



# **QWAQWA RADIO ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

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

### **QWAQWA RADIO**

**Licence Period : 27 October 2013- 24 October 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>, the Electronic Communications Act<sup>3</sup> (ECA) and the Broadcasting Act<sup>4</sup> 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.

The following report is intended to give an account of Qwaqwa Radio's performance for the 2016/2017 financial year. Aspects of compliance that are measured comprise of the Licence Area, Community Participation, Programming, South African Music Content Regulations, Regulations regarding Standard Terms and Conditions for Class Licensees and Regulations on the Code on People with Disabilities.

#### **2. BACKGROUND**

Qwaqwa Radio is a class broadcasting service licensee serving the geographic community of Thabo Mofutsanyane District Municipality and surrounding areas in the Free State province. The radio station is licensed to broadcast in Sesotho and English. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 117 000<sup>5</sup>.

#### **3. COMPLIANCE ASSESSMENT**

##### **3.1 Licensee Details**

Clause 1 of the schedule to the licence stipulates that:

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

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

<sup>3</sup> Act No. 36 of 2005

<sup>4</sup> 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/>

- 1.1 *Name of entity: Qwaqwa Radio;*
- 1.2 *Name of the Station: Qwaqwa Radio; and*
- 1.3 *Control of Licensee: Control shall vest in the Board of Directors of Voluntary association known as Qwaqwa Radio.*

There were no changes reported by the Licensee regarding the name of the radio station. Furthermore, the radio station identifies itself at regular intervals, with frequency number and areas of coverage.

**The Licensee complies with clause 1 of schedule to the licence.**

### **3.2 Licence Period**

Clause 2 of the schedule to the licence stipulates that:

*2.1 The effective date of the Licence is 27 October 2013.*

*2.2 The Licence shall expire on 26 October 2018.*

Qwaqwa Radio is due for a licence renewal in 2018 according to its licence. At the time of compiling this report, the licensee had not submitted its notice of intention to renew its licence.

**The Licensee complies with clause 2 of the schedule to the licence.**

### **3.3 Licence Area<sup>6</sup>**

Clause 3 of the schedule to the licence provides that the Licensee's coverage area is as outlined below:

*"The Licensee shall provide services to Thabo Mofutsanyane District Municipal area in the Free State Province as set out 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 complies with clause 2 of the schedule to the licence.**

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<sup>6</sup> Qwaqwa Radio service and spectrum licence

### **3.4 Community**

Clause 4.1 of the Schedule to the licence provides that:

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

The Licensee provides broadcasting services to areas under Thabo Mofutsanyane District Municipality in the Free State Province. Thabo Mofutsanyane District Municipality is the second largest district in the Free State after Mangaung Metropolitan Municipality with approximately 736 000 people, according to Stats SA<sup>7</sup>. Qwaqwa Radio's main coverage area include the towns of Phuthaditjhaba, Harrismith, Kestell, Clarens and Warden.

**The Licensee complies with clause 3.1 of the schedule to the licence.**

Clause 4.2 of the schedule to the licence provides 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 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".*

The radio station did not submit any proof of meetings with the community on programming and programme related matters as required by the licence.

**The Licensee does not comply with clause 4.2.1 and 4.2.2 of the schedule to its 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,*

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<sup>7</sup> <https://census2011.adrianfrith.com/place/419>

- 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, subject to the licensee's founding documents".*

As reported in the previous compliance report, the last AGM that was held by Qwaqwa Radio was on 02 March 2013. This was an elective AGM in which new board members were elected to serve on the board. Six hundred and twenty-four (624) members of the community attended the AGM. Various reports were tabled and adopted, with the exception of the Financial Report. The meeting agreed that the financial report could not be adopted due to ongoing concerns with the previous financial reports. The Board indicated that a special AGM would be convened to discuss matters pertaining to financial reports. To this end, the special general meeting has not taken place. The following members were elected on the Board of Qwaqwa Radio during that AGM of 02 March 2013:

- Mr Mei George Salemane- Chairperson;
- Mina Wetes- Deputy;
- Seka Mopeli- Secretary;
- Mr Sekete Nchabeng-Treasurer;
- Mr Maurice Mopeli- Legal;
- Mrs Ntsoaki Mokoena- Gender and disability; and
- Mrs Phindile Radebe, Human Resource.

