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Ref No: 17/3/1/1/1 – 2025 – 485/2024

Mr. Philly Moilwa

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Dear Mr. Moilwa

**LICENSING AND COMPLIANCE DIVISION OF ICASA V SOUTH AFRICAN
BROADCASTING CORPORATION (SABC) - MOTSWEDING FM, THOBELA FM,
LIGWALAGWALA FM, LOTUS FM AND GOOD HOPE FM - CASE NUMBER:
485/2024**

The above matter has reference.

1. On 15 October 2024, the Licensing and Compliance Division of ICASA (LCD) lodged urgent elections complaints 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. The CCC adjudicated on the matter on 17 February 2025. SABC was found to have contravened the 2014 National and Provincial Party Elections Broadcasts and Political Advertisements Regulations (as amended) (Elections Regulations) as follows:

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- 2.1. Motsweding FM was found to have contravened Regulation 6(11) and Regulation 4(14)(b).
 - 2.2. Thobela FM was found to have contravened Regulation 4(17) and Regulation 4(14)(b).
 - 2.3. Ligwalagwala FM was found to have contravened Regulation 4(14)(b).
 - 2.4. Lotus FM was found to have contravened Regulation 4(14)(d), Regulation 4(17) and Regulation 6(11).
 - 2.5. Good Hope FM was found to have contravened Regulation 4(14)(d).
3. As a result, CCC made a recommendation to Council as follows:
- 3.1. **Motsweding FM** be fined a total amount of R50 000 (fifty thousand Rands) of which R30 000 (thirty thousand Rands) is suspended until after the next National and Provincial Election. The remaining R 20 000 (twenty thousand Rands) must be paid to ICASA, within 90 calendar days from when this judgment is issued.
 - 3.2. **Thobela FM** be fined a total amount of R50 000 (fifty thousand Rands) of which R30 000 (thirty thousand Rands) is suspended until after the next National and Provincial Election. The remaining R 20 000 (twenty thousand Rands) must be paid to ICASA, within 90 calendar days from when this judgment is issued.
 - 3.3. **Lotus FM** be fined a total amount of R50 000 (fifty thousand Rands) of which R30 000 (thirty thousand Rands) is suspended until after the next National and Provincial Election. The remaining R 20 000 (twenty thousand Rands) must be paid to ICASA, within 90 calendar days from when this judgment is issued.
 - 3.4. **Good Hope FM** be fined a total amount of R50 000 (fifty thousand Rands) of which R30 000 (thirty thousand Rands) is suspended until after the next National and Provincial Election. The remaining R 20 000 (twenty thousand Rands) must be paid to ICASA, within 90 calendar days from when this judgment is issued.

- 3.5. **Ligwalagwala FM (not a first offender)** be fined R60 000 (sixty thousand Rands) of which R20 000 (Twenty thousand Rands) is suspended until after the next National and Provincial Elections. The remaining R40 000 (Forty thousand Rands) must be paid to ICASA within 90 calendar days from when this judgment is issued.
- 3.6. Furthermore, SABC through its five radio stations be directed to desist from any further contraventions of the said Regulations. SABC's five stations must broadcast a public apology during the first week after this order is issued (as more specifically detailed in the judgment).
4. On 14 October 2025, the Council of ICASA approved the recommendation of the CCC as indicated in paragraph 3 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 amendment of the generic apology in paragraph 97.2 of the recommended CCC order to be substituted to read more specifically for each radio station's apology as follows:

The apologies must be phrased thus:

"MOTSWEDING FM - *The Independent Communications Authority of South Africa has found that Motsweding FM was negligent in not having abided by the National and Provincial Elections Regulations 2024.*

Motsweding FM failed to comply with regulations concerning the broadcast of Political Advertisements. It also failed to comply with regulations concerning the broadcast of Party Elections Broadcasts.

The conduct of the station was in conflict with the ICASA Election Regulations which require that Political Advertisements and Party Election Broadcasts be broadcasts in terms of the Regulations. Motsweding FM further extends its apology to its listeners for having committed these contraventions".

"THOBELA FM - *The Independent Communications Authority of South Africa has found that Thobela FM was negligent in not having abided by the National and Provincial Elections Regulations 2024. Thobela FM failed to comply with regulations concerning the broadcast of Political Advertisements. It also failed to comply with regulations concerning the broadcast of Party Elections Broadcasts. The conduct of the station was in conflict with ICASA Election Regulations which require that Political Advertisements and Party Election Broadcasts be broadcast*

in terms of the Regulations. Thobela FM further extends its apology to its listeners for having committed these contraventions”.

"LIGWALAGWALA FM - The Independent Communications Authority of South Africa has found that Ligwalagwala FM was negligent in not having abided by the National and Provincial Election Regulations 2024. Ligwalagwala FM failed to comply with regulations concerning the broadcast of Political Advertisements. It also failed to comply with regulations concerning the broadcast of Party Elections Broadcasts.

The conduct of Ligwalagwala FM was in conflict with the ICASA Election Regulations which require that Political Advertisements and Party Election Broadcasts be broadcasts in terms of the Regulations. Ligwalagwala FM further extends its apology to its listeners for having committed these contraventions”.

"LOTUS FM - The Independent Communications Authority of South Africa has found that Lotus FM was negligent in not having abided by the National and Provincial Elections Regulations 2024. Lotus FM failed to comply with regulations concerning the broadcast of Political Advertisements. It also failed to comply with regulations concerning the broadcast of Party Elections Broadcasts.

The conduct of Lotus FM was in conflict with the ICASA Regulations which require that Political Advertisements and Party Election Broadcasts be broadcast in terms of the Regulations. Lotus FM further extends its apology to its listeners for having committed these contraventions”.

"GOOD HOPE FM - The Independent Communications Authority of South Africa has found that Good Hope FM was negligent in not having abided by the National and Provincial Elections Regulations 2024. Good Hope FM failed to comply with regulations concerning the broadcasts of Political Advertisements. It also failed to comply with regulations concerning the broadcast of Party Election Broadcasts. The conduct of Good Hope FM was in conflict with the ICASA Regulations which require that Political Advertisement and Party Election Broadcasts be broadcast in terms of the Regulations. Good Hope extends its apology to its listeners for having committed these contraventions”.

5. For your attention, the judgment of the Authority is attached and marked as Annexure "A".

Yours Sincerely,



Mr. Mothibi G. Ramusi

ICASA Chairperson

Date: 14/ 11 /2025

CC: Ms. Meera Lalla Acting CCC Coordinator Per email: MLalla@icasa.org.za
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