

NATIONAL ASSEMBLY
QUESTION FOR WRITTEN REPLY
QUESTION NUMBER: 1386 [NW1751E]
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1386. Mrs M R Shinn (DA) to ask the Minister of Finance:

Is the National Treasury in discussion with the Independent Communications Authority of South Africa (ICASA) to devise a new mechanism for wireless spectrum fee payments by (a) noncommercial entities and (b) state-owned bodies; if not, what steps does the National Treasury want ICASA to take to recover the outstanding fees due by the (a) SA Police Service and (b) SA National Defence Force; if so, what is the (i) motivation for the discussion, (ii) scope of the discussion, (iii) desired outcome and (iv) deadline for finality on the issue?

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REPLY:

(i-iii) The Office of the Accountant-General has engaged with ICASA regarding their risk and revenue management policies to improve internal control.

(iv) In response to the non-payment of spectrum fees, the National Treasury wrote to the CFO of ICASA in September 2013 advising that the matter should be dealt with in terms of the entities debt collection policy and that it cannot be dealt with through the budget process.

In terms of Section 38(1)(a)(i) of the PFMA, the Accounting Officer of ICASA is responsible for systems of financial and risk management; and internal control. In addition, Section 38(1)(c)(i) of the PFMA requires the Accounting Officer to collect all money due to the constitutional institution.

Since under-collection of spectrum fees and other outstanding liabilities are subject to the internal financial management processes of ICASA, the National Treasury expects the Regulator to enforce existing policies and procedures to recover or write off this debt as required by the Electronic Communications Act or alternatively, follow the Intergovernmental Relations Framework Act to declare a dispute or alternatively, the Minister of Telecommunication should propose amendments to the Electronic Communications Act. The matter is with the ICASA Council.