



MINISTRY
COMMUNICATIONS AND DIGITAL TECHNOLOGIES
REPUBLIC OF SOUTH AFRICA

Private Bag X860, PRETORIA, 0001 – iParioli Office Park, 1166 Park, Hatfield, PRETORIA
Tel: +27 12 427 8000 – Fax +27 12 427 8016 – Email: Media@DCDT.gov.za URL: www.dcdt.gov.za

MEDIA STATEMENT

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High Court Judgement on eTV's vs Minister of Communications and Digital Technologies re Final Date for Analogue Switch-Off in South Africa

The Minister of Communications and Digital Technologies, Minister Khumbudzo Ntshavheni notes and accepts the Ruling of the High Court Gauteng Division, Pretoria on the e-TV and others vs Minister of Communications and Digital Technologies and others. Minister Ntshavheni is elated that the applications of e-TV and the intervening parties have been dismissed with costs. She urges e-TV to accept the ruling of the Court and desist from further attempts to derail the process of digital migration which will release the much-anticipated high frequency spectrum.

Minister Ntshavheni welcomes the deferment on the Analogue Switch Off Date from 31st March 2022 to 30 June 2022. This deferment is to give government sufficient time to complete installations of Set Top Boxes (STB) for households who have timeously registered and thus are entitled to receive their STBs before the analogue switch off. The 30 June 2022 date coincides with the date ICASA had determined and announced as the end of transition period for the broadcasting services and signal distributors to vacate the 800MHz – 700MHz band. The Minister deems it significant that the Court has concurred with her and the other respondents that digital migration must be concluded, and the country must have a set date.

Furthermore, Minister Ntshavheni is pleased that the Court, through this judgement, has confirmed that:

- (a) Rights are reciprocal and for every right, there is an obligation. This affirms Minister Ntshavheni's publicly expressed view that government has a responsibility to assist only households that register and fulfil requirements for government assistance. In this regard, the Minister urges all South Africans who earn less than R3500 per month to register for government assistance at their nearest Post Office or online (www.STBregistrations.gov.za).
- (b) The government's responsibility to assist households still watching TV-via- analogue transmitters is limited to those households that meet the government set criteria and register for such assistance. In addition, government had clearly articulated the criteria for those who will qualify for government support.
- (c) It would be unreasonable to allow for a situation where an unknown variable (the unregistering households) is allowed to hold up a process that will eventually be of benefit to all citizens and where government must meet its international obligations. To avoid missing households, the Minister urges the SaveFreeToAirTV Coalition to redirect its energies towards mobilising the qualifying households to register for government assistance.
- (d) The government has done enough within its powers to help the qualifying households to realise their right to freedom of expression including freedom to receive information.
- (e) It is near impossible for government to establish who else qualifies for a STB without the affected households registering, as not all indigent households own an analogue TV and not all households that own an analogue TV are indigent.
- (f) eTv's disagreement with the process followed and preference for a process that serves its commercial interests does not require further consultation opportunities. Furthermore, eTv cannot dispute its inclusion in several satisfactory consultations over many years regarding the process of digital migration.
- (g) The formulation of policy is an executive competency and the duty to consult will only arise in circumstances where it would be irrational to take a decision without further input from industry experts.

- (h) There is nothing that prevents the Minister from determining and announcing the switch-off date as 31 March 2022.
- (i) It is in the interest of the country, the economy and South Africans in general that the Digital Migration be finalised.

The Department of Communications and Digital Technologies remains committed to ensure that the 507 251 households that registered by the 31 October 2021 are connected by no later than 30 June 2022, which is the date the court has deferred Analogue Switch Off date to. In addition, the Department will ensure that 260 868 households that registered between 31st October 2021 and 10 March 2022 are connected to their STBs by no later than 30 September 2022.

Enquiries: Tlangelani Manganyi (Tlangi) 060-886-4670

E-mail: Media@DCDT.gov.za

Facebook: Department of Communications & Digital Technologies.

Twitter: @CommsZA

Issued on behalf of the Minister of Communications and Digital Technologies