For the period under review, the licensee's Form 1 submission, in terms of the Compliance Procedure Manual Regulations indicates that there are only four (4) board members left on the board of Qwaqwa Radio. The licensee has not given any reasons as to the whereabouts of the other board members or if the radio station has co-opted any new members to serve on the board.

Furthermore, clause 6.2.2 of the Licensee's Constitution states that *"...the board of directors shall consist of seven members and shall serve a four-year term..."*.

It is clear from this clause that the Licensee is violating its own constitution, firstly by not meeting the minimum numbers of board members as required, and secondly by exceeding its term of office. The current board term ended on 01 March 2017. An elective AGM is overdue from the Licensee and the Broadcasting Compliance Unit is in discussions with the Licensee to ensure that it finalizes a date for an elective AGM.

**The Licensee does not comply with clause 4.2.3 of the schedule to its licence.**

### **3.3 Programming**

Clause 5.1.1 of the service licence provides for the radio station's format as follows:

*"60% talk and 40% music".*

The Licensee submits that it broadcasts 60% Talk and 40% Music. The monitoring exercise confirmed that Qwaqwa Radio broadcasts 60% talk and 40% music. The programmes *"Manepe"*, which airs weekdays between 10:30 – 13:00, is a health and lifestyle show that tackles various topics such as HIV/Aids and other topics such as religion versus SeSotho culture.

**The Licensee complies with clause 5.1.1 of the schedule to its licence.**

### **3.4 News and Information**

Clause 5.1.1 of the schedule to the licence provides that:

*"The Licensee shall broadcast a total of 108 minutes of news per day, which shall include news originated by the station on issues affecting the community".*

The monitoring exercise revealed that the Licensee broadcasts news inconsistently throughout the day. News bulletins last at least five (5) minutes and are broadcast in SeSotho and English. There is a balance between national, international and news from the coverage area on issues affecting the community. An average of ninety (90) minutes of news per day was monitored.

The following are excerpts from news broadcasts that were identified on Qwaqwa Radio:

- *"Seponesa sa Freistata Botshabela se memela baagi ba Qwaqwa hotla moketeng wa kabo ya di kgao tsa di medale tsa sepolesa tsatsing la hosane stadiyamong sa Phuthaditjaba Multi Purpose. Moemedi wa seponesa Sgt Makomo Mophiring ore sepheyo, boholo sa mokete ona ke ho tlotla bahlanka ba seponesa ka tshebetso ya bona e babatsehang ebile ba tshepahetse lakaleng lena la seponesa. Bahlanka ba tlotlwang ke baa bileng tshebetsong dilemong tse lesome, tse mashome ama bedi, mashome a mararo hoy a ho mashome amane, le baa behang leja fatshe ...Hare ha baeti ba bothlokwa ba ka sethlohong ba kenyeletsa tonakgolo ya Provinse ya Freistata Ntate Ace Magashule, moetapele wa Freistata Sepoleseng Lt. Gen*

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*Lebewana Tsumane ha mmoho le majoro wa phethahatso streke sa Thabo Mofutsanyana Mme Malefu Vilakazi ho kenyeletswa le majoro wa masepala wa Maluti a Phofung Ntate Vusimuzi Tshabalala. Mophiring ore baahi ba fihle ka nako mme le tse theosetsang di teng."*

