklike Uitsaai-owerheid ingestel by artikel 3 van die OUO-wet; (vii)

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- (viii) "IBA Act" means the Independent Broadcasting Act, 1993 (Act No. 153 of 1993); (viii)
- (ix) "Minister" means the Minister of Communications; (iv)
- (x) "National Revenue Fund" means the Fund referred to in section 213 of the Constitution; (v) 5
- (xi) "prescribe" means prescribe by regulation; (xvi)
- (xii) "President" means the President of the Republic; (x)
- (xiii) "SATRA" means the South African Telecommunications Regulatory Authority established by section 5 of the Telecommunications Act; (xii)
- (xiv) "Telecommunications Act" means the Telecommunications Act, 1996 (Act No. 103 of 1996); (xiii) 10
- (xv) "this Act" includes any regulation made under the underlying statutes; (ii)
- (xvi) "underlying statutes" means the Broadcasting Act, the IBA Act and Telecommunications Act. (vi)

Object of Act

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- 2. The object of this Act is to establish an independent authority which is to—
 - (a) regulate broadcasting in the public interest and to ensure fairness and a diversity of views broadly representing South African society, as required by section 192 of the Constitution;
 - (b) regulate telecommunications in the public interest; and 20
 - (c) achieve the objects contemplated in the underlying statutes.

CHAPTER II**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA****Establishment of Independent Communications Authority of South Africa**

- 3. (1) There is hereby established a juristic person to be known as the Independent Communications Authority of South Africa. 25
- (2) The Authority acts through the Council contemplated in section 5.
- (3) The Authority is independent, and subject only to the Constitution and the law, and must be impartial and must perform its functions without fear, favour or prejudice.
- (4) The Authority must function without any political or commercial interference. 30

Functions of Authority

- 4. (1) The Authority—
 - (a) must perform the duties imposed upon the former authorities by or under the underlying statutes;
 - (b) may exercise the powers conferred upon the former authorities by or under the underlying statutes; 35
 - (c) subject to section 231 of the Constitution, must act in a manner that is consistent with the obligations of the Republic under any applicable international agreement.
- (2) The Authority is subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999). 40

Constitution of and appointment of councillors to Council

- 5. (1) The Council consists of seven councillors appointed by the President on the recommendation of the National Assembly according to the following principles, namely— 45
 - (a) participation by the public in the nomination process;
 - (b) transparency and openness; and
 - (c) the publication of a shortlist of candidates for appointment, with due regard to subsection (3) and section 6.
- (2)(a) The President must appoint one of the councillors as chairperson of the Council. 50
- (b) In the absence of the chairperson, the remaining councillors must from their number elect an acting chairperson, who, while he or she so acts, may perform all the functions of the chairperson.

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- (viii) "OUO-wet" die Wet op die Onafhanklike Uitsaai-owerheid, 1993 (Wet No. 153 van 1993); (viii)
- (ix) "Owerheid" die Onafhanklike Kommunikasie-owerheid van Suid-Afrika ingestel by artikel 3; (i)
- 5 (x) "President" die President van die Republiek; (xii)
- (xi) "Raad" die Raad bedoel in artikel 5; (iii)
- (xii) "Satro" die Suid-Afrikaanse Telekommunikasiereguleringsowerheid ingestel by artikel 5 van die Telekommunikasiewet; (xiii)
- 10 (xiii) "Telekommunikasiewet" die Wet op Telekommunikasie, 1996 (Wet No. 103 van 1996); (xiv)
- (xiv) "Uitsaaiwet" die Uitsaaiwet, 1999 (Wet No. 4 van 1999); (ii)
- (xv) "voormalige owerhede" die OUO, Satro of albei, na gelang van die geval; (vi)
- (xvi) "voorskryf" by regulasie voorskryf. (xi)

15 Oogmerk van Wet

2. Die oogmerk van hierdie Wet is om 'n onafhanklike owerheid in te stel—
- (a) om die uitsaaiwese in die openbare belang te reguleer en om toe te sien dat regverdigheid geskied en 'n verskeidenheid van sienswyses aangebied word wat in die breë verteenwoordigend van die Suid-Afrikaanse samelewing is, soos vereis by artikel 192 van die Grondwet;
 - 20 (b) die telekommunikasiewese in die openbare belang te reguleer; en
 - (c) om die oogmerke in die onderliggende wette beoog, te bereik.

HOOFSTUK II

ONAFHANKLIKE KOMMUNIKASIE-OWERHEID VAN SUID-AFRIKA

25 Instelling van Onafhanklike Kommunikasie-owerheid van Suid-Afrika

3. (1) Hierby word 'n regs persoon ingestel wat bekend staan as die Onafhanklike Kommunikasie-owerheid van Suid-Afrika.
- (2) Die Owerheid tree deur middel van die Raad beoog in artikel 5 op.
- (3) Die Owerheid is onafhanklik, en slegs aan die Grondwet en die reg onderworpe,
- 30 en moet onpartydig wees en sy werksaamhede vreesloos en sonder begunstiging of vooroordeel verrig.
- (4) Die Owerheid moet sonder enige politieke of kommersiële inmenging funksioneer.

Werksaamhede van Owerheid

- 35 4. (1) Die Owerheid—
- (a) moet die pligte uitvoer wat by of kragtens die onderliggende wette aan die voormalige owerhede opgelê is;
 - (b) kan die bevoegdhede uitoefen wat by of kragtens die onderliggende wette aan die voormalige owerhede verleen is;
 - 40 (c) moet, behoudens artikel 231 van die Grondwet, optree op 'n wyse wat in ooreenstemming is met die verpligtinge van die Republiek kragtens enige toepaslike internasionale ooreenkoms.
- (2) Die Owerheid is onderworpe aan die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).

45 Samestelling van en aanstelling van raadslede in Raad

5. (1) Die Raad bestaan uit sewe raadslede deur die President aangestel op aanbeveling van die Nasionale Vergadering ooreenkomstig die volgende beginsels, te wete—
- (a) deelname deur die publiek in die nominasieproses;
 - 50 (b) deursigtigheid en openheid; en
 - (c) die publisering van 'n kortlys van kandidate vir aanstelling met behoorlike inagneming van subartikel (3) en artikel 6.
- (2)(a) Die President moet een van die raadslede as voorsitter van die Raad aanstel.
- (b) In die afwesigheid van die voorsitter moet die oorblywende raadslede 'n
- 55 waarnemende voorsitter uit eie geledere verkies wat, terwyl hy of sy aldus waarneem, al die werksaamhede van die voorsitter mag verrig.

- (3) Persons appointed to the Council must be persons who—
- (a) are committed to fairness, freedom of expression, openness and accountability on the part of those entrusted with the governance of a public service; and
 - (b) when viewed collectively—
 - (i) are representative of a broad cross-section of the population of the Republic; and
 - (ii) possess suitable qualifications, expertise and experience in the fields of, amongst others, broadcasting and telecommunications policy, engineering, technology, frequency band planning, law, marketing, journalism, entertainment, education, economics, business practice and finance or any other related expertise or qualifications.
- (4) A councillor appointed under this section must, before he or she begins to perform his or her functions, take an oath or affirm that he or she—
- (a) is committed to fairness, freedom of expression, openness and accountability; and
 - (b) will uphold and protect the Constitution and the laws of the Republic, including this Act and the underlying statutes.

