



GIYANI COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/2017 ANNUAL COMPLIANCE REPORT

GIYANI COMMUNITY RADIO

Licence Period: 06 November 2017 to 05 November 2022

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ (ECA) and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or regulations.

This report is intended to give account of Giyani Community Radio's compliance with the terms and conditions as set out in its licence, for the 2016/2017 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), Promise of Performance, South African Music Content Regulations, Code on People with Disabilities and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Giyani Community Radio was issued with a renewed licence on 11 September 2017 to continue with their broadcasting services to the community residing within the Greater Giyani Municipality in the Limpopo Province. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 73 000.⁵

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² Act No. 13 of 2000, as amended

³ Act No. 36 of 2005

⁴ Act No. 4 of 1999

⁵ <http://www.brcsa.org.za/brc-ram-radio-listening-jul-16-dec-16-oct-16-mar-17/>

3. COMPLIANCE ASSESSMENT

3.1 Licensee⁶

Clause 1 of the service licence of Giyani Community Radio provides that:

"The Licence is issued to:

- 1.1 Name of Company/Entity: Giyani Community Radio Station*
- 1.2 Name of the station: Giyani Community Radio*
- 1.3 Control of the Licensee: Control shall vest in the Board of Directors of Giyani Community Radio".*

In the year under review, the Authority did not receive any notifications from the Licensee indicating a change in any of the above information.

The Licensee was found to be in compliance with clause 1 of its service licence.

3.2 Licence Period

Clause 2 of the service licence of Giyani Community Radio provides that:

"The effective date of the Licensee is 06 November 2017 and shall expire 05 November 2022."

The Licensee got its licence renewed on 11 September 2017 for the effective dates as reflected above.

3.3 Licence Area

Clause 3 of the service licence of Giyani Community Radio provides that:

"The Licensee shall provide services to Greater Giyani Municipality in the Limpopo Province as set in the Licensee's radio frequency spectrum licence".

The Licensee confirms that it broadcasts in the geographic area as set out in its frequency spectrum licence.

The Licensee was found to be in compliance with clause 3 of its service licence.

⁶ Appendix A: Giyani Community Radio Service Licence

3.4 Community

Clause 4.2 of the service licence of Giyani Community Radio provides that:

"The Licensee shall provide for the participation of community members in the affairs of the station in the following ways:

4.2.1 The Licensee shall hold at least two (2) meetings annually with its community focusing on programming and programming policies of the station.

4.2.2 The Licensee shall furnish the Authority with proof of such meetings as well the attendance thereof by members of the community.

During the period under review, the Licensee did not hold any meetings with its community on programming and programme related matters.

The Licensee failed to comply with clause 4.2 of its service licence.

4.2.3 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, and any Special Annual General Meeting as and when required by the constitution.

4.2.3.3 To elect members of the controlling structure, e.g. Board of Directors, Trustees etc. subject to the licensee's founding documents".

The Licensee went on air on 18 April 2014 and had not held a properly constituted AGM since going on air, and the term of office of the Board of Directors had expired in accordance with their founding documents. Subsequently, the Authority received a complaint from the Giyani Local Municipality through the Sports, Arts, Culture and Recreation Portfolio Committee pertaining to the lack of governance structure amongst other issues at the radio station.

The portfolio committee requested a meeting with the stakeholders including ICASA, Department of Communication amongst others to address the challenges at the radio station. The meeting was held on 27 January 2017⁷ with members of the portfolio committee, representatives from stakeholders, management and the board of directors

⁷ Appendix B: Meeting Attendance Register with the Local Municipality

of the radio station. Part of the resolution from the meeting was that the radio station needs to convene a properly constituted AGM wherein new member of the controlling structure will be elected. The newly elected members would then address all the challenges in the radio station and bring about accountability.

The Licensee held its AGM on 08 April 2017 and the outgoing Chairperson of the board, tabled both the organisational report and financial report. It was also an elective AGM, and thus the election presided by the electoral commission elected members of the Board of Directors⁸.

The Licensee was found to be in compliance with clause 4.2.3 of its service licence.

