



# **MAFIKENG COMMUNITY RADIO ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

## **2016/2017 ANNUAL COMPLIANCE REPORT**

### **MAFIKENG COMMUNITY RADIO STATION BROADCASTING AS MAFIKENG STATION COMMUNITY RADIO**

**LICENCE PERIOD: 08 December 2013 to 07 December 2018**

#### **1. PREFACE**

The Independent Communications Authority of South Africa ("the Authority") has a statutory mandate in terms of the Constitution<sup>1</sup>, the ICASA Act<sup>2</sup> and the Electronic Communications Act<sup>3</sup> ("ECA") to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority is to ensure compliance by broadcasters with the terms and conditions of their license, the Electronic Communications Act ("ECA"), the ICASA Act, any relevant legislation and regulations.

The purpose of the report is to give an account of Mafikeng Community Radio Station's compliance with the terms and conditions as set out in its broadcasting service licence<sup>4</sup> 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), South African Music Regulations, Regulations Regarding Standard Terms and Conditions and Universal Service and Access Fund (USAF).

#### **2. BACKGROUND**

Mafikeng Community Radio Station is a Class Sound Broadcasting Licensee providing service to the geographic community residing in Mafikeng and surrounding areas in the North west Province as set out in its radio frequency

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<sup>1</sup> The Constitution of the Republic of South Africa, No 108 of 1996

<sup>2</sup> ICASA Act No 13 of 2000, as amended

<sup>3</sup> Electronic Communications Act No 36 of 2005

<sup>4</sup> Appendix A: Broadcasting Service Licence

spectrum licence. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 68 000.<sup>5</sup>

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Control Structure**

Clause 1 of the schedule to the licence provides that:

*"The Licence is issued to:*

*1.1 Name of Company/Entity: Mafikeng Community Radio Station*

*1.2 Control of the Licensee: Control shall vest in the Board of Directors of a voluntary association known as Mafikeng Community Radio Station".*

There were no changes reported by the Licensee to its company name and control structure during the period under review.

The monitoring exercise revealed that the Licensee identifies itself as Mafikeng FM. During the period under review, the Licensee did not submit a notification to change its company.

**The Licensee was found not to be in compliance with clauses 1.1 and 1.2 of the schedule to its licence.**

#### **3.2 Licence Period**

Clause 2 of the schedule to the licence provides as follows:

*"Licence Period:*

*2.1 The effective date of the Licence is 08 December 2013*

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

*2.2 The Licence shall expire on 07 December 2018".*

The radio station's licence is still valid, for the period under review.

**The Licensee was found to be in compliance with clause 2 of the schedule to its licence.**

### **3.3 Licence Area**

Clause 3 of the schedule to the licence provides that Mafikeng Community Radio Station's coverage area is as follows:

*"The Licensee shall provide services to Mafikeng and surrounding areas in the North West Province as set out in the Licensee's radio frequency licence<sup>6</sup>".*

The Licensee confirms that it provides a service in Mafikeng and surrounding areas in the North West Province as set out in the Licensee's radio frequency licence.

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

### **3.4 Community**

Clause 4.1 of the schedule to the licence provides that:

*"The Licensee should provide services to a geographical community residing within the geographic coverage area specified herein".*

The monitoring exercise confirmed that Mafikeng Community Radio Station provides a class sound broadcasting service from corner Albert Luthuli Drive and James Moroka Road, Mmabatho, and provides its services to a geographic community residing within its coverage area.

**The Licensee was found to be in compliance with clause 4.1 of the schedule to the licence.**

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<sup>6</sup> Appendix B: Frequency Spectrum Licence

Clause 4.2 of the schedule to the licence 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 on programming and programme related matters for the selection and provision of programmes;*

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

Mafikeng Community Radio Station did not submit information and proof of meetings on programming and programme related matters for the selection and provision of programmes, as required by the licence.

**The Licensee was found not to be in compliance with clause 4.2.1 and 4.2.2 of the schedule to the licence.**

Further, clause 4.2.3 provides that:

*"The Licensee shall hold an Annual General Meeting (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*

*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".*

Mafikeng Community Radio Station did not submit information and proof of Annual General Meeting, during the year under review.