Disqualification

6. (1) A person may not be appointed as a councillor if he or she—
- (a) is not a citizen of the Republic;
 - (b) is not permanently resident in the Republic;
 - (c) is a public servant or the holder of any other remunerated position under the State;
 - (d) is a member of Parliament, any provincial legislature or any municipal council;
 - (e) is an office-bearer or employee of any party, movement or organisation of a party-political nature;
 - (f) or his or her family member has a direct or indirect financial interest in the telecommunications or broadcasting industry;
 - (g) or his or her business partner or associate holds an office in or with, or is employed by, any person or body, whether corporate or unincorporated, which has an interest contemplated in paragraph (f);
 - (h) is an unrehabilitated insolvent;
 - (i) has been declared by a court to be mentally ill or disordered;
 - (j) has at any time been convicted, whether in the Republic or elsewhere, of—
 - (i) theft, fraud, forgery or uttering a forged document, perjury, an offence in terms of the Corruption Act, 1992 (Act No. 94 of 1992), or any other offence involving dishonesty; or
 - (ii) an offence under this Act or the underlying statutes;
 - (k) has been sentenced, after the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), to a period of imprisonment of not less than one year without the option of a fine; or
 - (l) has at any time been removed from an office of trust on account of misconduct.
- (2) A person who is subject to a disqualification contemplated in subsection (1)(b) to (i) may be nominated for appointment as a councillor, but may only be appointed if at the time of such appointment he or she is no longer subject to that disqualification.

Terms of office

7. (1) The chairperson holds office for a period of five years as from the date of his or her appointment.
- (2) (a) Subject to paragraph (b), the other councillors hold office for a period of four years as from the date of their appointment.
- (b) Such three of the other councillors appointed to the first Council constituted after this Act takes effect as are determined by lot in accordance with Schedule 2, must vacate their offices upon expiration of a period of two years as from the date of their appointment.

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- (3) Persone in die Raad aangestel, moet persone wees wat—
- (a) verbind is tot billikheid, vryheid van uitdrukking, openheid en verantwoordingspligtigheid aan die kant van diegene aan wie die bestuur van 'n openbare diens toevertrou is; en
 - 5 (b) wanneer gesamentlik gesien—
 - (i) 'n breë deursnit van die bevolking van die Republiek verteenwoordig; en
 - (ii) oor gepaste kwalifikasies, kundigheid en ervaring op die terreine van onder andere die uitsaai- en kommunikasiebeleid, ingenieurswese, 10 tegnologie, frekwensiebandbeplanning, die reg, bemaking, joernalisme, vermaak, opvoeding, ekonomie, sakepraktyk en finansies of enige ander verwante kundigheid of kwalifikasies beskik.
- (4) Voordat 'n raadslid wat kragtens hierdie artikel aangestel is met die verrigting van sy of haar werksaamhede begin, moet die raadslid 'n eed aflê of bevestig dat hy of 15 sy—
- (a) verbind is tot billikheid, vryheid van uitdrukking, openheid en verantwoordingspligtigheid; en
 - (b) die Grondwet en wette van die Republiek sal onderhou en beskerm, met inbegrip van hierdie Wet en die onderliggende wette.

20 Diskwalifikasie

6. (1) 'n Persoon mag nie as 'n raadslid aangestel word nie indien hy of sy—
- (a) nie 'n burger van die Republiek is nie;
 - (b) nie permanent in die Republiek woonagtig is nie;
 - 25 (c) 'n staatsampenaar of die bekleeër van enige ander besoldigde amp onder die Staat is;
 - (d) 'n lid is van die Parlement, enige provinsiale wetgewer of enige munisipale raad;
 - (e) 'n ampsdraer of werknemer van enige party, beweging of organisasie van 'n partypolitieke aard is;
 - 30 (f) of sy of haar gesinslid 'n beherende belang of enige wesenlike finansiële belang in die telekommunikasie- of uitsaaibedryf het;
 - (g) of sy of haar sakevennoot of -medewerker 'n amp beklee in of by of in diens is by enige persoon of liggaam, hetsy ingelyf of oningelyf, wat 'n belang het, beoog in paragraaf (f);
 - 35 (h) 'n ongerehabiliteerde insolvent is;
 - (i) deur 'n hof geestesongesteld is of -versteurd verklaar is;
 - (j) te eniger tyd skuldig bevind is, hetsy in die Republiek of elders, aan—
 - (i) diefstal, bedrog, vervalsing of uitgifte van 'n vervalste dokument, meened, 'n misdryf ingevolge die Wet op Korruptsie, 1992 (Wet No. 94 40 van 1992), of enige ander misdryf waarvan oneerlikheid 'n element is;
 - (ii) 'n misdryf ingevolge hierdie Wet of die onderliggende wette;
 - (k) na die inwerkingtreding van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), vir 'n tydperk van ten minste een jaar gevangenisstraf sonder die keuse van 'n boete gevonnissen is; of
 - 45 (l) te eniger tyd weens wangedrag uit 'n vertrouensamp onthef is.
- (2) 'n Persoon wat onderworpe is aan 'n diskwalifikasie beoog in subartikel (1)(b) tot (i) kan vir aanstelling as 'n raadslid benoem word, maar kan slegs as 'n raadslid aangestel word indien hy of sy ten tyde van sodanige aanstelling nie meer aan daardie diskwalifikasie onderworpe is nie.

50 Ampstermyne

7. (1) Die voorsitter beklee die amp vir 'n tydperk van een jaar vanaf die datum van sy of haar aanstelling.
- (2) (a) Behoudens paragraaf (b) beklee die ander raadslede die amp vir 'n tydperk van vier jaar vanaf die datum van hul aanstelling.
- 55 (b) Die drie van die ander raadslede, aangestel in die eerste Raad saamgestel nadat hierdie Wet in werking tree, wat deur lotsbeslissing ooreenkomstig Bylae 2 bepaal word, moet hulle ampte by die verstryking van 'n tydperk van twee jaar vanaf die datum van hulle aanstelling ontruim.

(3) A councillor may at any time, upon at least three months' written notice tendered to the President, resign from office.

(4) Despite subsections (1) and (2), the councillors remain in office after expiry of their term of office until the commencement of the term of office of their successors, but the extended term of office may not exceed 45 days.

(5) A councillor may at the end of his or her term of office be reappointed in terms of section 5 for one additional term.

(6) Every councillor serves in a full-time capacity to the exclusion of any other remunerative employment, occupation or office which is likely to—

- (a) interfere with the exercise by any such councillor of his or her functions in terms of this Act or the underlying statutes; or
- (b) create a conflict of interests between such employment, occupation or office and his or her office as councillor.

Removal from office

8. (1) Subject to subsection (2), a councillor may be removed from office on account of—

- (a) misconduct;
- (b) inability to perform the duties of his or her office efficiently;
- (c) absence from three consecutive meetings of the Council without the permission of the Council, except on good cause shown;
- (d) a contravention of section 7(6);
- (e) failure to disclose an interest in terms of section 12(2)(a) or voting or attendance at, or participation in, proceedings of the Council while having an interest contemplated in section 12(1); or
- (f) his or her becoming disqualified as contemplated in section 6(1).

(2) A councillor may be removed from office only on—

- (a) a finding to that effect by the National Assembly; and
- (b) the adoption by the National Assembly of a resolution calling for that councillor's removal from office.

(3) The President—

- (a) may suspend a councillor from office at any time after the start of the proceedings of the National Assembly for the removal of that councillor;
- (b) must remove a councillor from office upon adoption by the National Assembly of the resolution calling for that councillor's removal.

Vacancies

9. (1) A vacancy in the Council occurs if a councillor—

- (a) becomes subject to a disqualification referred to in section 6;
- (b) tenders his or her resignation as contemplated in section 7(3) and the resignation takes effect;
- (c) is removed from office in terms of section 8;
- (d) dies; or
- (e) becomes permanently incapable of doing his or her work.

(2) (a) Where a vacancy has arisen as contemplated in subsection (1), the procedure contemplated in section 5 applies.

