



Independent Communications Authority of South Africa

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Ref: 17/3/1/1 – Hope fm

Mr. Anthony Hearn

Chairperson of Hope FM

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Three Rivers

Per email: tony@shebaconsulting.co.za

Ms. Busisiwe Mashigo

Manager: Broadcasting Compliance (CCA)

Per email: BMashigo@icasa.org.za

Dear Mr. Hearn and Ms. Mashigo

DECISION OF THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA (“ICASA”) IN THE MATTER BETWEEN DELTA CHRISTIAN CENTRE (HOPE FM) AND COMPLIANCE AND CONSUMER AFFAIRS DIVISION (“CCA”) CASE NUMBER: 362/2019

The above matter has reference.

1. On 3 October 2019, Hope FM referred an urgent complaint to the CCC, against the Authority's CCA, alleging that:
 - (a) CCA informed Hope FM that it must cease broadcasting through YB20 Leadership, an entity, allegedly not recognised as a licensee by ICASA;

- (b) Hope FM's Station Manager, Mr Mabuya, was personally served with a contravention notice which stated that YB20 is charged with operating Hope FM illegally; and
 - (c) Hope FM was given seven (7) days to comply with the "Contravention Notice", failing which the radio station would be switched off.
2. On 30 October 2019, the CCC heard the above complaint of Hope FM. On 3 December 2019, 11 August 2020 and 18 August 2020, Council considered the CCC recommendations, regarding the above complaint, which stipulated as follows:
- "The CCC has decided to advise that Council grants Hope FM, 90 calendar days to conclude the matter as follows:*
- (a) Form L must reach ICASA within 40 calendar days.*
 - (b) Form H must reach ICASA 50 calendar days thereafter. The days would count as from the first calendar day after the decision of ICASA is issued.*
 - (c) Until the application is approved by ICASA, Hope FM is permitted to continue with the broadcast in the interest of the community."*
3. A copy of the CCC's judgment is attached herewith as **Annexure A**.
4. In coming to its decision, the Council of the Authority considered the following:
- 4.1 The CCA had not yet concluded its investigations as to whether Hope FM had contravened section 16 (6) of the Electronic Communications Act, 2005 (Act No. 36 of 2005) (ECA) and the applicable regulations when the CCC decided to hear the complaint by Hope FM;
 - 4.2 The Council of the Authority had not taken a decision as to whether Hope FM must cease broadcasting due to it contravening section 16 (6) of the ECA, nor has Council received any finding by the CCC that Hope FM is in contravention of section 16 (6) of the ECA; and

4.3 In terms of regulation 2 of the Standard Terms and Conditions for Class Broadcasting Services Regulations ("the Regulations"), as amended, a licensee must within seven (7) of having effected changes of its contact details and/or physical address, submit a notice to the Authority advising the latter of the changes.

5. Having considered the above, **Council hereby resolved** as follows:

5.1 It was un-procedural for the CCC to hear a complaint brought against the Authority when the investigations by the CCA against Hope FM for a possible contravention of section 6 (6) of the ECA and regulation 2 of the Regulations, were not concluded.

5.2 The recommendation that Hope FM be granted forty (40) calendar days to submit Form L is in contravention of regulation 2 of the Regulations.

5.3 That CCA must, with immediate effect, continue with its investigations into Hope FM's possible contravention of section 16 (6) of the ECA and regulation 2 of the Regulations.

5.4 The CCC recommendations dated 27 November 2019 are rejected in their entirety.

Yours Sincerely,

Councilor Palesa Kadi

Acting Chairperson