- "Banna ba babedi ba lebeletse ho kgutlela lekgotleng la mastrata wa Lekof tsatsing la ka jeno kgokahanyong le tlatlapo ya banyalani ba baqeku polaseng ya bona haufi le teropo ya Freistata. David Kanon wa dilemo di mashome a mane a motso o mong le Shadrack deFel ya dilemo di mashome a mararo le metso mehlano ba xobane di xoso tsa tlatlapo ka maikemisetso a ho ntsha kotsi ba ntse bale ditlamong tsa seponesa. Sena ke ka moraho hore rapolase Rudolph le Aletta van Heerden ele mohatsae bao baleng dilemo tse masome a shupileng ka bobedi ba bona ba otle le ho tlatlajwa polaseng ya bona kgwedding e fitileng. Ba belaelwa ba bile ba ipha dinyane ka koloi ya banyalani bana bao ka moraho gore ba utswe tshelete, dithunya le mehala ya thekeng. Koloi e utswtsweng hamorao e ile ya fumanwa e nyehladitswe borokgong ba Havenga mmileng wa Petrusville. Banna bana ba tshwerwe ka hare ho Roodepan ho la Kimberly mme thepa e neng ele ya lelapa laha van Heerden e fumanwe ho bona."*
- "Palamente e fitisitse kapo hona ho isa nhla yah o tloswa leho ntshwa ka matsoho ha setho sa palamente sa mokga wa COPE Willy Madisha le ditho tsa EFF ho komiti ya melao ya kopanelo. Madisha o ile a ntshwa pele ka palamenteng Nakong ya puo ya pulo ya palamente tsatsing la labone eleng yona SONA ka bo kgutswane, mme o ile a latelwa ke ditho tsa EFF hoya ka melao ya palamente, ditho tsa palamente tse ntshitsweng ka hare ho palamente di behelwetse ka thoko nakwana matsatsi a mahlano a tshebeletso mme haba dumelelwa ho kena hare ha palamenteng ho fihlella o beelwa ho ka thoko ho bona ho phethetswe. Sepekara sa palamente Baleka Mbete le modula setulo wa lekgotla la naha la di province Thandi Modise ba entse phatlalatso ena ya ditlaleho ho komiti ya diphatlalatso."*
- "Mopresidente wa Angola Jose DoSantos o fanne ka theelo ya ho thakgola diphuphutso ho fumana sesosa sa ho hatana hodimo ho etsahetseng papading ya bolo mo batho ba leshome le supileng ba timetseng. Batho ba ba ngata ba tswile dikotsi ketsahalong eo e tropong ya Iger ka labohlano. Nakong yeo makgolokgolo a batsheetsi baneng ba sudumetsana makenong a lebala la dipapadi. DoSantos tetamenteng o boletse a fitisa matshidiso a kutlwelobohloko hob a malapa a batho*

*baa lahlehetsweng ke baratuwa ba bona mo ketsahalong ena. Leseding nyana la mmuso la Angopa le tlalehile ha letona la dipapadi le kopile mokgatlo wa selehae wa bolo ya maoto le bahlanka ba mmuso wa province, ho thakgola di phuphutso ho fumana se ba kileng ketsahalong eo. Papadi ena ene ele mahareng a sethlopha sa Santa Rita di Casia le sethlopha sa LiBolo mme ene ele karolo ya Angola First Division Championship"*

**The Licensee does not fully comply with 5.1.1 of the schedule to its licence.**

Clause 5.1.2 of the schedule to the licence states that:

*"The Licensee shall broadcast 40% South African music content".*

The monitoring exercise confirmed that the radio station broadcasts 55% of South African music content per week.

**The Licensee complies with clause 5.1.2 on local content, above.**

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

Clause 5.1.4 of the schedule to the licence provides that the languages of broadcast are as follows:

- (a) 56% Sesotho
- (b) 44% English

The Authority's monitoring exercise found that the Licensee primarily uses SeSotho and at least 20% of English. The majority of the Licensee's English content can be found only in its news bulletins and some of its current affairs programmes where an invited guest can only converse in English. The Broadcasting Compliance Unit will discuss this non-compliance with the Licensee and advise it of pursuing an option of amending its licence to align the language output.

**The Licensee does not comply with clause 5.1.4 of the schedule to its licence.**

### **3.6 Notices and Addresses**

Clause 6.1 of the service licence stipulates that:

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

- 6.1.1 Name: Mrs Tebello Mosala;*
- 6.1.2 Tel: 058 713 2181;*



6.1.3 Fax: 058 713 2516; and

6.1.4 Cell: 079 737 4525.

6.1.5 Email: [tibie@qcr.co.za](mailto:tibie@qcr.co.za) or [tebellomosala@yahoo.com](mailto:tebellomosala@yahoo.com)

The Authority is aware that this contact person is no longer at the station. The Licensee has not filed the relevant Form L notification to change the contact details thereof.