(b) Any councillor appointed under this subsection holds office for the rest of the period of the predecessor's term of office, unless the National Assembly directs that such councillor holds office for a longer period which may not exceed four years.

Remuneration

10. The chairperson and other councillors must be paid such remuneration and allowances and be entitled to such benefits as the Minister may determine with the concurrence of the Minister of Finance, subject to any applicable national legislation envisaged by section 219(5) of the Constitution.

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(3) 'n Raadslid kan te eniger tyd met minstens drie maande skriftelike kennisgewing aan die President uit die amp bedank.

(4) Ondanks subartikels (1) en (2) bly die raadslede na die verstryking van hul ampstermyn in die amp aan tot met die aanvang van die ampstermyn van hul opvolgers, 5 maar die verlengde ampstermyn mag nie 45 dae te bowe gaan nie.

(5) 'n Raadslid kan aan die einde van sy of haar ampstermyn ingevolge artikel 5 heraanstel word vir 'n enkele bykomende termyn.

(6) Elke raadslid dien in 'n heeltydse hoedanigheid ter uitsluiting van enige ander besoldigde werk, beroep of amp wat waarskynlik—

- 10 (a) met die uitoefening deur so 'n raadslid van sy of haar werksaamhede ingevolge hierdie Wet of die onderliggende wette sal inmeng; of
(b) 'n botsing van belange tussen sodanige werk, beroep of amp en sy of haar amp as raadslid teweeg sal bring.

Verwydering uit amp

15 8. (1) Behoudens subartikel (2) kan 'n raadslid uit die amp ontslaan word weens—

- (a) wangedrag;
(b) onvermoë om die pligte van sy of haar amp doeltreffend uit te voer;
(c) afwesigheid by drie agtereenvolgende vergaderings van die Raad sonder die 20 voorafverkreë toestemming van die Raad, behalwe as 'n goeie rede aan-gevoer kan word;
(d) 'n oortreding van artikel 7(6);
(e) versuim om 'n belang ingevolge artikel 12(2)(a) bekend te maak of stemming in of bywoning van of deelname aan die verrigtinge van die Raad terwyl hy of sy 'n belang het beoog in artikel 12(1); of
25 (f) indien hy of sy gediskwalifiseerd raak soos beoog in artikel 6(1).

(2) 'n Raadslid kan van die amp verwyder word slegs na—

- (a) 'n bevinding te dien effekte deur die Nasionale Vergadering; en
(b) die aanvaarding deur die Nasionale Vergadering van 'n besluit waarin gevra word dat daardie raadslid van die amp onthef word.

30 (3) Die President—

- (a) kan te eniger tyd na die aanvang van die verrigtinge van die Nasionale Vergadering vir die ontheffing van 'n raadslid daardie raadslid in die amp skors;
(b) moet die raadslid van die amp onthef by aanname deur die Nasionale 35 Vergadering van die besluit waarin gevra word vir daardie raadslid se ontheffing.

Vakatures

9. (1) 'n Vakature in die Raad ontstaan indien 'n raadslid—

- (a) onderworpe raak aan 'n diskwalifikasie bedoel in artikel 6;
40 (b) sy of haar bedanking indien soos beoog in artikel 7(3) en die bedanking in werking tree;
(c) uit die amp verwyder word ingevolge artikel 8;
(d) sterf; of
(e) permanent onbevoeg raak om sy of haar werk te doen.

45 (2) (a) Waar 'n vakature ontstaan het soos beoog in subartikel (1), is die prosedure beoog in artikel 5 van toepassing.

(b) Enige raadslid wat kragtens hierdie subartikel aangestel is, beklee die amp vir die res van die tydperk van die voorganger se ampstermyn, tensy die Nasionale Vergade- ring gelas dat sodanige raadslid die amp vir 'n langer tydperk beklee, welke tydperk nie 50 vier jaar te bowe mag gaan nie.

Besoldiging

10. Die voorsitter en ander raadslede moet die besoldiging en toelaes betaal word en is geregtig op die voordele wat die Minister met die instemming van die Minister van Finansies, behoudens enige toepaslike nasionale wetgewing soos beoog deur artikel 55 219(5) van die Grondwet, bepaal.

Meetings of Council

11. (1) (a) Meetings of the Council must be held at such times and places as the Council may determine.

(b) However, the first meeting must be held at such time and place as the chairperson determines.

(2) (a) The chairperson may at any time convene a special meeting of the Council, which must be held at such time and place as the chairperson determines.

(b) If at least two councillors request a special meeting in writing, the chairperson must convene such a meeting within seven days after receiving the request.

(c) If the chairperson fails to convene a special meeting within seven days after receiving the request, the councillors concerned may convene a special meeting.

(3) The quorum for any meeting of the Council is a majority of the councillors in office at the time.

(4) (a) Subject to subsection (3), a decision of the Council is taken by resolution agreed to by the majority of councillors at any meeting of the Council.

(b) In the event of an equality of votes regarding any matter the chairperson has a casting vote in addition to his or her deliberative vote.

Conflicting interests

12. (1) A councillor may not vote at, attend or in any other manner participate in, any meeting or hearing of the Council, nor be present at the place where the meeting is held, if—

(a) in relation to an application relating to a licence, he or she or his or her family member is a director, member or business partner or associate of or has an interest in the business of the applicant or of any person who made representations in relation to the application; or

(b) in relation to any matter before the Council, he or she has any interest which may preclude him or her from performing his or her functions as a councillor in a fair, unbiased and proper manner.

(2) (a) If, during the course of any proceedings before the Council, there is reason to believe that a councillor has any interest contemplated in subsection (1), that councillor must immediately fully disclose the nature of his or her interest and leave the meeting or hearing in question so as to enable the remaining councillors to discuss the matter and determine whether or not that councillor should be allowed to participate in the proceedings.

(b) The disclosure, and the decision taken by the remaining councillors, must be recorded in the minutes of the proceedings in question.

(3) If any councillor fails to disclose any interest as required by subsection (2) or, subject to that subsection, if he or she is present at the place where a meeting of the Council is held or in any manner participates in the proceedings of the Council, the relevant proceedings of the Council shall be null and void.

(4) A councillor is guilty of an offence and liable on conviction to a fine not exceeding R250 000 or to imprisonment for a period not exceeding five years, or to both such fine and imprisonment, if he or she—

(a) contravenes subsection (1); or

(b) fails to disclose any interest or fails to leave the meeting or hearing as required by subsection (2).

Validity of proceedings

13. Subject to section 12, a decision taken by the Council or an act performed under that decision is not invalid merely by reason of—

(a) any irregularity in the appointment of a councillor;

(b) a vacancy in the Council; or

(c) the fact that any person not entitled to sit as a councillor sat as such at the time when the decision was taken,

provided such decision was taken by a majority of the councillors present at the time and entitled so to sit, and those councillors at the time constituted a quorum.

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VAN SUID-AFRIKA, 2000

Vergaderings van die Raad

11. (1) (a) Vergaderings van die Raad word gehou op die tye en plekke wat die Raad bepaal.

(b) Die eerste vergadering word egter op die tyd en plek gehou wat die voorsitter 5 bepaal.

(2) (a) Die voorsitter kan te eniger tyd 'n spesiale vergadering van die Raad belê wat op die tyd en plek gehou moet word wat die voorsitter bepaal.

(b) Indien minstens twee raadslede 'n spesiale vergadering skriftelik versoek, moet die voorsitter so 'n vergadering binne sewe dae na ontvangs van die versoek belê.

10 (c) Indien die voorsitter versuim om 'n spesiale vergadering binne sewe dae na ontvangs van so 'n versoek te belê, kan die betrokke raadslede 'n spesiale vergadering belê.

