



Independent Communications Authority of South Africa

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Attention: Mr Titus Mchunu

Mchunu Attorneys
160 Jan Smuts Avenue
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Per Email: titus@mchunu.co.za

RE: THE TRUSTEES FOR THE TIME BEING OF THE MEDIA MONITORING PROJECT BENEFIT TRUST AND OTHERS // SABC

1. The Authority confirms receipt of your letter dated 14 July 2016 and wishes to respond thereto as follows:
 - 1.1 It is correct that the findings handed down on 11 July 2016, constitute a decision of the Authority. It will be remembered that the decision was communicated by acting Council chairperson, Councillor Reuben Mohlaloga, who as you would know, is not a member of the Complaints and Compliance Committee (CCC).
 - 1.2 The decision as communicated by Councillor Mohlaloga, follows a process where the CCC submitted its findings to the Authority together with the record of proceedings and the Council meeting on 11 July 2016 where the above matter was considered.
 - 1.3 The meeting was constituted of the following Council members:
 - 1.3.1 Councillor Rubben Mohlaloga;
 - 1.3.2 Councillor Botlenyana Mokhele;
 - 1.3.3 Councillor Peter Zimri;
 - 1.3.4 Councillor Keabetswe Modimoeng;
 - 1.3.5 Councillor Paris Mashile; and
 - 1.3.6 Councillor Nomvuyiso Batyi.

- 1.4 At this Council meeting, all the members of Council unanimously accepted the recommendations of the CCC.
- 1.5 Given the urgent nature of the matter as well as its importance, the Authority communicated its acceptance of the CCC recommendations verbally and immediately upon reaching a decision, in other words directing the SABC and serving the order to the SABC as set out in paragraph 1.6 below.
- 1.6 To reiterate the Authority's position and its direction to the SABC for the avoidance of doubt:
 - 1.6.1 it has recognized the nature and gravity of non-compliance by the SABC;
 - 1.6.2 it has recognized the consequences of the non-compliance by the SABC;
 - 1.6.3 it has recognized the circumstances under which the non-compliance occurred;
 - 1.6.4 it directs the SABC to desist from any further contravention;
 - 1.6.5 it directs the SABC to withdraw its resolution as published in its statement of 26 May 2016, which states that the SABC will no longer broadcast footage of destruction of public property during protests;
 - 1.6.6 it directs the SABC to implement the withdrawal retrospectively from the date when the resolution was taken on 26 May 2016; and
 - 1.6.7 it directs the Chairperson of the SABC Board to confirm in writing to Council via the Office of the CCC Coordinator within seven (7) calendar days from the date on which the order is served that the resolution was taken as ordered.
- 1.7 Finally, we confirm that the Authority is not in a position to provide you with the minutes of its meeting as the minutes are unsigned and will only be signed at the next sitting of Council. As a result, the minutes are not confirmed and for that reason cannot be disclosed.

1.8 Please find the signed Council Resolution attached herewith.

1.9 We trust you find the above in order.

Yours faithfully,

Rubben Mohlaloga
Acting Chairperson

18 July 2016

Sent electronically without signature

cc: Webber Wentzel

Rofhiwa Nemokula

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cc: Dario Milo

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