Independent Communications Authority of South Africa
350 Witch-Hazel Avenue, Eco Point Office Park
Eco Park Centurion
Private Bag X10, Highveld Park, 0169

COUNCIL DECISIONS – 15 November 2019

ITEM NO.	AGENDA ITEM	DECISION
1.	**SABC: Application for amendment of the Radio Frequency Spectrum Licence** 1.1 The purpose of the submission was to request Council to approve the Radio Frequency Spectrum Licence amendment applications submitted by the South African Broadcasting Corporation(SABC). 1.2 On 04 June 2019, Council considered the amendment application of SABC to relocate the broadcasting sound services of Blouberg transmitter to Tolwe transmitter, and resolved that coordination be undertaken with Botswana Communication Regulatory Authority (BOCRA) before a decision can be taken. 1.3 BOCRA acceded to ICASA's request and the coordination meeting was held in Gaborone from 17 to 19 July 2019. 1.4 The simulation results conducted by the technical team from both BOCRA and the Authority indicated that the proposed modification of relocating the equipment from Blouberg to Tolwe transmitter	**The application for was approved.**

	site poses no interference and had minimal coverage spill over to Botswana	
2.	**Notice Regarding the Draft Radio Frequency Spectrum Assignment in the Frequency Band 470 to 694 MHz for Public Consultation** The purpose of the submission was to request Council to approve the: 2.1 Draft Radio Frequency Spectrum Assignment Plan for the frequency band 470 to 694 MHz for Public consultation; and 2.2 Publication of the Draft Radio Frequency Spectrum Assignment Plan for the frequency band 470 to 694 MHz for public consultation in the Government Gazette and on the Authority 's website. 2.3 The main purpose of the proposal was to allow for a simplified implementation of Digital Terrestrial Television(DTT). 2.4 Furthermore, it was to expedite and fast tracking of the implementation of DTT and the release of the First Digital Dividend (DD1) (IMT 800) and the Second Digital Dividend (DD2) (IMT700) spectrum much faster. 2.5 The proposal was focussed on the orderly management of Spectrum, and ensures the elimination of the restacking process. 2.6 Furthermore, this was to enable for the introduction of the coordinated frequencies in the	**The submission was approved**

	ITU frequency register as early as possible. 2.7 That process will not support the deployment of DTT in the frequency bands above 694 MHz and will therefore make the IMT 700 and IMT 800 band portion of the band up to 862 MHz) immediately available for IMT.	
3.	**Recommendation by Complaints and Compliance Committee (CCC) to Council in the matter of Compliance and Consumer Affairs Division ("CCA") of ICASA and Aganang FM** 3.1 The purpose of the submission was to table the recommendation of the CCC in the matter between CCA of ICASA and Aganang FM. 3.2 CCC received a complaint from CCA that Aganang contravened Regulation 6(12) of the National and Provincial Party Election Broadcasts and Political Advertisements Regulations of 2014, as amended. 3.3 That on 14 ,18 and 20 April 2019 Aganang broadcast the Vryheidsfront Plus (FF Plus)'s political advert and the Democratic Alliance without the top and tail disclaimers. 3.4 After CCC considered the facts, Aganang FM was found to have contravened Regulation 6 (12) of the National and Provincial Party Election Broadcasts and Political Advertisements Regulations of 2014. **Recommendation to Council.** The CCC made the following	**The recommendation was approved**

	recommendations: **3.5** Aganang FM must in the first week after the order was issued, broadcast in Setswana and English once per day for five consecutive days as the first item on its news service, at a time between 07:00 and 20:00 The times of the broadcast must be notified by e-mail to the CCA at least 24 hours before broad the following statement" *The Independent Communications Authority of South Africa had found that this station was grossly negligent in not having abided by the General Election Regulations 2019 on five occasions. It broadcasted five party election broadcasts without adding before and after advertisement that this was a party-political advertisement. This conflicted with ICASA Election Regulations, which required such statements to be made before and after the advertisement.* *Radio Aganang extends its apology to its listeners and ICASA for those contraventions*" 3.6 A fine of **R10 000** of which **R6000** was suspended until after the next General Municipal Elections, must be paid to ICASA within sixty calendar days from when this judgement was issued. The latter amount was thus **R4000**.	
4.	. **Recommendation by Complaints and Compliance Committee (CCC) to Council in the matter of Compliance and Consumer Affairs Division (CCA) of Mr Makhasane and Lejweleputswa FM.** 4.1 The purpose of the submission was to table the recommendation of the CCC in the matter between Mr.	**The recommendation was approved.**

	Makhasane and Lejweleputswa FM relating to the closure of the licensee's broadcasting services by ICASA. **Discussion** 4.2 The CCC received a complaint from Mr. Makhasane against Lejweleputswa FM on the 05 August 2019 alleging the following: 4.2.1 Mismanagement of funds; 4.2.2 Operating with two bank accounts 4.2.3 Had not held an AGM, and 4.2.4 That the Board did not apply for the renewal. **The Integral Issue Around the Complaint** 4.3 It was a common cause that the Radio Station had applied for a license renewal and that it was informed at a meeting with ICASA officials in 2016, that they had omitted to comply with the prerequisite process of renewing their licence i.e. payment of the renewal fee, and submission of five renewal application copies as required by the Electronic Communications Act no 36 of 2005. 4.4 The licensee corrected the omission, resubmitted their renewal application and thereafter it did not hear from ICASA, it was in June 2019 when the stations' Board of Directors drove from Welkom to Centurion ascertain the status of the station's renewal application when they were advised that in fact their application was late, and that	

	they will have to shut down their broadcasting services. 4.5 The licensee was also advised by ICASA that there was an omission by the Authority to issue the formal letter advising them to shut down. **Conclusion** The conclusion reached by the CCC was accordingly as follows: 4.6 That although the licence was, objectively, not renewed, the Authority had not informed the respondent radio station that the license was not renewed. The Radio Station thus accepted that a renewal had taken place. 4.7 Its view was supported by legal principle. 4.8 The "switching off" by an employee of the Authority about a month ago was contrary to legal principles **Recommendation to Council** That it orders that: 4.9 The Radio Station be re-connected as soon as possible and, in any case, at least within seven calendar days. 4.10 Notice be given to the Radio Station that this re-connection will take place and from when it will be effective. 4.11 Judgement on matters raised by the Complainant will be prepared in due course and be placed before Council as soon as possible.	

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ISSUED BY: Secretariat Office on behalf of Council