



# **MASH FM STEREO ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

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

### **MASHISHING COMMUNICATIONS**

**LICENCE PERIOD: 26 NOVEMBER 2014 TO 26 NOVEMBER 2019**

#### **1. PREFACE**

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution<sup>1</sup>, the Independent Communications Authority of South Africa Act no 13 of 2000<sup>2</sup> (ICASA Act), the Electronics Communications Act no 36 of 2005<sup>3</sup> (ECA) and the Broadcast Act no 4 of 1999<sup>4</sup> 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 licence, the three Acts mentioned above and Regulations.

The purpose of the report is to give account of Mashishing community radio station's performance 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 Licence Area, Community Participation, Annual General Meeting (AGM), Local News and Information, Programming, Languages, Broadcast Hours, Promises of Performance, South African Music Content Regulations, Code on People with Disabilities and Regulations on Standard Terms and Conditions.

#### **2. BACKGROUND**

Mashishing Communications is a Class Sound Broadcasting Licensee providing a service to the Lydenburg/Mashishing and surrounding areas in Mpumalanga Province. The radio station is known as MASH FM Stereo; it was issued a renewed licence on 26 November 2014. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 15 000.<sup>5</sup>

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

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

<sup>3</sup> EC Act No: 36 of 2005

<sup>4</sup> Broadcasting Act No:4 of 1999

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

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Licensee**

Clause 1 of the licence terms and conditions stipulates that:

*"The Licence is issued to:*

*1.1 Name of the Entity: Mashishing Communications.*

*1.2 Name of the Station: Mash FM Stereo.*

*1.2.1 Control of the Licensee: Control shall vest in the Board of Directors of a Section 21 Company known as Mashishing Communications.*

The Licensee confirmed that the name of the radio station is still as stipulated in the licence and control is still with the Board of Mashishing Communications.

**The Licensee has complied with clauses 1.1, 1.2 and 1.3 respectively.**

#### **3.2 Licence Period**

Clause 2 of the licence stipulates that:

*2.1 The effective date of the Licence is 26 November 2014*

*2.2 The licence shall expire on 26 November 2019*

At the time of writing this report, the licence was up to date.

**The Licensee has complied with the clauses 2.1 and 2.2 respectively.**

#### **3.3 Licence Area**

Clause 3 of the licence stipulates that:

*"The Licensee shall provide services in Lydenburg/Mashishing and surrounding areas in Mpumalanga Province as set out in the Licensee's radio frequency spectrum licence".*

The Licensee confirmed that the radio station is still broadcasting in the areas as stipulated in the licence.

**The Licensee has complied with clause 3 of its licence.**

### **3.4 Community Participation**

Clause 4.1 of the licence stipulates that:

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

The Licensee confirmed that it provides its services to the community as mentioned above. The Authority also confirms the above as it was identified in the programme recordings submitted by the Licensee.

#### **The Licence has complied with clause 4.1 of its licence.**

Clause 4.2 of the licence stipulates as follows:

*"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 2 (two) meetings annually with its community on programming and programme-related matters for the selection and provisioning 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".*

According to the Licensee, MASH FM, conducted an outreach meeting with the community on 19 March 2016. In that meeting the Licensee submitted that it discussed programme and programming related matters with the community.

However, the Licensee did not submit proof of the meeting and the attendance register thereof. Due to the none-submission of such information, the Authority is unable to ascertain whether such meetings did indeed take place.

In the last station visit on 11 September 2014, MASH FM was inducted on the licence terms and conditions as well as ICASA Regulations. The Licensee is fully aware of the compliance obligations in relation to clause 4.2 above.

**Based on the above, the Licensee has not complied with clause 4.2.1 and 4.2.2 respectively.**

Clause 4.2.3 of the licence stipulates as follows:

*"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 the licence conditions.*

*4.2.3.2 To provide feedback on the Licensee's operational and financial performance.*

*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 informed the Authority that it convened an AGM on 21 March 2017 and unfortunately the meeting was poorly attended and failed to quorate, therefore had to be cancelled. The Licensee mentioned that the station has come up with an action plan of recruiting members for the radio station in preparation for the upcoming AGM in April 2018.

The Authority notes that this is the second time in which the AGM has been cancelled due to poor attendance. The last elective AGM held was on 19 March 2014 and a Board of 7 members were elected. Ever since then, MASH FM has been struggling to quorate in all the AGM's they have attempted to convene. According to the Constitution of the radio station, the quorum for the AGM is 50% + 1.

