



RADIO ALPHA ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/2017 ANNUAL COMPLIANCE REPORT

WAY-TRUTH-LIFE FAITH COMMUNITY BROADCASTINGS AS RADIO ALPHA

LICENCE PERIOD: 27 October 2013 to 28 October 2018

1. PREFACE

The Independent Communications Authority of South Africa ("the Authority") has a statutory mandate in terms of the Constitution, the ICASA Act and the Electronic Communications Act ("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 licence, the Electronic Communications Act ("ECA"), the ICASA Act, any relevant legislation and regulations.

The following report is intended to give account of Radio Alpha'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), South African Music Regulations, Regulations Regarding Standard Terms and Conditions and Universal Service and Access Fund (USAF).

2. BACKGROUND

Radio Alpha is a Class Sound Broadcasting Licensee providing service to the Christian community residing in Badplaas and surrounding villages in the Mpumalanga Province, as specified in and required by its radio frequency spectrum licence¹.

¹ Appendix A: Radio Alpha's Broadcasting Service and Spectrum Licences

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: Way-Truth-Life Faith Community

1.2 The name of the station: Radio Alpha

1.3 Control of the Licensee: Control shall vest in the Board of Directors of a Section 21 Company known as Way-Truth-Life Faith Community".

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

The Licensee was found to be in compliance with clauses 1.1 and 1.2 of its licence.

3.2 Licence Period

Clause 2 of the schedule to the licence provides that:

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

"2.2 The Licence shall expire on 28 October 2018".

The licence is still effective until 28 October 2018.

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

3.3 Licence Area

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

"Badplaas and surrounding villages in the Mpumalanga Province, as set out in the Licensee's radio frequency licence".

The Licensee confirms that it provides a service in Badplaas and surrounding villages in the Mpumalanga 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 Christian community of interest residing within the geographic coverage area specified herein".

The monitoring exercise confirmed that Radio Alpha provides a sound broadcasting service from Badplaas, and provides its services to a Christian community residing within its coverage area.

The Licensee was found to be in compliance with clause 3.1 of its 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”;

Radio Alpha did not submit information and proof regarding the holding of meetings with its community on programming and programme related matters for the selection and provision of programmes, during the period under review.

The Licensee was found not to be in compliance with clause 4.2.1 and 4.2.2 of its 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”.

Radio Alpha held its Annual General Meeting on 27 November 2016. The Licensee submitted minutes and attendance register as proof². The purpose of the AGM was to provide feedback on the Licensee’s compliance with licence conditions, operational, financial performance and to elect a new Board of Directors. The reports presented by the Chairperson of the Board and the Station Manager which included the Audited Financial Report were duly adopted by the members present at the AGM.

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

² Appendix B: AGM minutes and attendance register

3.5 Programming

Clause 5.1 of the schedule to the licence provides that:

"The Licensee shall provide programming as follows:

5.1.1 Format:

60% talk and 40% music".

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

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

The Licensee was found to be in compliance with clause 5.1.1 of its licence.

Clause 5.1.2 of the schedule to the licence provides that:

5.1.2.1 "The Licensee shall broadcast a total of not less than 90 minutes of news per day, the bulk of which shall be local news".

The Licensee submits that it broadcasts an average of ninety (90) minutes of news per day and a larger proportion of its news is made up of local news.

The monitoring exercise conducted for the period under review indicated that Radio Alpha broadcasts news bulletins every hour on the hour from 06h00 to 18h00 and news headlines at the bottom of the hour.

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

- 1. "Democratic Alliance leader, Mmusi Maimane, says there is a possibility that they may return to the Constitutional Court if President Jacob Zuma's impeachment fails. The court ruled yesterday that Zuma failed to uphold*

the Constitution when he failed to implement the Public Protector's recommendations that he should pay back part of the millions of rand in public funds used for upgrades at his Nkandla home";

2. *"Power utility, Eskom, has welcomed the Gauteng High Court's decision to dismiss the Organisation Undoing Tax Abuse's urgent application to interdict the 9.4% tariff increase. Eskom says the tariff hike has been misunderstood, as the increase if broken down is actually 1.4%";*
3. *"The South African Municipal Workers Union has been blamed for the breakdown in negotiations with the Johannesburg Waste Management company, Pikitup. Workers affiliated to SAMWU have been on strike for four weeks demanding a wage hike and Pikitup Managing Director, Amanda Nair, to step down";*
4. *"Indian cricket team captain, MS Dhoni, says he has no intention of retiring after his side failed to make it through to the final of the 20/20 World Cup. Dhoni expressed his disappointment at the seven-wicket defeat by the West Indies yesterday"; and*
5. *"Litiko lete Manti Kanye ne Litiko lete Bulungiswa batawufundzisa emajele kabanti ngeku wonga emanti njengoba sifundza sase Mpumalanga sibala kutsi singulesinye setifundza letinesomiso semanti kulelive letfu. Lokhulumela lijele lase Baberton umnumzane Mesaih Nhlongwane utsi kungumsenti wabo njengelijele kufundzisa tiboshwa konga emanti. Lokufundzisa ngekonga emanti kutawutsatsa emalanga lamabili. Tiboshwa ti titawunikwa litfuba lekuveta tindlela letehlukile tekuwonga emanti letitawusita emphakatsini."*

The monitoring exercise conducted revealed that Radio Alpha broadcasts not more than forty-five (45) minutes of news per day and no local news were identified in the recordings monitored. The Licensee reported to have discussed the matter during the AGM held on 27 November 2016 and resolved to correct the non-compliance by appointing a full-time journalist.

