



# **WITBANK FM ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

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

### **WITBANK FM**

#### **LICENCE PERIOD: 12 FEBRUARY 2014 TO 11 FEBRUARY 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 ICASA Act<sup>2</sup>, the Electronic Communications Act<sup>3</sup> (ECA) and the Broadcasting Act to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority is to monitor compliance by broadcasters with the terms and conditions of their licence, the ECA, the ICASA Act, any other relevant legislation and Regulations.

The following report is intended to give an account of Witbank FM's compliance 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 Content Regulations, Regulations on the Code on People with Disabilities and Regulations Regarding Standard Terms and Conditions.

## **2. BACKGROUND**

Witbank FM is a Class broadcasting service Licensee. The Licensee's language(s) of broadcast are isiZulu, SePedi, isiNdebele, English and Afrikaans. The radio station's mandate is to provide a service to the geographic areas of Emalahleni and surrounding areas in Mpumalanga.

Witbank FM broadcasts from the studios situated at 5546 Hectorway Drive, Lynnville Municipal Offices in Emalahleni. The radio station has its own signal distribution licence. The radio station commenced full broadcast on 12 April 2010. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 62 000.<sup>4</sup>

## **3. COMPLIANCE ASSESSMENT**

### **3.1 Ownership and Control**

Clause 1 of the schedule to the licence states that:

*"The Licence is issued to:*

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

1.1 Name of Company/Entity: Witbank FM.

1.2 Name of the radio station: Witbank FM.

1.3 Control of the Licensee: Control shall vest in the Board of Directors of Witbank FM".

There were no changes reported by the Licensee. The name of the radio station is Witbank FM as stipulated in the licence and is still controlled by the Board of Directors of Witbank FM.

**The Licensee complies with clauses 1.1, 1.2 and 1.3 of the schedule to its licence.**

### **3.2 Geographic Coverage Area**

"Emalahleni Clause 3 of the schedule to the licence stipulates the geographic coverage area as follows:

*and surrounding areas as set out in the Licensee's radio frequency spectrum licence."*

The Licensee confirms that it covers Ogies, Ganala, Delmas, Belfast, Middleburg, Dooringkop and Verena; these are the geographic areas specified in the spectrum licence.

**The Licensee was found to be compliant with the clause 3 of the schedule to its licence.**

### **3.3 Community Participation**

Clause 4.1 of the schedule to the licence stipulates that:

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

The Licensee confirms that Witbank FM broadcasts from Emalahleni and provides its services to the geographic community residing within its coverage area.

**The Licensee complies with clause 4.1 of the schedule to its licence.**

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

The Licensee submitted proof that one (1) meeting was held with the community in relation to programming and programme related matters. However, the obligation requires the Licensee to convene two (2) meetings with the community.

**The Licensee partially complied with clause 4.2.1 and 4.2.2 the schedule to 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.*

*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 convened an elective Annual General Meeting (AGM) on 18 February 2017. During the Licensee's AGM, the Chairperson of the Board provided feedback to the community on Witbank FM's compliance with licence terms and conditions. Further, the Chairperson reported on the Licensee's operational and financial performance. The following aspects were reported as key focus areas that were mandated to the board at the 2017 AGM:

<b>AGM Resolutions 2017</b>	<b>Current Status</b>
(a) Establish sub-committee of the Board	Not fully implemented
(b) Policies be reviewed	Not fully implemented
(c) Language (Afrikaans be resolved through CAAC)	Not fully implemented
(d) Hold CAAC Meeting	Not fully implemented

The Licensee reported the following challenges:

- Income for the station;
- Leakage of information;
- Hearsays in the corridors that might cause instability and tensions;
- Class broadcasting services licence to be amended;
- Functioning of sub-committees;
- New equipment's that are needed, e.g. computers, laptops, etc.;
- Finalisation of the two court cases;
- Enough operational space at the station; and

- Unity must not be compromised.

**The Board was given the following resolutions to implement during its term in office:**

- (a) Establish sub-committee of the Board
- (b) Policies be reviewed
- (c) Language (Afrikaans be resolved through CAAC)
- (d) Hold CAAC Meeting

**The following members were elected as board members of Witbank FM:**

Mr PB Magagula	Chairperson
Ms Mapule Lukhele	Deputy Chairperson
Mr L Ntuli	Secretary
Ms Maria Kgabo	Deputy Secretary
Mr P Moyane	Treasurer
Mr Dan Ndlovu	Additional member
Ms M Moodly	Additional member

**The Licensee has, during the period in review, complied with the obligations of clause 4.2.3 of the schedule to its licence.**

### **3.4 Programming**

Clause 5.1 of the schedule to the licence states that the Licensee shall provide programming as follows:

*"The Licensee shall provide programming as follows:*

#### *5.1.1 News and Information:*

*The Licensee shall broadcast 60% local, 20% provincial, 10% national and 10% international news per day".*

The Licensee reported that it does not comply with the above clause.

The monitoring exercise indicated that Witbank FM broadcasts thirteen (13) news bulletins per day. The news bulletins are broadcast every hour on the hour and news headlines at the bottom of the hour, of which the duration of the news bulletins is two (2) to three (3) minutes. Six Sepedi news bulletins and seven (7) Ndebele news bulletins.