3.5 Programming

Clause 5.1.1 of the service licence of Giyani Community Radio provide that:

"The format shall be 65% talk and 35% music"

Giyani Community Radio's weekdays programming profile is dominated by talk programmes. Programmes such as *GCR Talk* broadcast between 12H00 and 15H00 and *Ta Muganga* broadcast between 18h00 and 19h00 followed by sports programmes from 19H00 until 20H00 were detected. The weekend programming profile is dominated by music charts shows with talk to complement the format as stipulated in the licence.

The Licensee was found to be in compliance with its format.

Clause 5.2.1 of the service licence of Giyani Community Radio provides that:

"The Licensee shall broadcast a total of eighty (80) minutes of news per day, of which seventy percent (70%) shall be local news generated from the community, twenty percent (20%) shall be from Limpopo province and ten percent (10) national."

The monitoring exercise confirmed that the Licensee broadcast news from 06h00 until 18h00 on weekdays, for an average of four (4) minutes which equates to fifty-two (52) minutes per day. The Licensee has news bulletins on Saturday from 06h00 until 15H00 for an average of four (4) minutes which is a total of forty (40) minutes, with Sunday

⁸ Appendix C: Annual General Meeting Minutes and attendance register

news being a roundup of all the midweek news for an average of six (6) minutes from 07H00 until 13H00 for a total of forty-two (42) minutes.

The following are some of the news items monitored:

- *"Ndzaulo ya rihanyo la xifundzeni nkulu xa Limpopo yi cince varindzi exibedlele xa Hayani eThohoyandou e ndzaku ka loko muvhabyi a tava a hlasele muongori ewadini nhlekani wa ravumune. Muvulavuleri wa ndzawulo ya rihanyo Derrick Kganyago u tiyisise manghu liya a thlele a kombisa na leswaku muongori loyi wa xisati a ri kari a ti tirela tani hi ntolovelo loko muvhawwi wa vu vhabyi bya miehleko ata sungulula ku nwitlimba a lova".*
- *"Ku vuriwa leswaku xiyimo xi thlelele eka ntolovelo e ndhawini yo hlayisela vafu ya mfumo e Lebowakgomo handle nyana ka doroba ya Polokwane. Leswi swita e ndhaku ka loko vatirhi vale ndhawini ya leyo va byerile vateki va mahungu leswaku eka viki leri ri hundzeke a va kotinga ku tirha hi kokwalaho ka risema leri twalaku eka tifridge le ti tihlayisaka vafi. Va boxe leswaku endhawu leyi yi hlayisaka vafi lava va pfumalaka mashaka".*
- *"Tolo nwanuna u hisiwile a hundza emisaveni ni madyambu edorobeni ra Thohoyandou ku suhi na ndhawu ya swa mabindu ya Mvusuludzo. Nwanuna loyi a hlaserhiwa e ndzaku kova a kumeke akari a xungeta mu aki kuloni hi ku va a nwu tlavetela hi mukwana. Kuya hi mbhoni leyi swi voneke himahlo, va aki hi ku tirhisana va khome nwanuna loyi va nwu ba va hetelela hi ku nwu hisa".*

The news bulletins are dominated by stories from the licensed area and the Limpopo Province, whilst being read predominantly in Xitsonga and others in Sepedi. However, the total minutes of news per day is less than the licence requirement.

The Licensee failed to comply with its news obligations.

Clause 5.2.2 of the service licence of Giyani Community Radio provides that:

"Current Affairs shall be broadcast from Monday to Friday for sixty (60) minutes. The content shall be from Greater Giyani, Limpopo Province and nationally."

The Licensee broadcasts a current affairs programme weekdays called *Ta Muganga* from 18H00 until 19H00 with content from within the republic only.

The Licensee was found to have complied with clause 5.2.2 of its service licence.

Clause 5.3.1 of the service licence of Giyani Community Radio stipulates that:

"The Licensee shall broadcast South African music content of 45% and further comply with the South African Music Content Regulations".

The Authority's monitoring exercise found that the Licensee plays an average of eight percent (80%) of South African Music in its programming profile with a majority of that being of Xitsonga origin. The music artists who were found to enjoy airplay were the following: *Zozo and Sengere Beat, Thomas Chauke, Maroy Chauke, Tirhani Mabasa, Joe Shirimane, DJ Ganyani, Wilson Maluleke* and many others.

