Independent Communications Authority of South Africa
Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

COUNCIL DECISIONS – 21 AUGUST 2018

ITEM NO.	AGENDA ITEM	DECISION
1.	**Recommendation by the CCC to Council in the matter between Mr. Kenny Setzin of Direng investment holdings (Pty) Ltd and Northwest FM (Pty) Ltd** The purpose of the submission was to table the recommendation of the CCC to Council. • On 11 June 2018 the Complaints and Compliance Committee (CCC) received a complaint from Mr. Kenny Setzin, asking the CCC to investigate allegations of contravention of Northwest' licence conditions. At the core of Mr. Setzin's complaint was	**It was resolved that the recommendation of the CCC to Council in the matter between Direng investment holdings (Pty) Ltd and Northwest FM (Pty) Ltd be approved.** **Reason:** In line with section 17D of the ICASA Act no. 13 of 2000.

	the allegation of irregular board changes at North West FM (NWFM), and circumvention of ICASA's Regulations in respect of shareholder changes and management control. He substantiated the above allegation by stating that, "the haste in which changes to the board of NWFM have been made irregularly, resulting in Motswako taking control of the station. The CCC did not uphold Mr. Setzin's complaint and advanced the following reasons that: • All resolutions were validly taken by the Directors and taken in the interest of the survival of the station. • The relationship with Motswako is based on contract and where Motswako has taken care of debts, it was based on contract of repayment and not as a donation. • There is no evidence that Motswako or North West is	

	simply accepting that the contract will be approved by ICASA - the necessary Form G has been completed and ICASA has published the sale of shares for comment. • The station is being run in the best interests of the station and to ensure that Motswako does not land with an empty shell if the sale of shares is approved by ICASA.	
2.	**Recommendation of the CCC to Council in the matter between Compliance and Consumer Affairs of ICASA and Walking on Water Television (Pty) Ltd (WOW TV)** The purpose of the submission was to table the recommendation of the CCC in the matter between the CCA and WOW TV. • WOW TV has contravened Regulation 5 (c), Schedule 2 of the Regulations Regarding Standard Terms and Conditions for	**It was resolved that the recommendation of the CCC to Council in the matter between Compliance and Consumer Affairs of ICASA and Walking on Water Television (Pty) Ltd (WOW TV) be approved.** **Reason:** In line with section 17D of the ICASA Act no. 13 of 2000.

	Individual licences as published on 14 June 2010, in that the licensee has failed to commence operations. The CCC makes the following recommendation to Council in terms of Section 17B (b) of the ICASA Act: • That WOW be granted 90 working days from the issue of the judgement to file a report to the Council through the CCA as to: ✓ Its detained future plans from a business and operational perspective; and ✓ The date on which it plans to be providing the required broadcasting service.	

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Rubben Mohlaloga

Chairperson

ISSUED BY: Secretariat Office on behalf of Council