**The Licensee does not comply with clause 6.1 of the schedule to its licence.**

### **3.7 Promise of Performance**

Clause 8.1 of the schedule to the licence provides that:

*"The Licensee shall ensure that the following towns namely, Qwa-Qwa, Kestell and Harrismith are represented on the board of directors."*

The Licensee has not submitted any confirmation of compliance with the above clause and **therefore does not comply with clause 8.1 of its licence.**

Clause 8.2 of the schedule to the licence provides that:

*"The Licensee's staff complement shall consist of not less than 40% women at all levels."*

According to the Licensee submission, there is a fairly balanced gender mix on the structures of the radio station. There is a 42% female representation across the staff complement and **therefore the station complies with clause 8.2 of its licence.**

Clause 8.3 of the schedule to the licence provides that:

*"The Licensee shall through its programming facilitate the development of music, arts and culture within its coverage area"*

The monitoring exercise could not find any initiatives during the period under review, where the licensee facilitates the development of local music.

**The licensee has not demonstrated compliance with clause 8.3 above.**

### **3.8 COMPLAINTS**

During the period under review, the Authority received one (1) complaint from a concerned community member. This complaint was investigated at length by the Authority's Complaints Unit. The investigation can be summarized as follows:

1. *"Allegation that the Chairperson of the Board of Directors is self-appointed and has not been replaced in the past seven years."*
  - *We are able to confirm that the current Chairperson was re-elected by the community at an AGM held in 2013.*
2. *"Allegation about poorly compiled financial reports and that R3 million "went missing"*
  - *Please be advised that the auditing of financial statements falls outside of ICASA's jurisdiction, you are further advised to approach the South African Police Services should you have evidence of any fraud or theft taking place at the radio station.*
3. *"Allegation that the Chairperson is an active member of a political party."*
  - *We are able to confirm that the Chairperson resigned from the political party concerned in October 2013. If you have evidence that contradicts this then we kindly request, you to provide us with such evidence.*
4. *"Allegations about the Chairperson's "autocratic leadership".*
  - *Please be advised that the day-to-day management of the radio station does not fall within ICASA's jurisdiction. We will, however, be regarding this matter as closed unless you are able to provide the evidence requested in paragraph 3 above."*

The complaint was closed and no further information was provided by the complainant. The Broadcasting Compliance Unit is satisfied that the matter was dealt with appropriately.

### **4. REGULATIONS**

#### **4.1 South African Music Content<sup>8</sup>**

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

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<sup>8</sup> Regulations on South African Music Content

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

The Authority's monitoring exercise confirmed that the radio station broadcasts 55% of South African music content. Various genres were identified on the station's music line-up including Traditional SeSotho Music; House; Afro Pop; Hip Hop and Kwaito with artists such as *Prince KB, Vusi Nova; Joe Nina; DJ Post; Babes Wodumo* and many others being played.

**The Licensee complies with South African Music Content Regulations.**

#### **4.2 Regulations regarding Standard Terms and Conditions for Class Licences<sup>9</sup>**

During the period under review, the Authority became aware that the Licensee has not updated its contact details. Furthermore, the Authority is also aware of a complaint from a community member which was not responded to by the Licensee. Lastly, the Licensee failed to submit information requested by the Broadcasting Compliance Unit.

**The Licensee does not comply with the Regulations on Standard Terms and Conditions for Class Licences.**

#### **4.3 Regulations on the Code for Persons With Disabilities**

The Licensee did not report on any matters that relate to the Code For Persibs With Disabilities. In the absence of a detailed report to this effect, **the radio station did not comply with the Regulations on the Code for People with Disabilities.**

### **5. CONCLUSION**

During the period under review, the Licensee has generally not complied with several licence terms and conditions. This demonstrates a symptom of disregard for Licence obligations as set out by the Authority, for Qwaqwa Radio. The Licensee must change its attitude towards the community from the current hostility to one of community builder.

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<sup>9</sup> Regulations on Standard Terms and Conditions for Class Licences

The Broadcasting Compliance Unit finds that the Licensee cannot tolerate dissenting view and that is against the very essence of community radio. The Authority will take up matters of none compliance with the radio station and help the station get back on the right path.

## **6. TERMS OF REFERENCE**

- 6.1 Qwaqwa Radio service and spectrum licence;
- 6.2 Qwaqwa Radio submission;
- 6.3 Complaints and responses thereto;
- 6.4 Regulations on South African Music Content;
- 6.5 Regulations on Standard Terms and Conditions for Class Licences; and
- 6.6 Regulations on the Code for People With Disabilities.