**Based on the above, the Licensee failed to comply with clause 4.2.3 of its licence, the Authority will endeavour to assist the Licensee in achieving compliance in this regard.**

### **3.4 Programming**

Clause 5.1 of the licence stipulates that the Licensee shall provide programming as follows:

#### **3.4.1 Local News and Information**

Clause 5.1.1 of the licence stipulates that:

*"The Licensee shall broadcast news to a total of 40 minutes per weekday. 80% of which shall be news from the community produced by the station on issues affecting the community. 15% national and 5% international"*

The Authority's monitoring exercise revealed that the radio station broadcasts news bulletins in almost all the languages stipulated in the licence with the exception of Afrikaans. Each news bulletin runs for approximately five (5) minutes and the total number of minutes of local

news monitored during the period under review is forty (40) minutes which meets the quota mentioned above. However, most of the news broadcasts are national. There were no news items identified from the community of MASH FM and there was also no international news identified.

**The Licensee did not fully comply with clause 5.1.1 of its licence.**

The following are some of the news extracts identified during the period under review:

- *"Premier of KwaZulu-Natal, Senzo Mchunu has resigned. ANC General Secretary Gwede Mantashe said that they do not regret their decision of releasing Senzo Mchunu as Premier of KwaZulu-Natal. Mchunu was given an ultimatum by his party the ANC to either resign or face forceful removal. At the press conference, Mantashe was adamant when questioned by the media that the party followed due process in recalling Mchunu. The General Secretary of the ANC also poured cold water on the critics by the alliance parties, COSATU and the SACP about this act of the ANC. He insisted that they followed due process to release Mchunu".*
- *"Eskom CEO Brian Molefe has disapproved of allegations levelled at the GUPTA family about the state capture. He said that it was unfair to refer to other people with a picture without facts. Molefe was responding to a question from the press in which he was asked if he is considering the alleged post of Finance Minister offered to him by the GUPTA family. The Eskom CEO told the media that he will not answer to that question. He instead told the media that he still going to retain his job for the next few years".*
- *"EFF Leader Julius Malema was reported to have called President Jacob Zuma 'a Blessor'. He said that the President uses public resource to support his 4 wives. On Wednesday Malema visited the Umjindi District in Barberton as he continues his election campaign ahead of the local elections to take place on 03 August 2016. The EFF leader said that Zuma spent 8 million rand on cars for his wives where the people of Mjindi and other areas that lives in poverty".*
- *"The family of Khumalo in Alberton, Burgersfort is devastated after their 28 year old son Abel Ponstso Khumalo died after being caught in fire. His aunt says that he was alone in his room when the fire started and they only heard his screams and when they*

*went out it was already too late as the flames of the fire were too strong. The aunt says that they do not know what caused the fire but they suspect that it could be that somebody set the fire on him. They say that before he died, he came home very angry and he was swearing. The family said that they are putting their hope in the police that they will investigate what caused the fire and who killed their son”.*

### **3.4.2 South African Music Content**

Clause 5.1.2 of the licence stipulates that:

*“The Licensee shall broadcast 42% South African music content”.*

The Authority’s monitoring exercise revealed that the radio station played approximately 65% of South African music content which exceed the quota mentioned above. The radio station plays different genres of music such as Kwaito, Traditional, Gospel, House, R&B and others.

The following South African Artists were identified amongst others during the period under review: *Rebecca Malope – ‘Somlandela uJesu’; Xolani Mdlalose – ‘Avumile’; Lundi Tymara – ‘Uthando’; Rex Rabanye – ‘Onketsang’; Busi and Black Motion – ‘Rejoice’; DJ Tira and Socks – ‘Tell my story’; DJ Ganyani – ‘Talk to me’; Malini – ‘Balele’; etc.*

**The Licensee has complied with clause 5.1.2 of its licence.**

### **3.5.3 Talk vs Music**

Clause 5.1.3 of the licence stipulates that:

*“The Licensee shall have a programming format of talk 50% and 50% music”.*

The Authority’s monitoring exercise revealed that the Licensee is providing a community driven broadcasting service in a talk and music format as required by its licence. The findings on the programmes recordings shows that the Licensee has maintained the format of (50%) talk and (50%) music as stipulated in the licence.

The Authority is satisfied that the Licensee has adhered with the quota of talk and music.

