



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 693

28

March
Maart

2023

No. 48316



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ISSN 1682-5845



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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES**NO. 3206****28 March 2023****DIRECTIONS REGARDING THE COMMUNICATIONS AND DIGITAL TECHNOLOGIES SECTOR**

I, Mondli Gungubele, Minister of Communications and Digital Technologies hereby issue the Directions set out in the Schedule in terms of regulation 5(1) of the Regulations issued by the Minister of Cooperative Governance and Traditional Affairs in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) and published on 27 February 2023 in Government Notice No. R. 3095 of Government *Gazette* No. 48152.



MR. MONDLI GUNGUBELE, MP
MINISTER OF COMMUNICATIONS AND DIGITAL TECHNOLOGIES
DATE: 28/03/2023

SCHEDULE

1. Definitions

In these Directions, a word or expression to which a meaning has been assigned in the Electronic Communications Act, 2005 (Act No. 36 of 2005) and the Disaster Regulations bears the meaning so assigned and, unless the context otherwise indicates—

“Disaster Regulations” means the Regulations issued in terms of section 27(2) of the Disaster Management Act and published on 27 February 2023 in Government Notice No. R. 3095 of Government *Gazette* No. 48152.

2. Purpose

The purpose of these Directions is to ensure that measures are taken in respect of the communications and digital technologies sector to effectively deal with the effects of the national state of disaster and where applicable prevent the escalation of the electricity supply constraints.

3. Directions to the Independent Communications Authority of South Africa

3.1 The Minister directs the Independent Communications Authority of South Africa (the “Authority”), to urgently consider the following interventions:

- (a) Require electronic communications service and electronic communications network service licensees that are mobile network operators and broadcasting service licensees to issue public service announcements on the national state of disaster, at no cost to the user, after consultation with the Government Communications and Information System;
- (b) consult with electronic communications service, electronic communications network service and broadcasting service licensees on what constitutes critical electronic communications and broadcasting infrastructure and make recommendations to the Minister, to enable the Minister to inform the relevant Cabinet member regarding the granting of exemptions from load-shedding or reduced load shedding, as contemplated in regulation 5(1)(b) of the Disaster Regulations; and
- (c) consult with electronic communications service, electronic communications network service and broadcasting service licensees on regulatory obligations that could be relaxed for the purposes of giving effect to the objects set out in the Disaster Regulations and make recommendations to the Minister, to enable the Minister to consider further directions to the Authority.

3.2 The Minister further directs that the Authority’s approach in respect of the consultation contemplated in paragraph 3.1(b) and (c) should be guided by -

- (a) a consideration of the degree to which compliance with regulatory obligations by licensees is dependent upon access to a consistent electricity supply;
- (b) measures necessary to effectively deal with the direct or indirect effects of the disaster; or

- (c) measures necessary to assist in preventing the escalation of the electricity supply constraints or in reducing its impact.

3.3 The Authority is requested to assess the impact of the interventions contemplated herein following its implementation, in order to make recommendations to the Minister on further actions required.

COMMENCEMENT

4. These Directions come into operation on the date of publication in the *Government Gazette*.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065