(3) Die kworum vir enige vergadering van die Raad is 'n meerderheid van die raadslede wat op daardie tydstip die amp beklee.

15 (4) (a) Behoudens subartikel (3) word 'n besluit van die Raad geneem by wyse van 'n resoluëie waartoe die meerderheid raadslede by enige vergadering van die Raad instem.

(b) In die geval van 'n staking van stemme ten opsigte van enige aangeleentheid, het die voorsitter 'n beslissende stem benewens sy of haar beraadslagende stem.

20 Botsende belange

12. (1) 'n Raadslid mag nie by enige vergadering of verhoor van die Raad stem of dit bywoon of op enige ander wyse daaraan deelneem nie, en ook nie aanwesig wees op die plek waar die vergadering gehou word nie indien—

25 (a) ten opsigte van 'n aansoek met betrekking tot 'n lisensie, hy of sy of sy of haar gesinslid 'n direkteur, lid of sakevennoot of medewerker is van of 'n belang het by die besigheid van die aansoeker of dié van enige persoon wat verhoë in verband met die aansoek gerig het; of

30 (b) in verband met enige aangeleentheid voor die Raad, hy of sy enige belang het wat hom of haar kan verhinder om sy of haar werksaamhede as 'n raadslid op 'n regverdige, onpartydige en behoorlike wyse te verrig.

(2) (a) Indien daar gedurende die loop van enige verrigtinge voor die Raad rede is om te glo dat 'n raadslid enige belang het in subartikel (1) beoog, moet daardie raadslid onmiddellik die aard van sy of haar belang volledig bekend maak en die betrokke vergadering of verhoor verlaat ten einde die oorblywende raadslede in staat te stel om 35 die saak te bespreek en te bepaal of die raadslid toegelaat moet word om aan sodanige verrigtinge deel te neem.

(b) Die bekendmaking en die besluit wat deur die oorblywende raadslede geneem word, moet in die notule van die betrokke verrigtinge aangeteken word.

40 (3) Indien 'n raadslid versuim om enige belang te openbaar soos vereis deur subartikel (2), of, behoudens daardie subartikel, indien hy of sy teenwoordig is by die plek waar 'n vergadering van die Raad gehou word of op enige wyse deelneem aan die verrigtinge van die Raad, is die betrokke verrigtinge van die Raad nietig.

(4) 'n Raadslid is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens R250 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf 45 jaar, of met beide sodanige boete en gevangenisstraf, indien hy of sy—

(a) subartikel (1) oortree; of

(b) versuim om enige belang te openbaar of versuim om die vergadering of verhoor soos vereis deur subartikel (2) te verlaat.

Geldigheid van verrigtinge

50 13. Behoudens artikel 12, is 'n besluit geneem deur die Raad of 'n handeling verrig op gesag van sodanige besluit nie ongeldig nie bloot vanweë—

(a) enige onreëlmatigheid in die aanstelling van 'n raadslid;

(b) 'n vakature in die Raad; of

55 (c) die feit dat 'n persoon wat nie geregtig is om as 'n raadslid op te tree nie, as sodanig opgetree het op die tydstip waarop sodanige besluit geneem is, mits sodanige besluit geneem is deur 'n meerderheid van die raadslede wat op dié tydstip teenwoordig was en geregtig was om aldus op te tree, en daardie raadslede op dié tydstip 'n kworum was.

Act No. 13, 2000

INDEPENDENT COMMUNICATIONS AUTHORITY
OF SOUTH AFRICA ACT, 2000**Staff**

14. (1) The Council must establish its own administration to assist the Authority in the performance of its functions and to this end the Council must appoint—

- (a) a suitably qualified and experienced person as chief executive officer of the Council for the purpose of assisting the Authority, subject to the Council's direction and control, in the performance of all financial, administrative and clerical functions and work arising from the administration of this Act; and 5
- (b) such other staff as the Council may deem necessary to assist the Authority with all such work as may arise through the performance of its functions. 10

(2) The Council must, in the appointment of its staff—

- (a) provide for the advancement of persons disadvantaged by unfair discrimination, with the aim that its staff, when viewed collectively, represents a broad cross-section of the population of the Republic; 10
- (b) subject to paragraph (a), apply equal opportunity employment practices. 15

(3) The Authority may pay to the persons in its employ such remuneration and allowances and provide them with such pension and other employment benefits as are consistent with that paid in the public sector. 15

Financing of and accounting by Authority

15. (1) The Authority is financed from money appropriated by Parliament.

(2) The chief executive officer contemplated in section 14(1)(a) is, in accordance with section 36 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), the accounting officer of the Authority and charged with the responsibilities referred to in that Act which include, amongst others, responsibilities regarding auditing, financial control, budgetary control and reporting. 20

(3) All revenue received by the Authority in a manner other than in accordance with subsection (1) must be paid into the National Revenue Fund within 30 days after receipt of such revenue. 25

(4) Cheques drawn by the Authority must be regarded to have been duly issued and signed on its behalf if issued under the joint signatures of the accounting officer and another member of the staff of the Authority designated by the Council. 30

Annual report

16. (1) The Council must—

- (a) supply the Minister with such information and particulars as he or she may in writing require in connection with the activities of the Authority; and
- (b) as soon as may be reasonably practicable after the end of each financial year but in any event within three months of the end of the financial year, supply the Minister with a copy of— 35
 - (i) the annual report of the Authority;
 - (ii) the financial statements of the Authority referred to in section 40(1)(e) of the Public Finance Management Act, 1999 (Act No. 1 of 1999); and 40
 - (iii) the Auditor-General's report on those statements.

(2) For purposes of this section, the annual report referred to in subsection (1)(b)(i) must include, amongst others—

- (a) information regarding licences granted, renewed, amended, transferred, suspended or revoked; and 45
- (b) such other information as the Minister may in writing require.

(3) The Minister must table a copy of the annual report in Parliament within 30 days after it has been received by him or her if Parliament is then sitting and, if Parliament is not in sitting, within 14 days after the next ensuing sitting of Parliament.

WET OP DIE ONAFHANKLIKE KOMMUNIKASIE-OWERHEID Wet No. 13, 2000
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Personeel

14. (1) Die Raad stel sy eie administrasie in om die Owerheid by te staan in die verrigting van sy werksaamhede en vir hierdie doel moet die Raad—
- 5 (a) 'n paslik gekwalifiseerde en ervare persoon aanstel as hoof- uitvoerende beampte van die Raad vir die doel om die Owerheid by te staan, onderworpe aan die Raad se opdrag en beheer, in die uitvoering van alle finansiële, administratiewe en klerklike werksaamhede wat spruit uit die administrasie van hierdie Wet; en
- 10 (b) die ander personeel aanstel wat die Raad nodig ag om die Owerheid by te staan met al die werk wat spruit uit die verrigting van sy werksaamhede.
- (2) Die Owerheid moet by die aanstelling van sy personeel—
- 15 (a) voorsiening maak vir die vordering van persone wat benadeel is deur onbillike diskriminasie, met die oogmerk dat sy personeel, wanneer dit gesamentlik gesien word, 'n breë deursnit van die bevolking van die Republiek verteenwoordig;
- (b) behoudens paragraaf (a) indiensnemingspraktyke gerig op gelykberegting toepas.
- (3) Die Owerheid kan aan die persone in sy diens die besoldiging en toelaes betaal en hulle van die pensioen- en ander werknemersvoordele voorsien wat in ooreenstemming is met dit wat in die openbare sektor betaal word.
- 20