**The Licensee was found not to be in compliance with clause 4.2.3 of the schedule to the licence.**

### **3.5 Programming**

Clause 5.1 of the schedule to the licence provides that:

*"The Licensee shall provide programming as follows:*

*5.1.1 Local News and Information: The Licensee shall broadcast a total of one hundred (100) minutes of news per week, of which 75% shall be the local, 20% national and 5% international.*

The monitoring exercise conducted for the period under review indicated that Mafikeng Community Radio Station broadcasts news bulletins every hour at top and bottom of the hour from 07h00 until 15h00. The monitoring exercise revealed that the licensee broadcasts an average of 5 minutes during each news bulletin and approximately 45 minutes of news per day. The Licensee broadcast mostly regional and national news.

The following were among the news stories covered for the period under review:

- 1. "Kantoro ya ga tonakgolo mo porofenseng ya North West e rometse molaetsa wa masego le matlhogonolo a letsatsi la gompiano la keresemose le paka eno ya matsatsi a khunologolo go baagi ba porofenseng. Sebueledi sa kantoro ya tonakgolo, Brian Setswambung, o ikuetse go baagi go se kgweetse ba le kafa tlase ga kgatelelo ya nnotagi le go nnetefatsa fa tla nna ba babalesegile ka dinako tse tsotlhe";*
- 2. "Kgabagare, tonakgolo ya porofense ya North West, Supra Obakeng Ramoeletsi Mahumapelo, le mokhuduthamaga wa lefapha la tlhabolololoago, Hoffman Galeng, ba ile ba neelana ka dimpho tsa keresemose go bagodi go sa le gale mafelo a beke kwa Motseng wa Atamelang kwa mesepaleng wa selegae wa Tswaing mono porofenseng";*
- 3. "Babelaelwa ba le bane ba solofetswe go tlhagelela fa pele ga kgotlhatshkelo beke e e latelang labotlhano tebang le ditatofatso tsa go*

*gapa ka dikgoka le go bolaya kwa Mooinooi mono North West. Bone jono bo golagantswe le go nyamela ga ga Anicia le Joey van Niekerk”;*

4. *“Archbishop Thabo Makgoba wa kereke ya Anglican o ikuetse go keteledipele ya marogora-mashwa ya lekoko la African National Congress (ANC) go tsaya kgato ya go lebisa moporesidente Jacob Zuma tsela ka potlako. Mo puong ya gagwe ya kamogelo ya keresemose maabane, Archbishop Makgoba o kaile fa a sa tlhaloganye gore keteledipele ya lekoko le keteledipele ya naga di tla dira jang mmogo fa tsamaiso le menagano ya bone e farologane”;* and
5. *“The National Prosecuting Authority (NPA) is disputing claims that its head, Shawn Abrahams, is one of president Jacob Zuma’s puppets. Abrahams has president Zuma an extra seven weeks to make his case for why should not be prosecuted for the multimillion rand fraud and corruption case against him”.*

**The Licensee was found not to be in compliance with clause 5.1.1 of the schedule to its licence.**

#### *5.1.2 South African Music Content: 60%*

The Licensee submits that it broadcasts an average of 60% South African music.

Monitoring exercise confirmed that the Licensee broadcast local content music exceeding the required 60%, including interviews with local musicians and music by new local musicians. The local music played by the radio station includes among others: *Dr. Malinga, Kwesta, Dr. Tumi, Sun El-Musician feat Samthing Soweto, Nutty Nys, Distruction Boys amongst others.*

**The Licensee was found to be in compliance with clause 5.1.2 of the schedule to its licence.**

#### *5.1.3 Talk vs Music: 60% Talk and 40% Music*

Impact Radio submits that it broadcasts 40% talk and 60% daily as required by its licence.

The monitoring exercise confirmed that the Licensee's format is 40% talk and 60% music as stipulated.

**The Licensee was found to be in compliance with clause 5.1.3 of the schedule to its licence.**

*5.1.4 Language(s) of broadcast:*

*5.1.4.1 Setswana – 75%;*

*5.1.4.2 English – 20%; and*

*5.1.4.3 Afrikaans – 5%."*

The Authority's monitoring exercise identified that the Licensee broadcasts most of its programmes in Setswana, followed by English. No Afrikaans programme was identified as required by the licence.

**The Licensee was found not to be in compliance with clause 5.1.4 of the schedule to its licence.**

Clause 5.2 of the schedule to the licence provides that:

*4.1.2.1 "The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A pro-forma of the log to be kept will be supplied by the Authority".*

The Licensee does not submit pro-forma of the logs on a monthly basis as stipulated above.

