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Ref No: 17/3/1/1/1-2025 – 487/2024

Mr. Philly Moilwa

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Dear Mr. Moilwa

**LICENSING AND COMPLIANCE DIVISION OF ICASA V SOUTH AFRICAN
BROADCASTING CORPORATION (SABC) – RSG AND SAFM - CASE NUMBER:
487/2024**

The above matter has reference.

1. On 6 November 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:

- 2.1. **SAFM** failed to comply with Regulation 4(14)(b) in that between the 12 May and 26 May 2024, it broadcast PEBs which were not in accordance with the sequence and timing prescribed by the Authority.
 - 2.2. **RSG FM** failed to comply with Regulation 4(14)(b) in that between 16 May and 28 May 2024, it broadcast PEBs which were not in accordance with the sequence and timing prescribed by the Authority. Furthermore, RSG FM failed to comply with Regulation 4(17) in that on 18 May 2024, RSG FM failed to ensure that it did not broadcast a PEB immediately before or after another PEB or immediately before or after a PA.
3. As a result, CCC made a recommendation to Council as follows:
 - 3.1. **RSG** be fined R50 000 (Fifty Thousand Rand) of which R30 000 (Thirty Thousand Rand) is suspended until after the next National and Provincial Elections. The remaining amount of R20 000 (Twenty Thousand Rand) must be paid to ICASA within 90 calendar days from when this judgment is issued.
 - 3.2. **SAFM** be fined R50 000 (Fifty Thousand Rand) of which R30 000 (Thirty Thousand Rand) is suspended until after the next National and Provincial Elections. The remaining amount of R20 000 (Twenty Thousand Rand) must be paid to ICASA within 90 calendar days from when this judgment is issued.
 - 3.3. Thus, SABC is fined a total amount of R100 000 of which R60 000 is suspended until after the National and Provincial Elections. The total remaining amount of R40 000 must be paid to ICASA within 90 calendar days from when this judgment is issued.
 - 3.4. Furthermore, SABC through its two radio stations is directed to desist from any further contraventions of the said Regulations. SABC's two stations must broadcast a public apology during the first week after this order is issued (as more specifically detailed in the judgment).

4. On 16 September 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 paragraph 49.2.1.1. of the recommended CCC order to be substituted to read as follows:

"49.2.1.1 The apology must be phrased thus:

*For **RSG FM**: "The Independent Communications Authority of South Africa has found that RSG FM was negligent in not having abided by the National and Provincial Elections Regulations 2024. In particular, it failed to comply with regulation 4(14)(b) which stipulates that "A Broadcasting Service Licensee that broadcasts a PEB must do so in accordance with sequence and timing prescribed by the Authority in terms of these regulations." In that on the 15 May 2024, 17 May 2024 and three times on 18 May 2024, it transmitted PEBs at a time when such PEBs were not scheduled. It also failed to comply with Regulation 4(17) which stipulates that "A Broadcasting Service Licensee must not broadcast a PEB immediately before or after another PEB or immediately before or after a PA". In that on 18 May it broadcast a PEB immediately before another PEB. The conduct of RSG 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. RSG FM further extends its apology to ICASA and to its listeners for having committed these contraventions".*

*For **SAFM**: "The Independent Communications Authority of South Africa has found that SAFM was negligent in not having abided by the National and Provincial Election Regulations 2024. In particular, SAFM failed to comply with Regulation 4(14)(b) which stipulates "A Broadcasting Service Licensee that broadcasts a PEB must do so in accordance with the sequence and timing prescribed by the Authority in terms of these Regulations." In that on 12 May 2024 (twice), 13 May 2024, 14 May 2024, 15 May 2024, 16 May 2024, 17 May 2024, 19 May 2024 (three times), 20 May 2024, 25 May 2024, and 26 May 2024, SAFM broadcast a particular PEB when a different PEB was scheduled. The conduct of SAFM was in conflict with the ICASA Election Regulations which require that Political Advertisements and Party Election Broadcasts be broadcast in terms of the Regulations. SAFM further extends its apology to ICASA and to its listeners for having committed the contravention".*

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: ¹⁵ / 10 / 2025

CC: Ms. Meera Lalla

Acting CCC Coordinator

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