Finansiering van en boekhou deur Owerheid

15. (1) Die Owerheid word gefinansier uit geld wat deur die Parlement bewillig word.
- (2) Die hoof- uitvoerende beampte beoog in artikel 14(1)(a) is in ooreenstemming met artikel 36 van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), die rekenpligtige beampte van die Owerheid en het as opdrag die verantwoordelikhede in daardie Wet bedoel, wat onder andere verantwoordelikhede insluit betreffende oudit, finansiële beheer, begrotingsbeheer en verslagdoening.
- (3) Alle inkomste wat deur die Owerheid ontvang word op 'n ander wyse as ooreenkomstig subartikel (1), moet binne 30 dae na ontvangs daarvan op die Nasionale Inkomstefonds inbetaal word.
- (4) Tjeks getrek deur die owerheid word geag behoorlik namens hom uitgereik en onderteken te wees indien dit onder die gesamentlike handtekeninge van die rekenpligtige beampte en 'n ander lid van die personeel van die Owerheid wat deur die Raad aangewys is, uitgereik is.
- 35

Jaarverslag

16. (1) Die Raad moet—
- 40 (a) die Minister van die inligting en besonderhede voorsien wat hy of sy skriftelik vereis met betrekking tot die aktiwiteite van die Owerheid; en
- (b) sodra dit na die einde van elke boekjaar redelik doenlik is, maar in elk geval binne drie maande na die einde van die boekjaar, die Minister voorsien van 'n afskrif van—
- 45 (i) die jaarverslag van die Owerheid;
- (ii) die finansiële state van die Owerheid bedoel in artikel 40(1)(e) van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999); en
- (iii) die Ouditeur-generaal se verslag oor daardie state.
- (2) By die toepassing van hierdie artikel moet die jaarverslag in subartikel (1)(b)(i) bedoel onder andere—
- 50 (a) inligting insluit aangaande lisensies wat toegestaan, hernu, gewysig, oorge- dra, opgeskort of herroep is; en
- (b) die ander inligting insluit wat die Minister skriftelik vereis.
- (3) Die Minister moet 'n afskrif van die jaarverslag binne 30 dae nadat dit deur hom of haar ontvang is in die Parlement ter tafel lê indien die Parlement dan in sitting is en, indien die Parlement nie in sitting is nie, binne 14 dae na die daaropvolgende sitting van die Parlement.
- 55

CHAPTER III**COMMITTEES****Standing and special committees**

17. (1) The Council may establish standing committees or special committees for such purposes as the Council may deem necessary with a view to assisting it in the effective exercise and performance of its powers and duties. 5
- (2) Each committee established in terms of this section must consist of—
- (a) one or more councillors designated by the Council; and
 - (b) such additional members as the Council may determine.
- (3) The additional members referred to in subsection (2)(b) must be persons who— 10
- (a) are not subject to any disqualification contemplated in section 6(1)(d) to (l); and
 - (b) on account of their expertise, qualifications and experience are suited to serve on the relevant committee.
- (4) The Council must appoint the chairperson of each committee from the councillors designated in terms of subsection (2)(a). 15
- (5) A committee must perform such functions as may be delegated or assigned to it.
- (6) The meetings of a committee (including any special meetings) must be convened by the chairperson, who determines the procedure at the meeting.
- (7) Section 11 is applicable, with the necessary changes, as regards the meetings of any committee. 20
- (8) The members of any committee, including the Broadcasting Technical Committee and Broadcasting Monitoring and Complaints Committee referred to in section 21 of the IBA Act, who are not councillors or members of the staff of the Authority must be paid such remuneration and allowances as the Council determines. 25
- (9) For purposes of subsection (8), the Council may differentiate between different committees and different members thereof.

CHAPTER IV**TRANSITIONAL PROVISIONS****Dissolution of IBA and SATRA, and first meeting of Council** 30

18. (1) The IBA and SATRA are hereby dissolved with effect from the establishment date.
- (2) (a) The councillors of the Council referred to in section 3(2) of the IBA Act and the councillors of the Council referred to in section 6 of the Telecommunications Act remain in office until immediately before the commencement of the first meeting of the Council. 35
- (b) If any councillor contemplated in paragraph (a) is not appointed in terms of section 5, the termination of that person's tenure of office must be dealt with in accordance with any terms and conditions relating to such termination in the agreement governing his or her appointment as councillor. 40
- (c) If the agreement does not contain any such terms and conditions, that person's position must be considered by the Minister in concurrence with the Minister of Finance in the light of all relevant circumstances, including—
- (i) the legitimate expectations of the councillor;
 - (ii) any financial constraints on expenditure by the Authority; 45
 - (iii) the prospect of further employment of that person.
- (d) If the councillor is not satisfied with any offer made by the Minister, the matter must be referred to arbitration in terms of the Arbitration Act, 1965 (Act No. 42 of 1965).
- (3) The first meeting of the first Council constituted in terms of section 5 must be held within three months of the establishment date. 50

Transfer of staff

19. (1) (a) Every person appointed under section 14 of the IBA Act, and every person appointed under or transferred in terms of section 17 of the Telecommunications Act,

HOOFSTUK III

KOMITEES

Staaende en spesiale komitees

17. (1) Die Raad kan staande komitees of spesiale komitees instel vir die doeleindes
5 wat die Raad nodig ag ten einde hom behulpsaam te wees met die doeltreffende
uitoefening en verrigting van sy bevoegdhede en pligte.
- (2) Elke komitee ingestel ingevolge hierdie artikel bestaan uit—
(a) een of meer raadslede wat deur die Raad aangewys is; en
(b) die bykomende lede wat die Raad bepaal.
- 10 (3) Die bykomende lede bedoel in subartikel (2)(b), moet persone wees—
(a) wat nie onderworpe is aan enige diskwalifikasie beoog in artikel 6(1)(d) tot
(l) nie; en
(b) wat op grond van hulle kundigheid, kwalifikasies en ondervinding geskik is
om in die tersaaklike komitee te dien.
- 15 (4) Die Raad moet die voorsitter van elke komitee aanstel uit die geledere van die
raadslede wat ingevolge subartikel (2)(a) aangewys is.
- (5) 'n Komitee moet die werksaamhede verrig wat aan hom gedelegeer of toegewys
is.
- (6) Die vergaderings van 'n komitee (met inbegrip van enige spesiale vergaderings)
20 moet deur die voorsitter belê word, wat die prosedure by die vergadering bepaal.
- (7) Artikel 11 is met die nodige veranderinge ten opsigte van die vergaderings van
'n komitee van toepassing.
- (8) Die lede van 'n komitee, met inbegrip van die Uitsaai- Tegnieke Komitee en die
Uitsaaimoniterings- en -klagteskomitee bedoel in artikel 21 van die OUO-wet, wat nie
25 raadslede of lede van die personeel van die Owerheid is nie, moet die besoldiging en
toelaes betaal word wat die Raad bepaal.
- (9) By die toepassing van subartikel (8) kan die Raad 'n onderskeid tref tussen
verskillende komitees en verskillende lede daarvan.

HOOFSTUK IV

30

OORGANGSBEPALINGS

Ontbinding van OUO en Satro, en eerste vergadering van Raad

18. (1) Die OUO en Satro word hierby ontbind met ingang van die instellingsdatum.
- (2) (a) Die raadslede van die Raad bedoel in artikel 3(2) van die OUO-wet en die
raadslede van die Raad bedoel in artikel 6 van die Telekommunikasiewet bly in die amp
35 aan tot onmiddellik voor die aanvang van die eerste vergadering van die Raad.
- (b) Indien 'n raadslid in paragraaf (a) bedoel nie ingevolge artikel 5 aangestel word
nie moet daar met die beëindiging van daardie persoon se ampstermyn gehandel word
ooreenkomstig enige bedinge en voorwaardes betreffende sodanige beëindiging in die
ooreenkoms wat sy of haar aanstelling as raadslid reël.
- 40 (c) Indien die ooreenkoms nie enige sodanige bedinge en voorwaardes bevat nie,
moet daardie persoon se posisie oorweeg word deur die Minister met die instemming
van die Minister van Finansies in die lig van alle tersaaklike omstandighede, met
inbegrip van—
(i) die regmatige verwagtinge van die raadslid;
45 (ii) enige finansiële beperkinge op die uitgawes van die Owerheid;
(iii) die vooruitsigte van verdere indiensneming van daardie persoon.
- (d) Indien die raadslid nie met 'n aanbod wat deur die Minister gemaak word,
tevrede is nie moet die aangeleentheid ingevolge die Wet op Arbitrasie, 1965 (Wet No.
42 van 1965), vir arbitrasie verwys word.
- 50 (3) Die eerste vergadering van die Raad saamgestel ingevolge artikel 5 moet binne
drie maande na die instellingsdatum gehou word.