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

- *"Ababelethi kunye nabafundi ebekade befunda ngezikweni nangeThibela FET College abafuni ukwiza litho ngonobangela wokuvalwa kwalo leliziko lemfundo bandulo".*

- *"Uyayaleliswa umphakathi wangeMalahleni malungana nokuqundwa kwamandla ogesi okuhleliweyo".*
- *"Amapholisa awashiya ilitshe nalinye lingakaphendulwa. Amalungu amapholisa wange-Witbank SAPS kunye ne-Community policing forum abe nempelaviki ephansiphezulu lokhana bekade becinisekisa ukuboshwa kwabaphulimithetho".*
- *"Umsolwa onemnyaka emashumi amane nethoba ubudala obekade ecale ngomlandu wokushayela ngesilinganiso esingaphezulu kuka 0.05mg emzimbeni akhange afahle lula bunjalo".*

The monitoring exercise reveal that the Licensee broadcasts 60% of local news, as stipulated in the licence. Monitoring detected that the Licensee broadcasts at least 10% of national news and 30% of provincial news. No international news was detected.

**For the period under review, the Licensee partially complied with the requirements of the clause above.**

Clause 5.1.2 of the licence provides that:

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

The Licensee submits that it broadcast 50% of South African music, which includes interviews with local musicians.

Monitoring revealed that the Licensee broadcasts at least 50% South African local music.

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

Clause 5.1.3 provides for the radio station's format as follows:

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

The Licensee reported that its format is as defined in the licence. The monitoring exercise confirmed that the Licensee adheres to the licence format.

**The Licensee complies with clause 5.1.3 above.**

*5.1.4 Language(s) of broadcast:*

- (a) 30% isiZulu
- (b) 30% Sepedi
- (c) 20% isiNdebele
- (d) 10% English
- (e) 10% Afrikaans

The Licensee reported that currently it does not comply with the languages of broadcast. The monitoring exercise revealed that the Licensee broadcasts in all languages except for Afrikaans as stipulated in the licence. Further, the radio station broadcasts news in the Ndebele and Pedi languages only. The Licensee expressed its frustration with acquiring fluent Afrikaans speaking presenters. They also expressed that Afrikaans speaking presenters prefer opportunities at Licensee's who are dominant in Afrikaans. The Licensee further expressed that their listeners are not Afrikaans speaking and therefore lack interest in Afrikaans programmes.

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

#### **4. REGULATIONS**

##### **4.1 South African Music Content Regulations**

Regulation 3.2 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 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".*

Witbank FM plays a significant amount of South African music. The music genres range from Gospel, Kwaito, R&B, Jazz, Hip Hop and House. The local music played by the radio station includes among others: *Ncandweni, Joy of Gospel, Thembisile Ntaka, Sgwili Babo, Mafikizolo, Destiny, Jaziel Brothers, Thandiswa, Nathi, Karabo, Afrotraction, Lira, and Mi-casa.*

On average Witbank FM plays 50% South African music daily.

**Witbank FM complies with the required local music content quota, as prescribed by the South African Music Content Regulations.**

##### **4.2 Regulations on Code for Persons with Disabilities**

Regulation 3.1(a) of the Code for Persons with Disabilities states that:

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

The Licensee's services are accessible to people with disabilities. Further, its premises and studio are accessible to people with disabilities.

**The Licensee was found to be compliant with regulation 3.1(a) the Code on People with Disabilities.**

Regulation 3.1(c) of the Code for Persons with Disabilities 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 provide information indicating that surveys were conducted.

**The Licensee was found to be non-compliant with regulation 3.1(c) of the Code for Persons with Disabilities.**

#### **4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences**

During the year under review, the Authority did not identify instances of non-compliance by the Licensee with the Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences.

#### **4.4 Information in accordance with Compliance Procedure Manual Regulation (CPMR)**

The Licensee is required to submit the following information to the Authority in following manner:

- a) Form 1 & 7C: These forms are annual submissions and are to be submitted each year by end of March;
- b) Form 6B and 12A: These forms are bi-annual submissions and are to be submitted second week of October and second week of April each year; and
- c) Form 8A-E: These are monthly reports pertaining to general programming logs, they are to be submitted at the beginning of every month to report on the previous month.

The Licensee does submit the above information to the Authority as set out in the Regulations.

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

## **5 CONCLUSION**

During the period under review, the Licensee has general complied with the requirements as set out in its licence and relevant legislation. However, the Licensee failed comply with clause 3.1(c) of Regulations on a Code on People with Disabilities as well as clause 4.2.1 and 4.2.2



in relation to community participation and clause 5.1.4 in relation to language(s) of broadcast as set out in the licence terms and conditions.

## **6 TERMS OF REFERENCE**

- 6.1 Appendix A: Witbank FM's broadcasting service and frequency spectrum licence.
- 6.2 Appendix B: South African Music Content Regulations.
- 6.3 Appendix C: Regulations Regarding Standard Terms and Conditions.