

Mr. Sello Khateane

The Complainant

Dear Mr. Khateane

SELLO KHATEANE V MOSUPATSELA FM – CASE NUMBER: 488/2024

The above matter has reference.

1. On 11 November 2024, Sello Khateane lodged a complaint against Mosupatsela FM for investigation in terms of section 17B (a) of the Independent Communications Authority of South Africa (ICASA) Act No. 13 of 2000.
2. Sello Khateane alleged that Mosupatsela FM contravened the following:
 - (a) **Section 50 (d) of the Electronic Communications Act 36 of 2005 (ECA)** which states that: *"in considering the grant of community broadcasting service license the Authority must, with due regard to the objects and principles enunciated in Section 2, among others, take into account whether ... (d) the applicant intends to encourage members of the relevant community or those associated with or promoting the interests of such community to participate in the selection and provision of programmes to be broadcast in the course of such broadcasting service".*
 - (b) **Regulation 10A(7)(d) of the Regulations on Amended Standard Terms and Conditions for Class Licences of 2016** which states that: *"The board of Directors/Trustees and the Station Management must not occupy dual roles with regard to being managers/presenters at the station".*

mgr

- (c) **Clause 16.1.1 of Mosupatsela FM's Constitution** which states:
"Mosupatsela FM Stereo shall open banking account(s) and such account(s) shall jointly be operated by the Chairperson, Secretary and Treasurer of the Board of Directors".
3. The CCC adjudicated the matter on 15 August 2025 and 26 March 2026, and made the following findings that:
- 2.1 Mosupatsela FM failed to comply with section 50(d) of the ECA in that it failed to encourage and ensure community participation in the affairs of the station, in particular programming.
 - 2.2 Mosupatsela FM failed to comply with Clause 10A(7)(d) of the Regulations on Amended Standard Terms and Conditions for Class Licences of 2016, in that Mosupatsela FM's station manager, while being an *ex officio* member of the Board, carried out duties as a presenter in the radio station.
 - 2.3 Sello Khateane failed to prove that Mosupatsela FM failed comply with clause 16.1.1 of its Constitution in that there was no evidence to support the allegation. Accordingly, this charge is dismissed.
 - 2.4 Considering that Mosupatsela FM's renewal application for a licence is still pending, the CCC cannot make a finding that Mosupastela FM has been operating without a licence since 2023. The allegation, therefore, has not been proven. Accordingly, this charge is dismissed.
4. As a result, CCC made the following recommendations to Council that the Authority directs:
- 4.1. Mosupatsela FM desists from any further contravention of the charges on the charge sheet.
 - 4.2. Mosupatsela FM takes the following remedial steps:
 - 4.2.1. Convene an AGM within 90 calendar days from the issue of this order, for the purpose of ensuring community participation in programming and related matters;
 - 4.2.2. Mosupatsela FM (through the new board) requests the assistance of its Compliance Officer with regard to various matters that Mosupatsela FM may require assistance in. [Working closely with

the Compliance Officer of ICASA is important considering the sheer volume of the work that needs to be done and that Mosupatsela FM has such a vast coverage area].

- 4.3. Mosupatsela FM shall pay a fine of R50 000 (fifty thousand rand) for the contraventions. The fine is wholly suspended for a period of three (3) years, on condition that, during the suspension period, Mosupatsela FM is not found to have contravened the same regulations.
5. On 18 August 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.
6. For your attention, the judgment of the Authority is attached and marked as Annexure "A".

Yours Sincerely



Mothibi G. Ramusi

ICASA Chairperson

Date: 25/08 /2026

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