**Therefore, the Licensee does not comply with clause 5.2 of the Schedule to its licence**

### **3.6 Contact Details**

Clause 6 of the licence provides that:

*6.1 "The contact person for the Licensee shall be:*



6.1.1 Name: Mr. Lucky Komanisi

6.1.2 Tel: 018 389 7302

6.1.3 Fax: 018 381 3471

6.1.4 Cell: 071 121 1623

6.1.5 Email: luckytlale@ymail.com "

There were has had changes to its contact details and contact person, the Licensee informed the Authority and duly submitted the relevant forms to the Authority and are awaiting an updated licence.

**The Licensee was found to be in compliance with clause 6.1 of its licence.**

6.2 "Should the Licensee propose to replace the person so designated, the Licensee shall notify the Authority in writing within seven (7) days after appointing the new designated person"

There has been changes to its contact details and contact person, the Licensee informed the Authority and duly submitted the relevant forms to the Authority and are awaiting an updated licence.

**The Licensee was found to be in compliance with clause 6.2 of its licence.**

### **3.7 Notices and Addresses**

Clause 7 of the licence provides that:

7.1 "The Licensee chooses the following as its principal addresses:

7.1.1 Physical Address: Cnr. James Moroka and Albert Luthuli Drive  
SABC Building  
Mmabatho

7.1.2 Postal Address: Private Bag X2158  
Mmabatho  
2735

There has been changes to its contact details and contact person, the Licensee informed the Authority and duly submitted the relevant forms to the Authority and are awaiting an updated licence.

**The Licensee was found to be in compliance with clause 7.1 of its licence.**

#### **4. REGULATIONS**

##### **4.1 Complaints**

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review.

The Licensee did not submit a Form 12A (Complaints Report) as required the Complaints Procedure Manual Regulations.

**The Licensee did not comply with the relevant clause(s) of the Compliance Procedure Manual Regulation.**

##### **4.2 South African Music Content Regulations<sup>7</sup>**

The Regulations on South African Music Content as published on 31 January 2006 provide that:

*“Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% of the musical works broadcast in the performance*

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<sup>7</sup> Appendix C: SA Music Content Regulations

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

Mafikeng FM broadcasts a significant amount of South African music. The radio station broadcasts a variety of music. Monitoring exercise confirmed that the Licensee broadcast local content music exceeding the required 40%, including interviews with local musicians and music by new local musicians. The local music played by the radio station includes among others *Dr. Malinga, Kwesta, Dr. Tumi, Sun El-Musician feat Samthing Soweto, Nutty Nys, Distruction Boys* amongst others.

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

#### **4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences<sup>8</sup>**

During the year under review, the Authority did not identify instances of non-compliance by the Licensee with the standard terms and conditions for class licensees.

#### **4.5 Code on People with Disabilities**

Clause 3.1 (a) of the Code on People with Disabilities as published in the Government Gazette, no 30441, 7 November 2007, states that:

*“Broadcasting service licensees must ensure that their services are made available and are accessible to people with disabilities”.*<sup>9</sup>

During the radio station visit, it was confirmed that the Licensee’s studios are easily accessible to the community and community persons with disabilities.

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<sup>8</sup> Appendix D: Regulations regarding Standard Terms and Conditions for Class Licences

<sup>9</sup> Appendix E: Code of People with Disabilities

Clause 3.1(c) of Regulations on a Code on People with Disabilities further states that:

*"Broadcasting service licensees must monitor the effectiveness of their service through surveys as well as contact with organisations of and for people with disability and stakeholders".*

The Licensee did not submit any information relating to surveys conducted on issues and with organisations affecting people with disabilities.

**The Licensee was found to be compliant with clause 3.1(c) of Regulations on a Code on People with Disabilities.**

## **5. CONCLUSION**

Mafikeng Community Radio Station did not comply with most of its licence terms and conditions and regulations. The Authority will address the area of non-compliance with the Licensee with urgency.

## **6. APPENDICES**

Appendix A: Mafikeng Community Radio Station's broadcasting service licence;  
Appendix B: Mafikeng Community Radio Station's broadcasting Spectrum licence;  
Appendix C: SA Music Content Regulations;  
Appendix D: Regulations regarding Standard Terms and Conditions for Class Licences; and  
Appendix E: Code of People with Disabilities