Oorplasing van personeel

19. (1) (a) Elke persoon wat kragtens artikel 14 van die OUO-wet aangestel is en
elke persoon wat ingevolge artikel 17 van die Telekommunikasiewet aangestel of
55 oorgeplaas is, en wat onmiddellik voor die instellingsdatum in diens van die OUO of

who is in the service of the IBA and SATRA immediately before the establishment date, is, as from that date, hereby transferred to the service of the Authority.

(b) Every person so transferred must be regarded as having been appointed in terms of section 14.

(2) The remuneration and other terms and conditions of service of any person transferred as contemplated in subsection (1) may not be less favourable than the remuneration, terms and conditions applicable to that person immediately before the establishment date and he or she remains entitled to all rights, benefits and privileges to which he or she was entitled immediately before that date, including, where applicable—

- (a) membership of a pension fund;
- (b) membership of a medical aid scheme;
- (c) employer contributions in connection with the memberships contemplated in paragraphs (a) and (b);
- (d) accrued pensionable service;
- (e) accrued leave benefits; and
- (f) retirement at a specific age.

(3) Any person transferred to the service of the Authority as contemplated in subsection (1), who immediately before such transfer was a member of a pension fund of any former authority, remains a member of that pension fund upon such transfer despite any provision to the contrary in any law or in the rules of that pension fund and the Authority must contribute to the pension fund in respect of that person to the same extent as an employer is required in terms of the laws and rules regulating that pension fund to contribute in respect of an employee who is a member of that fund.

(4) For purposes of the Income Tax Act, 1962 (Act No. 58 of 1962), no change of employer must be regarded as having taken place when a person is transferred to the service of the Authority as contemplated in subsection (1) and the position of those persons in respect of the phasing-in of tax levied on benefits or advantages derived by reason of employment or the holding of any office as contemplated in Schedule 7 to the Income Tax Act, 1962, must be regarded as remaining unchanged.

Passing of assets and liabilities to Authority

20. (1) All assets, rights, liabilities and obligations which, immediately before the establishment date, vest in the former authorities pass to the Authority on that date.

(2) The registrar of deeds must make the necessary entries or endorsements for the transfer of any property in terms of subsection (1), and no transfer fee, office fee or other charge is payable in respect of that entry or endorsement.

(3) All licences issued, rights granted and undertakings given by the former authorities by or under the underlying statutes must be regarded to have been issued, granted or given by the Authority.

Pending matters

21. (1) Any application, proceedings or similar matter pending before the former authorities at the establishment date must be dealt with by the Authority under the relevant underlying statute.

(2) Any order, ruling or direction made or given by the former authorities immediately before the establishment date must be regarded as having been made or given by the Authority.

Savings

22. (1) Anything done before the commencement of this Act under or in terms of a provision repealed or amended by this Act must be regarded, unless clearly inappropriate, to have been done under or in terms of the corresponding provision of this Act.

(2) Any reference to any of the former authorities in any law must be regarded, unless clearly inappropriate, to be a reference to the Authority.

(3) The Authority is the legal successor of the former authorities.

Satro is, word hierby, soos vanaf daardie datum, oorgeplaas na die diens van die Owerheid.

(b) Elke persoon aldus oorgeplaas, moet beskou word as aangestel te wees ingevolge artikel 14.

- 5 (2) Die besoldiging en ander bedinge en voorwaardes van diens van enige persoon oorgeplaas soos beoog in subartikel (1) mag nie minder gunstig wees as die vergoeding, bedinge en voorwaardes van toepassing op daardie persoon onmiddellik voor die instellingsdatum nie en hy of sy bly geregtig op alle regte, voordele en voorregte waarop hy of sy onmiddellik voor daardie datum geregtig was, met inbegrip van, waar
10 van toepassing—

- (a) lidmaatskap van 'n pensioenfonds;
- (b) lidmaatskap van 'n mediese hulpskema;
- (c) werkgewersbydraes met betrekking tot die lidmaatskap beoog in paragrawe (a) en (b);
- 15 (d) opgelope pensioengewende diens;
- (e) opgelope verlofvoordele; en
- (f) aftrede op 'n bepaalde ouderdom.

- (3) Enige persoon wat na die diens van die Owerheid oorgeplaas is soos beoog in subartikel (1) en wat onmiddellik voor sodanige oorplasing 'n lid was van 'n
20 pensioenfonds van enige voormalige owerheid bly, ondanks enige andersluidende bepaling in enige wet of in die reëls van daardie pensioenfonds, 'n lid van daardie pensioenfonds by sodanige oorplasing en die Owerheid dra in dieselfde mate ten opsigte van daardie persoon tot die pensioenfonds by as wat 'n werkgewer ingevolge die wette en reëls wat daardie pensioenfonds reguleer, moet bydra ten opsigte van 'n
25 werkgewer wat 'n lid van daardie fonds is.

- (4) By die toepassing van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), word daar geag dat geen verandering van werkgewer plaasgevind het wanneer iemand na die diens van die Owerheid soos beoog in subartikel (1) oorgeplaas word nie en die posisie van daardie persone ten opsigte van die infasering van belasting gehef op
30 voordele of gewin verkry vanweë diens of die bekleding van 'n amp soos beoog in Bylae 7 by die Inkomstebelastingwet, 1962, word geag onveranderd te bly.

Oordra van bates en laste op Owerheid

20. (1) Alle bates, regte, laste en verpligtinge wat onmiddellik voor die instellingsdatum by die voormalige owerhede berus het, word op daardie datum op die Owerheid
35 oorgedra.

(2) Die registrateur van aktes moet die nodige inskrywings of endossemente aanbring vir die oordrag van enige eiendom ingevolge subartikel (1), en geen oordraggelde, kantoorgelde of ander heffing is betaalbaar ten opsigte van daardie inskrywing of endossement nie.

- 40 (3) Alle lisensies uitgereik, regte toegeken en ondernemings gegee deur die voormalige owerhede by of kragtens die onderliggende wette word geag deur die Owerheid uitgereik, toegeken of gegee te gewees het.

Onafgehandelde sake

21. (1) Enige aansoek, verrigtinge of soortgelyke aangeleentheid hangende voor die
45 voormalige owerhede op die instellingsdatum moet kragtens die tersaaklike onderliggende wet deur die Owerheid gehanteer word.

(2) Enige bevel, beslissing of opdrag deur die voormalige owerhede onmiddellik voor die instellingsdatum gemaak of gegee, moet beskou word as gemaak of gegee te gewees het deur die Owerheid.

50 Voorbehoude

22. (1) Enigiets wat voor die inwerkingtreding van hierdie Wet kragtens of ingevolge 'n bepaling wat deur hierdie Wet herroep of gewysig word, gedoen is, word tensy duidelik onvanpas geag kragtens of ingevolge die ooreenstemmende bepaling van hierdie Wet gedoen te gewees het.