The Licensee was found to be in compliance with its local music obligations.

Clause 5.4 of the service licence of Giyani Community Radio stipulates that the language(s) of broadcast shall be as follows:

- a) 50- Xitsonga%;
- b) 20 – Tshivenda%;
- c) 20 – Sepedi%; and
- d) 10% - English

The monitoring exercise revealed that the Licensee broadcasts in Xitsonga to the detriment of the other three (3) languages of broadcast. The Licensee however does broadcast news in Sepedi, and that's the only allocation for Sepedi in the broadcasts and English is only used when they have guests that do not speak their languages of broadcast.

The Licensee failed to comply with its languages of broadcast obligations.

3.6 Promise of Performance

Clause 8.1. of the service licence of Giyani Community Radio provides that:

"The Licensee shall broadcast music contents which mostly originated from Limpopo Province, covering traditional music with lyrics in Tshivenda, Xitsonga and Sepedi."

The Licensee broadcasts music predominantly of Xitsonga origin. The recordings monitored were for April 2017, for the period under review and it was also the Licensee's second-year anniversary since its launch, with most of the song playlisted being about the celebration of the radio station from local Xitsonga artists.

The Licensee does not fully comply with clause 8.1 of the service licence.

Clause 8.2 of the service licence of Giyani Community Radio provides that:

"The Licensee shall drive social responsibility issues in the community, especially in areas of HIV/AIDS, cancer, crime, drug and sexual abuse, safety and security in the community."

Clause 8.3 of the service licence of Giyani Community Radio provides that:

"The Licensee shall strive to have collaborations with various structures in the community"

Clause 8.4 of the service licence of Giyani Community Radio provides that:

"The Licensee shall train members of the community in programme production, marketing and technical aspects of the radio station"

The Licensee did not submit any information pertaining to compliance with clause 8.2, 8.3 and 8.4. The Licensee has non-profit organisations as part of the membership of the radio station, but they did not submit any proof of their compliance to the promises of performance with regards to clause 8.3.

The Licensee has not complied with clauses 8.2, 8.3 and 8.4 of its licence.

4. REGULATIONS

4.1 South African Music Content Regulations

Regulation 3.3 of the Regulations on South African Music Content as published on 31 January 2006 provides that:

"Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen (18) months of the gazetting of these regulations, a minimum of 40% of the musical works broadcast in the performance period consist of

*South African music and that such South African music is spread reasonably evenly throughout the said period*⁹.

The Authority's monitoring exercise found that the Licensee plays an average of eight percent (80%) of South African Music in its programming profile with a majority of that being of Xitsonga origin. The music artists who were found to enjoy airplay were the following: *Zozo and Sengere Beat, Thomas Chauke, Maroy Chauke, Tirhani Mabasa, Joe Shirimane, DJ Ganyani, Wilson Maluleke* and many others.

The Licensee was found to be in compliance with the Regulations on South African Music Content.

4.2 Code for Persons with Disabilities

Clause 3.1(a) of the Code for Persons with Disability of 2007 stipulates that:

"Broadcasting service Licensees must ensure that their services are made available and accessible to people with disability."

The radio station's premises are based around the central business district and public transport amenities in Giyani and is accessible to people with disabilities.

The Licensee was found to be in compliance with the above-mentioned Regulation.

4.3 Regulations regarding Standard Terms and Conditions for Class Licensees

The Authority is satisfied that during the period under review the Licensee did not contravene the regulation in respect of the Standard Terms and Conditions for Class Licences.

5. CONCLUSION

Giyani Community Radio has failed to comply with its community participation related to programming committee meetings, news obligation and some of their promise of performance. The Authority will address the area of concern with the Licensee in the next financial year.

⁹ Appendix D: Regulations on South African Music Content

6. TERMS OF REFERENCE

Appendix A: Giyani Community Broadcasting Service Licence;

Appendix B: Meeting Attendance Register with the Giyani Local Municipality Portfolio Committee;

Appendix C: Annual General Meeting Minutes and attendance;

Appendix D: Regulations on South African Music Content;

Appendix E: Regulations regarding the Standard Terms and Conditions, 2010; and published in Government Gazette No 33296 dated, 14 June 2010