**The Licensee has complied with clause 5.1.3 of its licence.**

### **3.5.4 Language(s) of broadcast**

Clause 5.1.4 of the licence stipulates that the languages of broadcast are as follows:

3.5.4.1 *English – 40%;*

3.5.4.2 *Afrikaans – 20%;*

3.5.4.3 *siSwati – 20%; and*

3.5.4.4 *Sepedi – 20%.”*

The Authority’s monitoring exercise observed that the radio station broadcast mostly in siSwati, Sepedi and English languages. The Afrikaans language is not used in any of the programmes broadcast by the radio station. During the station visit, the Licensee only mentioned that they wish to reduce the quota on the languages. They never mentioned that the Afrikaans language posed a challenge for them.

**The Licensee did not fully comply with clause 5.1.4 of its licence.**

### **3.6 Log sheets**

Clause 5.2 of the licence stipulates that:

*“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 Authority confirms that the Licensee has not been submitting the log sheets as stipulated above.

As mentioned, the Authority has conducted a compliance induction with the Licensee previously. The Licensee is fully aware of their obligations regarding all licence terms and conditions.

**The Licensee did not comply with clause 5.2 of its licence.**

### **3.7 Contact Details**

Clause 6.1 of the licence stipulates that:

*“The contact person for the Licensee shall be:*

6.1.1 *Name: George Mvamba Maphanga*



6.1.2 Tel: 013 235 1757  
6.1.3 Fax: 086 665 9250  
6.1.4 Cell: 072 979 9614  
6.1.5 Email: [mashfm91.7stereo@live.co.za](mailto:mashfm91.7stereo@live.co.za).

Clause 6.2 stipulates that:

*"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 designate person".*

The Licensee confirmed that the contact details has not changed and the Authority also confirms that the details are still the same. This was verified with communications between the Authority and the Licensee.

**The Licensee has complied with clause 6.2 of its licence.**

### **3.8 Notices and Addresses**

Clause 7.1 of the licence stipulates that:

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

7.1.1 Postal Address: P.O. Box 6346  
Lydenburg  
1120  
7.1.2 Physical Address: 28 Paul Kruger Street  
Mash Complex  
Public Works  
Lydenburg  
1120".

The Licensee confirmed that there has not been any change with regard contact details, notices and addresses as per clause 6 and 7 respectively. This was also confirmed during the previous station visits.

**The Licensee has complied with clause 7 of the licence.**

### 3.9 Promises of Performance

Clause 8.1 of the licence stipulates that:

*"The Licensee's 60% talk programming content shall be aimed at the promotion of literacy, education, community upliftment and informational programming. This will include informal education such as skills development".*

MASH FM broadcasts different programmes that include literacy, education, community upliftment and skills development.

The following are the programmes that were identified to offer the above-mentioned requirements:

- "Tuning in with you" broadcast Monday to Friday between 10h00 and 12h00
- "Mash Afternoon Drive" broadcast Monday to Friday between 15h00 and 18h00
- "Let's talk" Monday to Thursday between 19h00 and 21h00
- "Zabonunuzane" broadcast on Saturdays between 09h00 and 10h00

The following topics were discussed on the above-mentioned programmes:

- "Social issues - Human behaviour and relations – do unto others what you want others to do to you, do you believe in friends with benefits, why do people stay in jobs they no longer like and Domestic violence"
- "Riddles – where listeners take a guess on what the riddle is about and subsequently get informed".
- "Motivation on how to organise yourself in terms of business, why businesses fail, changing of the business sector, financial battles, business skills".
- "Spiritual motivation – power of the tongue that is, be careful of what you say with your mouth because that is what will happen. A verse from the bible, Genesis 22: 2 - 8 was read to the listeners".
- "Education – How to prepare your CV and prepare for an interview".

Clause 8.2 of the licence stipulates that:

*"The Licensee shall broadcast a broad-based programming that will involve the whole community".*

The Authority's monitoring exercise reveals that the Licensee has a variety of programmes that involve the whole community.

The following are some of the programmes that were identified as broad-based programming:

- 'Morning Devotion' broadcast Monday to Friday between 03h00 and 06h00 – the show involves prayer, sharing of the word in the bible, birthday wishes.
- 'The Rehab Breakfast Show' broadcast Monday to Friday between 06h30 and 10h00 – the programme involves history of the country, municipal news, wake up calls, recipes.
- 'Let's talk' broadcast Monday to Friday between 19h00 and 21h00 – the programme involves education and community issues.

