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Ref No: 17/2/2/1 Case Number: 494/2025

Dear Mr. Kenny Mabuza

**HAMMANSKRAAL PROGRESSIVE RESIDENTIAL ASSOCIATION V MORETELE
FM – CASE NUMBER: 494/2025**

The above matter has reference.

1. On 7 July 2025, Hammanskraal Progressive Residential Association (HPRA) lodged a complaint against Moretele Community Radio (Moretele FM), with the CCC for investigation in terms of section 17B(a) of the Independent Communications Authority of South Africa (ICASA) Act No. 13 of 2000.
2. HPRA alleged that Moretele FM has contravened the following:
 - (a) **Regulation 13(2) of the Community Broadcasting Services Regulations of 2019** which states that: "*A Licensee must involve the community members in the management of the community broadcasting licensee*".
 - (b) **Clause 4.2.3 of the Licence** which states that: "*the Licensee shall hold Annual General Meetings (AGM) for the following purposes 4.2.3.1 to provide feedback on the licensee's compliance with licence conditions, 4.2.3.2 to provide feedback on the licensee's operational and financial performance, any Special AMG as and when required by the Constitution and 4.2.3.3 to elect members of the controlling structure, for example, Board of Directors, Trustees, etc, subject to the licensee's founding document*".

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- (c) **Clause 5.1.4 of the Licence** which states that: *"the Licensee shall provide programming as follows: Language(s) of broadcasting: 5.1.4.1 Setswana – 62%, 5.1.4.2 English - 32%, 5.1.4.3 isiNdebele – 5% and 5.1.4.4 Xitsonga – 1%".*
- (d) **Clause 5.2 of the Licence** which states that: *"the Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. Pro-forma of the log to be kept will be supplied to the Authority."*
- (e) **Clause 12.1.1 of the Constitution of Moretele FM** which states that: *"the Board of Directors (BOD) shall be elected at an elective AGM duly constituted and assembled. The notice period prior to the AGM meeting shall be for communicated to the community through assessable (accessible) media."*
- (f) **Clause 22.2, 22.3 and 22.4 of the Constitution** which states that: *"22.2 no person may open a Banking account in the name of MCR or any other similar name without: 22.3 the explicit written authority of a resolution of the AGM or BOD on an official MCR letterhead signed by three (3) BOD signatories and 22.4."*
- (g) **Clause 14.5 of the Constitution** which states that: *"the BOD shall acquire movable and immovable property including investments of whatever nature and hold such property and invested funds in Trust and act as Agents on behalf of MCR."*
- (h) **Clause 26.1 of the Constitution** which states that: *"Any constitutional amendment to this constitution shall be by a two-third majority of the attendees present who are Listeners Club members and voting at the annual or special AGM"*

3. The CCC adjudicated the matter on 28 November 2025 and made the following findings:

- 3.1. Owing to challenges regarding the reliability of Moretele FM's current Constitution, the CCC is unable to make any finding on allegations of noncompliance with the station's Constitution.
- 3.2. Similarly, making a finding regarding the rest of the alleged noncompliance would serve no purpose for the following reasons:
 - 3.2.1. A community radio station cannot legally operate, legally hold a licence or legally receive funds without a constitution. This is

because a community radio station is mandated to be a non-profit entity owned by the community it serves. A constitution is foundational for this legal status.

3.2.2. As stated earlier, the problems experienced by Moretele FM, are deeper than the complaints on the charge sheet. For that reason, the present case calls for a unique solution.

4. As a result, CCC made the following recommendations to Council that the Authority:

- 4.1. directs Moretele FM to convene an elective AGM in which a new board of directors shall be elected, within 60 calendar days of the issue of this order.
- 4.2. a Compliance Officer/ Team from ICASA be involved to ensure that the AGM is properly advertised and properly constituted.
- 4.3. the Compliance Officer/Team supervise the elections to ensure that they are conducted properly.

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5. On 21 July 2026, the Council of ICASA approved the recommendations of the CCC as indicated in paragraph 4 above, having considered the reasons advanced by CCC in their judgment. The Council of ICASA approved the above recommendations of the CCC subject to the inclusion of paragraph 4.4. to read as follows: **"The newly elected board of directors must properly adopt a new Constitution."**
6. For your attention, the judgment of the Authority is attached and marked as Annexure "A".

Yours Sincerely,



Mothibi G. Ramusi

Chairperson

Date: 04/ 08 /2026

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