- 55 (2) 'n Verwysing na enige van die voormalige owerhede in 'n wet word tensy duidelik onvanpas geag 'n verwysing na die Owerheid te wees.

(3) Die Owerheid is die regsopvolger van die voormalige owerhede.

CHAPTER V

GENERAL

Repeal and amendment of laws

23. The laws specified in the second column of Schedule 1 are hereby repealed or amended to the extent indicated in the third column thereof. 5

Application of Act

24. In the event of any conflict between the provisions of this Act and any other prior law relating to the regulation of broadcasting and telecommunications, the provisions of this Act prevail.

Short title and commencement 10

25. This Act is called the Independent Communications Authority of South Africa Act, 2000, and comes into operation on a date fixed by the President by proclamation in the *Gazette*, except section 18(2) which must be regarded as having come into operation on 30 March 2000.

WET OP DIE ONAFHANKLIKE KOMMUNIKASIE-OWERHEID Wet No. 13, 2000
VAN SUID-AFRIKA, 2000

HOOFSTUK V

ALGEMEEN

Herroeping en wysiging van wette

23. Die wette vermeld in die tweede kolom van Bylae 1 word hierby herroep of
5 gewysig in die mate aangedui in die derde kolom daarvan.

Toepassing van Wet

24. In die geval van enige strydigheid tussen die bepalings van hierdie Wet en enige
ander vroeëre wet betreffende die regulering van die uitsaai- en telekommuni-
kasiewese, gee die bepalings van hierdie Wet deurslag.

10 Kort titel en inwerkingtreding

25. Hierdie Wet heet die Wet op die Onafhanklike Kommunikasie-owerheid van
Suid-Afrika, 2000, en tree in werking op 'n datum deur die President by proklamasie
in die *Staatskoerant* bepaal, behalwe artikel 18(2) wat geag moet word op 30 Maart
2000 in werking te getree het.

Schedule 1

LAWS AMENDED OR REPEALED

No. and year of law	Short title	Extent of amendment or repeal
Act No. 153 of 1993	Independent Broadcasting Act, 1993	1. The amendment of section 1 by the substitution for the definitions of "Authority", "chairperson", "Council" and "councillor" of the following definitions, respectively: (a) " 'Authority' means the <u>Independent Communications Authority of South Africa established by section 3 of the Independent Communications Authority of South Africa Act, 2000;</u>"; (b) " 'chairperson' means the chairperson appointed under section 5(2) of the <u>Independent Communications Authority of South Africa Act, 2000;</u>"; (c) " 'Council' means the Council contemplated in section 3(2) of the <u>Independent Communications Authority of South Africa Act, 2000;</u>"; (d) " 'councillor' means any councillor appointed under section 5(1) of the <u>Independent Communications Authority of South Africa Act, 2000;</u>". 2. The amendment of section 2 by the insertion of the following paragraph after paragraph (g): "(gA) promote the empowerment and advancement of women in the broadcasting services;" 3. The repeal of section 3. 4. The repeal of section 4. 5. The repeal of section 5. 6. The repeal of section 6. 7. The repeal of section 7. 8. The repeal of section 8. 9. The repeal of section 9. 10. The repeal of section 10. 11. The repeal of section 11. 12. The repeal of section 12. 13. The amendment of section 13 by the deletion of subsection (2). 14. The amendment of section 13A by the deletion of subsection (9). 15. The repeal of section 14. 16. The repeal of section 15. 17. The repeal of section 17(2). 18. The repeal of section 18. 19. The repeal of section 19. 20. The repeal of section 20. 21. The amendment of section 21 by the deletion of subsection (2). 22. The amendment of section 22 by the deletion of subsections (1), (2) and (3)(b). 23. The repeal of section 23. 24. The repeal of section 24. 25. The repeal of section 25. 26. The repeal of section 26. 27. The amendment of section 29 by the deletion of subsection (4)(a) and (b). 28. The amendment of section 67 by the deletion of subsection (1).

WET OP DIE ONAFHANKLIKE KOMMUNIKASIE-OWERHEID **Wet No. 13, 2000**
VAN SUID-AFRIKA, 2000

Bylae 1

WETTE GEWYSIG OF HERROEP

No. en jaar van wet	Kort titel	Mate waarin gewysig of herroep
Wet No. 153 van 1993	Wet op die Onafhanklike Uitsaai-owerheid, 1993	1. Die wysiging van artikel 1 deur die omskrywings van "Owerheid", "Raad", "raads-lid" en "voorsitter" deur onderskeidelik die volgende omskrywings te vervang: (a) " 'Owerheid' die Onafhanklike Kommunikasie-owerheid van Suid-Afrika ingestel by artikel 3 van die Wet op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika, 2000;" (b) " 'Raad' die Raad beoog in artikel 3(2) van die Wet op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika, 2000;" (c) " 'raadslid' enige raadslid kragtens artikel 5(1) van die Wet op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika, 2000, aangestel;" (d) " 'voorsitter' die voorsitter aangestel kragtens artikel 5(2) van die Wet op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika, 2000;" 2. Die wysiging van artikel 2 deur die invoeging van die volgende paragraaf na paragraaf (g): "(gA) die bemagtiging en vooruitgang van vroue in die uitsaaiwese te bevorder;" 3. Die herroeping van artikel 3. 4. Die herroeping van artikel 4. 5. Die herroeping van artikel 5. 6. Die herroeping van artikel 6. 7. Die herroeping van artikel 7. 8. Die herroeping van artikel 8. 9. Die herroeping van artikel 9. 10. Die herroeping van artikel 10. 11. Die herroeping van artikel 11. 12. Die herroeping van artikel 12. 13. Die wysiging van artikel 13 deur sub-artikel (2) te skrap. 14. Die wysiging van artikel 13A deur sub-artikel (9) te skrap. 15. Die herroeping van artikel 14. 16. Die herroeping van artikel 15. 17. Die herroeping van artikel 17(2). 18. Die herroeping van artikel 18. 19. Die herroeping van artikel 19. 20. Die herroeping van artikel 20. 21. Die wysiging van artikel 21 deur sub-artikel (2) te skrap. 22. Die wysiging van artikel 22 deur die skrapping van subartikels (1), (2) en (3)(b). 23. Die herroeping van artikel 23. 24. Die herroeping van artikel 24. 25. Die herroeping van artikel 25. 26. Die herroeping van artikel 26. 27. Die wysiging van artikel 29 deur sub-artikel (4)(a) en (b) te skrap. 28. Die wysiging van artikel 67 deur sub-artikel (1) te skrap.

Act No. 13, 2000

INDEPENDENT COMMUNICATIONS AUTHORITY
OF SOUTH AFRICA ACT, 2000

No. and year of law	Short title	Extent of amendment or repeal
Act No. 103 of 1996	Telecommunications Act, 1996	1. The amendment of section 1— (a) by the substitution for the definitions of “Authority”, “Council” and “councillor” of the following definitions, respectively: (i) “ ‘Authority’ means the Independent Communications Authority of South Africa established by section 3 of the Independent Communications Authority of South Africa Act, 2000;”; (ii) “ ‘Council’ means the Council contemplated in section 3(2) of the Independent Communications Authority of South Africa Act, 2000;”; (iii) “ ‘councillor’ means any councillor appointed under section 5(1) of the Independent Communications Authority of South Africa Act, 2000;”; (b) by the insertion after the definition of “broadcasting signal distribution” of the following definition: “ ‘chairperson’ means the chairperson appointed under section 5(2) of the Independent Communications Authority of South Africa Act, 2000;”; (c) by the deletion of the definition of “family member.”. 2. The amendment of section 5 by the deletion of subsections (1), (2) and (3). 3. The repeal of section 6. 4. The repeal of section 7. 5. The repeal of section 8. 6. The repeal of section 9. 7. The repeal of section 10. 8. The repeal of section 11. 9. The repeal of section 12. 10. The repeal of section 13. 11. The repeal of section 14. 12. The repeal of section 15. 13. The repeal of section 16. 14. The repeal of section 17. 15. The repeal of section 18. 16. The repeal of section 19. 17. The repeal of section 20. 18. The repeal of section 21. 19. The repeal of section 22. 20. The repeal of section 23. 21. The repeal of section 24. 22. The repeal of section 25. 23. The amendment of section 28 by the deletion of subsection (3). 24. The amendment of section 94 by the deletion of the expression “Authority and” wherever it appears in the heading and in subsections (1), (2) and (3).
Act No. 4 of 1999	Broadcasting Act, 1999	1. The amendment of section 1 by the substitution for the definition of “Authority” of the following definition: “ ‘Authority’ means the Independent Communications Authority of South Africa established by section 3 of the Independent Communications Authority of South Africa Act, 2000;”.