**The Licensee has complied with clause 8.2 of its licence.**

### **3.10 Special Conditions**

Clause 9.1 of the licence stipulates that:

*"The Licensee shall hold the AGM and elect a Board of Directors within 60 days from the signature date of the renewal licence, failure which the licence will be revoked".*

The Licensee did hold an AGM to elect a Board of Directors within 60 days as stipulated above. The meeting was held on 24 January 2015, however an Interim Board was elected due to the poor attendance. According to the minutes submitted, the Interim Board will hold office until the next elective AGM or SGM takes place.

The last elective AGM held was on 19 March 2014 and a Board of seven (7) members were elected. To date MASH FM has been struggling to quorate any of the AGM's they attempted to convene. According to the Constitution of the radio station, the quorum for the AGM is 50% + 1.

The Licensee attempted to convene their last AGM on 20 February 2016, according to the minutes, it was supposed to be an elective AGM, however the meeting did not quorate and was therefore cancelled. The meeting however, resolved that an interim board be elected to be in office for six (6) months and a Special General Meeting shall be convened to elect a Board and also have all reports presented.

Those special general meetings have not taken place to date. The Licensee sighted defunct of the interim board due to the illness of its Chairperson, the strikes of presenters at the station and the invasion of an alleged self-elected Board as the reasons that caused the meetings not to convene.

The Licensee informed the Authority that it did attempt to convene another AGM on 21 March 2017 and unfortunately it was also poorly attended and failed to quorate. The Licensee has mentioned that the station formulated an action plan of recruiting members for the radio station in preparation for the upcoming AGM in April 2018.

**The Authority appreciates the efforts made by the Licensee in effort to comply with this important licence condition. However, the Licensee has failed to comply with clause 9.1 of its licence. The Authority will endeavour to assist the Licensee achieve compliance with the obligation above.**

## **4. Regulations**

### **4.1 Broadcast Hours**

Clauses 6(1) and 10A(3) of the Standard Terms and Conditions stipulate that:

*"A Licensee must provide broadcast services for twenty-four (24) hours per day unless the Authority has been notified of a shorter schedule of daily broadcast operations".*

*"A Licensee must clearly identify itself at intervals of not more than thirty (30) minutes".*

The Authority's monitoring exercise through the perusal of the programme recordings reveals that the radio station broadcast for 24 hours. The performance period which the Authority monitors compliance is from 05h00 to 23h00. The radio station clearly identifies itself now and then on all the programmes.

**The Licensee has complied with clause 6 (1) and 10A (3) of the Standard Terms and Conditions.**

#### **4.2 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.

During the period under review, the Authority has not received any complaints from both the Board, station management and the community of Lydenburg/Mashishing.

The complaints announcement is broadcast in all the programmes of the station.

**The Licensee has complied with Compliance Procedure Manual above.**

#### **4.3 Prohibition of Granting Service Licence to Party Political Entities**

Section 52 of the ECA stipulates that:

*"Prohibition on granting of broadcasting service licence to party-political entities-No broadcasting service licence may be granted to any party, movement, organisation, body or alliance which is of a party political nature".*

Clause 7(a) of the Standard Terms and Conditions stipulates that:

*"A Class Licence must be owned by community members with the Board of Directors as custodian of the licence".*

The Licensee confirmed that the control of the radio station is with the Board of Directors as stipulated on the licence.

The Licensee also confirmed that the Board of Directors members are not office-bearers of any political party.

**The Licensee has complied with all section 52 of the ECA and the Standard Terms and Conditions respectively.**

#### **4.4 Code for Persons with Disabilities**

Regulation 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."*

During the station visit, the Authority observed that the premises of the radio station is accessible to people that are in wheel chairs and the programming content does not discriminate against people with disability.

**The Licensee has complied with regulation 3.1 of the Code Persons with Disabilities.**

## **5. CONCLUSION**

The Licensee has complied with some of the requirements as set out in its licence however the Licensee must improve in the following clauses:

1. Clause 4.2 in relation to holding two (2) meetings annually with community on programming content;
2. Clause 4.2.3 in relation to convening a proper AGM;
3. Clause 5.1.1 in relation to broadcasting news produced from the community;
4. Clause 5.1.4 in relation to broadcast programmes in the Afrikaans language;
5. Clause 5.2 in relation to submission of the monthly log sheets; and
6. Clause 9.1 in relation to convening an AGM to elect a board of directors.

**The Authority will address the non-compliance with the Licensee as a matter of urgency.**

## **6. REFERENCE**

APPENDIX A: Sound broadcasting service licence

APPENDIX B: AGM minutes and attendance register

APPENDIX C: Regulations on Standard Terms and Conditions for Class Licences

APPENDIX D: Code for Persons with Disabilities