

# COMPLAINTS AND COMPLIANCE COMMITTEE<sup>1</sup>

Date of hearing: 13 December 2007

Case number 14 / 2007

**Monitoring and Complaints Unit of  
the Independent Communications  
Authority of South Africa**

**Complainant**

**Vs.**

**Ilitha Community Radio**

**Respondent**

---

## **Complaints and Compliance Committee Panel**

R. Mokgoathheng	(Acting Chairperson)
R. Mokwena-Msiza	(CCC Member)
S. Thakur	(CCC Member)
N. Ntanjana	(CCC Member)
D. Moalosi	(CCC Member)
J.C.W. Van Rooyen	(Councillor)

---

## **For the Complaints Monitoring Unit**

Monitoring Complaints Unit Senior Manager for Licensing:	Mr. Bruce Mkhize
Assisted by: Monitoring Complaints Unit Manager:	Ms Fikile Hlongwane
and Compliance officer responsible for Ilitha Community Radio:	Ms Lindisa Mabulu

---

## **For the Respondent**

The Respondent was invited to attend or act as witness in the proceedings, but did not attend the hearing.

---

<sup>1</sup> In terms of s 17C of the ICASA Act 13 of 2000 as amended and abbreviated as "CCC"



## JUDGMENT

JCW VAN ROOYEN SC

[1] Ilitha Community Radio has, according to the complainant, failed to comply with the station's license conditions. The complaints were that Ilitha Community Radio contravened 5.2 of its license conditions which states that:

*"The licensee must broadcast continuously during the licensed programming hours and may not stop broadcasting unless due to factors beyond its control or with the written consent of the Authority".*

[2] The facts put before the CCC, which were not denied by the respondent, are:

- (1) That the Licensee has not been broadcasting for over a year without the written consent of the Authority;
- (2) That the Licensee has ceased all its broadcasting activities and obligations set out in its licence conditions;
- (3) That the Licensee does not have a Board of Directors, station manager and management.

[3] The co-ordinator of the CCC, Mr. Redelinghuys, received no response from the respondent and no representative of the respondent turned up at the hearing. It emerged that a certain Mr. Xola Nozewu could provide information as to the prospects of getting the respondent operational again. He was phoned during the hearing and he was quite optimistic about the prospects. However, he was formally not involved with the respondent and the CCC could not act on his proposals. In any case, the fact remains that the station has not been broadcasting for over a year and no reasonable explanation has been forthcoming from the respondent itself or someone who had been involved with the station.



[4] On the facts before the CCC, it is clear that the station had ceased to broadcast without permission from the Authority. Broadcasts had not merely been interrupted for a number of days, but the station had been off the air for over a year without any good reason having been provided by the respondent. In fact, no response was forthcoming whatsoever.

[5] The only reasonable inference which can be drawn from the facts as a whole is that there has been a fundamental breach of the licence conditions.

[6] The recommendation to the Council of the Authority is that the licence of the station be withdrawn with immediate effect.

*The Acting Chairperson Ratha Mokgoatlheng and Committee Members Refiloe Mokwena-Msiza, Nomveliso Ntanjana, Daniel Moalosi and Surendra Thakur concurred in the above judgment.*

  
.....  
R MOKGOATLHENG (ACTING CHAIRPERSON)

Date: 18/1/08