



Report of the Adjudicator

Complaint number	#61646
Cited WASPA members	Ndoto Media (1948)
Notifiable WASPA members	Not applicable.
Source of the complaint	WASPA
Complaint short description	Non-payment of fines
Date complaint lodged	Not applicable.
Date of alleged breach	Unknown.
Applicable version of the Code	17.9
Clauses of the Code cited	5.1; 5.4; 5.6A; 5.8 (b), (g), (i); 12.1 read with 8.2; 8.9; 12.5 (a); 24.40 and 24.41.
Related complaints considered	#60932
Fines imposed	A fine of R15 000.00 is levied against the member for its non-compliance with clauses 24.40 and 24.41 of the Code, payable to WASPA within 10 days of receipt of notice hereof.

	<p>The member is further instructed to comply with the sanctions levied in Adjudication Report #60932 and pay its outstanding membership fees within 10 days to WASPA after having received notice hereof.</p> <p>Failure to comply with any of the above sanctions will result in the member being suspended until such time as compliance is achieved. For the avoidance of doubt, “suspension” refers to the suspension of the member’s WASPA membership, and the Mobile Network Operators must be notified accordingly.</p>
Other sanctions	Not applicable.
Is this report notable?	Not notable.
Summary of notability	None.

Initial complaint

1. Complaint #61646 was filed for adjudication by WASPA for the member’s failure to comply with the sanctions imposed under Adjudication Report #60932.
2. Complaint #61646 was issued to the member on 2025-10-07, and the member requested a payment plan for the following fines imposed therein for breaches of the following clauses of the WASPA Code of Conduct (the Code):
 - 2.1. R15 000.00 for breach of clauses 5.1, 5.4, and 5.6A of the Code;
 - 2.2. R15 000.00 for breach of clauses 8.2 and 12.1 read with clause 8.9 of the Code;
 - 2.3. and R15 000.00 for breach of clauses 5.8 (b), (g), (i) and 12.5(a) of the Code.
3. The request was referred to WASPA’s Financial Committee, which declined the request because of outstanding WASPA membership fees. The Financial Committee advised that all arrears had to be settled before the matter of fines could proceed. The member was informed of this matter and granted 10 working days to make payment of the membership fees.
4. By 2025-12-03, the membership fees remained unpaid, and WASPA accordingly issued its response to the complaint.
5. The member was afforded an opportunity to file a final submission, but no such submission was received.

6. Consequently, the matter proceeded to adjudication.

Member's response

7. The member acknowledged receipt of the notification regarding Complaint #61646 and Adjudication Report #60932, apologised for delays caused by the outstanding payments, and stated that it remained committed to complying with the Code.
 8. The member explained that prolonged and unforeseen cash-flow difficulties, caused by external factors, had constrained its operations. The member requested consideration of two points: first, whether any avenue remained to appeal Adjudication Report #60932, and second, if no appeal was possible, approval of a structured payment plan to settle the sanctioned amount.
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Complainant's response

9. The complainant advised the member that the Financial Committee had provided feedback on the member's outstanding sanctions, the request for a payment plan, and the overdue membership fees. The Financial Committee decided that an additional payment plan on the R45 000.00 sanction would only be considered once all membership fees were paid in full.
 10. The Financial Committee further indicated that if the outstanding amount of R28 318.16 was not settled within 10 working days, the payment-plan request would not be considered. It also confirmed that if no response was received within 10 working days, the relevant Mobile Network Operators would be notified of the member's outstanding account with WASPA, and the account would be suspended.
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Member's further response

11. No response was provided by the member.
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Sections of the Code considered

12. The following clauses of the Code are considered herein:

"24.40. If no appeal is lodged, or if the adjudicator has specified certain sanctions as not being suspended pending an appeal, the failure of any member to comply with any sanction imposed upon it will itself amount to a breach of the Code and may result in further sanctions being imposed. WASPA itself may initiate a further complaint against a member for non-compliance with any sanctions.

24.41. The respondent must provide WASPA with written confirmation of compliance with any applicable sanctions within ten (10) working days of receiving the Adjudication Report. The respondent must pay any applicable fines imposed by an adjudicator within five (5) working days of receipt of invoice. The respondent must provide proof of payment of any applicable fines if requested to do so by WASPA”.

Decision

13. The complaint relates to the unpaid WASPA membership fees by the member, as well as the unpaid fines that were imposed on the member for multiple breaches of the Code under Adjudication Report #60932.
14. As per clause 24.37 of the Code, the member has 10 working days to notify WASPA if it wishes to lodge an appeal against the decision of the adjudicator. Moreover, if the member does not decide to appeal the decision and notify WASPA, the fines under the Adjudication Report become due and payable after the mentioned 10 working days have elapsed. This is in line with clause 24.39 of the Code that states any sanctions will be considered suspended if an appeal is lodged until the appeal procedure is completed.
15. Clause 24.40 of the Code states that if no appeal is lodged, or if the adjudicator has specified that certain sanctions are not suspended pending an appeal, any failure by a member to comply with a sanction imposed will itself constitute a breach of the Code and may result in the imposition of further sanctions. WASPA may also initiate a further complaint against a member for such non-compliance. Clause 24.41 of the Code further provides that the member must provide WASPA with written confirmation of compliance with any applicable sanctions within 10 working days of receiving the Adjudication Report, must pay any applicable fines imposed by an adjudicator within 5 working days of receipt of invoice, and must provide proof of payment of any applicable fines if requested to do so by WASPA.
16. No appeal was lodged by the member. Subsequently, the member was provided with Complaint #61646 on 2025-10-07, and the fines issued under Adjudication Report #60932 remained due and payable. Despite this formal notification, the fines imposed on the member have remained unpaid to date. Accordingly, the member failed to settle both the membership fees and the fines for an estimated further two months after being formally notified of further non-compliance with the Code.
17. The member asserted that cash flow constraints were the reason the outstanding invoices remained unpaid. However, this explanation does not absolve the member of its obligations under the Code, nor does it justify continued non-compliance after formal notice was given.
18. In light of the above, the member’s failure to pay the outstanding membership fees and fines, in circumstances where no appeal was lodged and despite formal notification of its non-compliance, warrants the imposition of further sanctions. The complaint is accordingly upheld.

Sanctions

19. In determining appropriate sanctions against the member, the following factors have been taken into consideration:
- 19.1. any previous successful complaints made against the member in the past three years;
 - 19.2. any previous successful complaints of a similar nature;
 - 19.3. the nature and severity of the breach; and
 - 19.4. any efforts made by the member to resolve the matter.
20. A fine of R15 000.00 is levied against the member for its non-compliance with clauses 24.40 and 24.41 of the Code, payable to WASPA within 10 days of receipt of notice hereof.
21. The member is further instructed to comply with the sanctions levied in Adjudication Report #60932 and pay its outstanding membership fees within 10 days to WASPA after having received notice hereof.
22. Failure to comply with any of the above sanctions will result in the member being suspended until such time as compliance is achieved. For the avoidance of doubt, "suspension" refers to the suspension of the member's WASPA membership, and the Mobile Network Operators must be notified accordingly.
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