The Licensee was found not to be in compliance with clause 5.1.2 of its licence.

Clause 5.1.2 of the schedule to the licence provides that:

"The Licensee shall broadcast South African music content of not less than 80%".

The Licensee submits that it broadcasts a minimum of 80% of South African music³.

Monitoring exercise confirmed that the Licensee broadcast local content music exceeding the required 80%, including interviews with local musicians and music by new local musicians. The local artists played by the radio station includes among others: *Thabile Myeni, Mpho Mutula, Sipho Makhabane, Frans Dlamini, Mthunzi Namba, Deborah Fraser, etc.*

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

Clause 5.1.3 of the schedule to the licence provides that:

"Talk vs Music: 60% talk and 40% music".

The Licensee submits that it complies with the above requirement.

The monitoring exercise confirmed that the Licensee broadcasts 60% talk and 40% music daily.

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

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

"Languages of broadcast:

5.1.4.1 25% isiSwati

5.1.4.2 25% isiZulu

³ Appendix C: Programme Logsheets

5.1.4.3 25% English

5.1.4.4 25% Afrikaans"

The Licensee submits that it complies with the above requirement.

The Authority's monitoring exercise identified programmes in isiSwati, isiZulu, English and Afrikaans as outlined in the licence.

The Licensee was found to be in compliance with clause 5.1.4.

Clause 5.2 of the schedule to the licence provides 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 Licensee submits that it submits a log of programmes broadcast on a monthly basis as required.

The monitoring exercise confirmed that the Licensee submit a log of programmes broadcast on a monthly basis as required.

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. Jan Otto*

6.1.2 *Tel: 017 844 1480*

6.1.3 *Fax: 086 675 0273*

6.1.4 *Cell: 083 228 8873*

6.1.5 *Email: alpha978@telkomsa.net"*

There were no changes reported by the Licensee to its contact details during the period under review.

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 was no proposed replacement of the designated contact person reported by the Licensee during the period under review.

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 *Postal Address: PO Box 777
Badplaas
1190*

7.1.2 *Physical Address: 109 Wallach Street
Badplaas
1190*

There were no changes reported by the Licensee to its principal addresses during the period under review.

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 Regulations⁴, to submit a Form 12A which reports on all complaints received during the financial year under review.

The Licensee is a member of the National Association of Broadcasters (NAB) and complaints relating to Code of Conduct are directed and adjudicated by the Broadcasting Complaints Commission of South Africa. However, the Licensee reported not to have received complaints for the period under review.

The Licensee was found to be in compliance with the Compliance Procedure Manual Regulations.

4.2 South African Music Content Regulations⁵

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

The Licensee submits that it complies with the above requirement.

Radio Alpha broadcasts a significant amount of South African music. The radio station broadcasts a variety of gospel music.

⁴ Appendix D: Compliance Procedure Manual Regulations

⁵ Appendix E: SA Music Content Regulations

Monitoring exercise confirmed that the Licensee broadcast local content music exceeding the 40% required by the regulations and 80% required by its licence, including interviews with local musicians and music by new local musicians.

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

4.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences⁶

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.

4.3 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations provides that:

- (1) *"Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund".*
- (2) *"A BS licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF Contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year".*

The Licensee is exempted from paying annual contributions to the MDDA.

The Licensee was found to be in compliance with USAF regulations.

4.5 Code on People with Disabilities

⁶ Appendix F: Standard Terms and Conditions for Class Licences

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".⁷

The Licensee confirms that its studios are easily accessible to the community and community persons with disabilities. The Licensee also has people with disabilities within its employ.

5. CONCLUSION

Radio Alpha has substantially complied with most of its licence terms and conditions and regulations. However, the radio station did not comply with clause 4.2.1, 4.2.2 and 5.1.2 of its licence. The Licensee has been made aware of the non-compliance and requested to remedy the non-compliance.

6. TERMS OF REFERENCE

Appendix A: Radio Alpha's Broadcasting Service and Spectrum Licences

Appendix B: Radio Alpha's AGM minutes

Appendix C: Programme Logsheets

Appendix D: Compliance Procedure Manual Regulations

Appendix E: SA Music Content Regulations

Appendix F: Standard Terms and Conditions Regulations for Class Licences

Appendix G: Code of People with Disabilities

⁷ Appendix G: Code of People with Disabilities