WET OP DIE ONAFHANKLIKE KOMMUNIKASIE-OWERHEID Wet No. 13, 2000
VAN SUID-AFRIKA, 2000

No. en jaar van wet	Kort titel	Mate waarin gewysig of herroep
Wet No. 103 van 1996	Telekommunikasiewet, 1996,	1. Die wysiging van artikel 1— (a) deur die omskrywings van “Owerheid”, “Raad” en “raadslid” deur onderskeidelik die volgende omskrywings te vervang: (i) “ ‘Owerheid’ die Onafhanklike Kommunikasie-owerheid van Suid-Afrika ingestel by artikel 3 van die Wet op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika, 2000;”; (ii) “ ‘Raad’ die Raad beoog in artikel 3(2) van die Wet op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika, 2000;”; (iii) “ ‘raadslid’ enige raadslid kragtens artikel 5(1) van die Wet op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika, 2000, aangestel;”; (b) deur die volgende omskrywing by te voeg: “ ‘voorsitter’ die voorsitter aangestel kragtens artikel 5(2) van die Wet op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika, 2000;”; (c) deur die omskrywing van “gesinslid” te skrap. 2. Die wysiging van artikel 5 deur die skraping van subartikels (1), (2) en (3). 3. Die herroeping van artikel 6. 4. Die herroeping van artikel 7. 5. Die herroeping van artikel 8. 6. Die herroeping van artikel 9. 7. Die herroeping van artikel 10. 8. Die herroeping van artikel 11. 9. Die herroeping van artikel 12. 10. Die herroeping van artikel 13. 11. Die herroeping van artikel 14. 12. Die herroeping van artikel 15. 13. Die herroeping van artikel 16. 14. Die herroeping van artikel 17. 15. Die herroeping van artikel 18. 16. Die herroeping van artikel 19. 17. Die herroeping van artikel 20. 18. Die herroeping van artikel 21. 19. Die herroeping van artikel 22. 20. Die herroeping van artikel 23. 21. Die herroeping van artikel 24. 22. Die herroeping van artikel 25. 23. Die wysiging van artikel 28 deur die skraping van subartikel (3). 24. Die wysiging van artikel 94 deur die skraping van die woorde “Owerheid en” waar dit ook al in die opskrif en in subartikels (1), (2) en (3) voorkom.
Wet No. 4 van 1999	Uitsaaiwet, 1999	1. Die wysiging van artikel 1 deur die omskrywing van “Owerheid” deur die volgende omskrywing te vervang: “ ‘Owerheid’ die Onafhanklike Kommunikasie-owerheid van Suid-Afrika ingestel by artikel 3 van die Wet op die Onafhanklike Kommunikasie-owerheid van Suid-Afrika, 2000;”.

Schedule 2**DETERMINATION BY LOT FOR PURPOSES OF SECTION 7(2)(b)**

1. Upon having appointed the six other councillors in terms of section 5 of this Act, the National Assembly must forthwith proceed, in an open and transparent manner, to determine by lot, as required by section 7(2)(b) of this Act, which three of such six other councillors must vacate their offices upon the expiration of two years after their appointment, for which purpose the National Assembly must designate from its own number the person who must conduct the lot (hereinafter referred to as the designated person).

2. The designated person must thereupon ensure that the name of each one of the six other councillors is written on a separate piece of paper of equal size and identical shape and colour.

3. The designated person must thereafter display the six pieces of paper contemplated in item 2 to every person who is present at the place where the lot is being conducted and who is desirous of inspecting any such piece of paper.

4. The designated person must thereafter fold every such piece of paper in such a manner that the name thereon is not visible, and place all such pieces of paper in an empty container.

5. The designated person must thereupon appoint an impartial person (hereinafter referred to as the drawer) to draw three pieces of paper from the said container.

6. The designated person must thereafter shake the container in such a manner as to thoroughly mix the pieces of paper therein, and must hold such container in such a position that the drawer is unable to see the pieces of paper inside.

7. The drawer must thereafter draw three pieces of paper from such container and hand them to the designated person without unfolding any of them.

8. The designated person must then unfold each of the three pieces of paper handed to him or her as contemplated in item 7, read out the names written thereon and display every such piece of paper to every person who is present at the place where the lot is being conducted and who is desirous of inspecting the same.

9. The three persons whose names have been so drawn, must vacate their offices as councillors two years after the date of their appointment as such.

Bylae 2**BEPALING DEUR LOTSBESLISSING VIR DOELEINDES VAN ARTIKEL 7(2)(b)**

1. Nadat die ses ander raadslede ingevolge artikel 5 van hierdie Wet aangestel is, gaan die Nasionale Vergadering onverwyld daartoe oor om op openlike en deursigtige wyse, deur middel van lotsbeslissing soos in artikel 7(2)(c) van hierdie Wet vereis, te bepaal welke drie van die ses ander raadslede hulle ampte na verloop van twee jaar na aanstelling ontruim, vir welke doel die Nasionale Vergadering uit eie geledere iemand aanwys om die lot te werp (hieronder die aangewese persoon genoem).

2. Die aangewese persoon moet daarop seker maak dat die naam van elkeen van die ses ander raadslede op 'n afsonderlike stuk papier van gelyke grootte en identiese fatsoen en kleur geskryf word.

3. Die aangewese persoon vertoon daarna die ses stukke papier in item 2 beoog aan elke persoon wat teenwoordig is by die plek waar die lot gewerp word en wat sodanige stuk papier wil ondersoek.

4. Die aangewese persoon vou daarna elke sodanige stuk papier op so 'n wyse dat die naam daarop nie sigbaar is nie, en plaas al sodanige stukke papier in 'n leë houer.

5. Die aangewese persoon stel daarop 'n onpartydige persoon aan (hieronder die trekker genoem) om drie stukke papier uit bedoelde houer te trek.

6. Die aangewese persoon skud daarna die houer op so 'n wyse dat die stukke papier daarin deeglik deurmekaar geskommel word, en hou die houer in so 'n posisie dat die trekker nie die stukke papier daarbinne kan sien nie.

7. Die trekker trek daarna drie stukke papier uit sodanige houer en oorhandig hulle aan die aangewese persoon sonder om enige van hulle oop te vou.

8. Die aangewese persoon vou dan elk van die drie stukke papier oop wat, soos in item 7 beoog, aan hom of haar oorhandig is, lees die name wat daarop geskryf is uit, en vertoon elke sodanige stuk papier aan elkeen wat teenwoordig is by die plek waar die lot gewerp word en wat dit wil ondersoek.

9. Die drie persone wie se name aldus getrek is, ontruim hulle ampte as raadslede twee jaar nadat hulle as sodanig aangestel is.

