



ZEBEDIELA COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/2017 ANNUAL COMPLIANCE REPORT

ZEBEDIELA COMMUNITY RADIO BROADCASTING

LICENCE PERIOD: 08 April 2015 to 07 April 2020

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act² and the Electronic Communications Act³ (ECA) to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the terms and conditions of their licence, the ECA, the ICASA Act and any other relevant legislation and Regulations.

The purpose of the report is to give an account of Zebediela Community Radio'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 the Code on People with Disabilities.

2. BACKGROUND

Zebediela Community Radio is a class broadcasting Licensee providing service to the geographic community in the Lepelle-Nkumpi Municipality in the Limpopo Province, as set out in the Licensee's radio frequency spectrum licence⁴.

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: Zebediela Community Radio

1.2 Name of the Station: Zebediela Community Radio

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² ICASA Act No 13 of 2000, as amended

³ Electronic Communications Act No 36 of 2005

⁴ Appendix A: Service and spectrum licence

1.3 *Control of the Licensee: Control shall vest in the Board of Directors of Zebediela Community Radio*".⁵

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

The radio station's name is Zebediela Community Radio as provided in the licence.

The Licensee was found to be in compliance with clauses 1.1, 1.2 and 1.3 of the schedule to its licence.

3.2 Licence Period

Clause 2.1 and 2.2 of the schedule to the licence provide that:

"2.1 The effective date of the Licence is 08 April 2015.

2.2 The Licence shall expire on 07 April 2020."

The licence is still valid and the Licensee is operational.

The Licensee was found to be in compliance with clause 2.1 and 2.2 of the schedule to its licence.

3.3 Licence Area

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

"Zebediela Community in the Lepelle-Nkumpi Municipality in the Limpopo Province as set out in the Licensee's radio frequency licence".

The Licensee confirms that it provides a service to the Lepelle-Nkumpi Municipality in the Limpopo Province as set out in the Licensee's radio frequency licence.

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

3.4 Community

Clause 4.1 of the schedule to the licence provides that:

⁵ Appendix B: Control Structure

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

Zebediela Community Radio provides a sound broadcasting service from Stand No. 101, Zebediela Citrus Estate in Zebediela 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 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".

The Licensee did not hold two (2) meetings with its community 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 clauses 4.2.1 and 4.2.2 of 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".

Zebediela Community Radio submitted a brief report⁶ explaining that an Annual General Meeting was not held due to the fights that were taking place in and around their broadcast area. The Licensee further reported that the situation is back to normal. The Licensee has resolved to have the AGM on the 1st of April 2018.

The Licensee was found not to be in compliance with clause 4.2.3 of the schedule to its 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 forty (40) minutes of news per day, of which 20 minutes will be local, 10 minutes provincial, 5 minutes national and 5 minutes international news."

The Licensee submits that it complies with the above clause.

The monitoring exercise conducted for the period under review indicated that Zebediela Community Radio broadcasts news bulletins every hour on the hour and news headlines at the bottom of the hour. Zebediela Community Radio broadcasts an average of 40 minutes per day, of which more than 20 minutes is local, 5 minutes is national and less than 5 minutes is international.

Among the news stories covered were excerpts from certain broadcasts, as follows:

1. *"Baratani ba Mpumalanga ba bonwe molato wa bohodu morago ga gore ba utswitse tshelete yago lekana diranta tse milione tse lesome go maspala wa Dr SK Moroka ka Mpumalanga. Joas le Maria Mabaso ba swerwe morago ga gore ba papelwe ke go lefa tshelete yeo e loketswego ka mo gare ga account ya bona ya kgwebo ka phosho. Balaodi baba bedi ba company ya go aga bare ba shetse ba shumishitse tshelete yeo. Mmoleledi wa The Hawks ke Dineo Sekgotodi. Go sale bjalo bobedi bo filwe bail ya diranta tse dikete tse lesome mongwe le mongwe gomme batla boela kgorong ya tsheko ka lahlano kgwedding yetlago";*

⁶ Appendix C: Report on the AGM

2. *"Motho o tee o hloketse gomme bana ba gokaba masometshela ba gobetse morago ga gore bese ya sekolo e menoge tseleng ya N3 ka Townhill magareng ga Hilton le Pietermaritzburg ka Mpumalanga. Diwego di bolela gore gona le bana bao ba tswago sekolong sa bashimane sa Michael House gomme ER24 ere ba diterelo tsa tshoganetso bare ba humane bese yeo e wele ka lehlakore gape bare bana baba ntshi babe ba shetse ba tswile ka beseng ba sepela lefelong la kotsi. Karolwana ya tsela yeo ka thokong ya goya lebowa e tswaletswe fao e hlolago pherekanyo e kgolo ya sephethephethe";*
3. *"Lephodisa la maloba le molatofatswa ka yena wa mosadi ba tswelletse ka kgoro ya tsheko ya mmagiseterateng wa Tzaneen ka moshupologo, morago ga go leka go utswa diranta tsa go feta milione o tee fegelwana pedi ka mokitlaneng wa rragwebo wa mosadi. Maphodisa a porofense a re Jack Mathiba wa mengwaga e masome-nne le Doreen Thamaga wa e masome-pedi seswai, ba golegilwe ka mokibelo morago ga gore bone le monna o o sa tsejwego ba ikopnaye le molaodi wa Nedbank ka maikemisetso a go romela chelete mekitlaneng e mengwe";*
4. *"Lapa labo mongwaledi pharephare wa peleng wa league ya baswa ya ANC Sindiso Magaqa lere obe a kaonafala bookelong gomme obe a kgona go bolela nakong yage a thoma go lwala gape ka bookelong. Magaqa obe ale bookelong lebaka la go lekana dikgwedi tse pedi morago ga gore yena le balekgotla ba bangwe babedi ba thuntshwe kgwedding ya Mosegamanye (ke gore July). Malome wa gagwe Vuma Magaqa ore ka labohlano, Magaqa oile a thoma go lla ka mathata a mpeng gomme a hlokgala kala Morena mathapama. Nakong ya lehu la gagwe Magaqa ebe ele molekgotla wa ward ka masepaleng wa Umzimkhulu ka borwa bja Kwa-Zulu Natal"; and*
5. *"Lenaneo lago swara batho bao ba tshelago molao wa tsela makga a mmalwa leya go phethagatswa kgauswinyana morago ga gore palamente e fitishe molao kakanywa phetoshwa wa Administrative Adjudication of Road Traffic Offences. Molawana owe oya go phethagatsa maamong abo setshaba ge osena go saenelwa goba molao. Motlatsa spikara Lechesa Tsenoli o badile di poelo".*

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

5.1.2 "South Africa Music: 85%"

The Licensee submits that it broadcasts a minimum of 85% of South African music.

The monitoring exercise confirmed that more than 85% of the Licensee's music is comprised of local music. The radio station broadcasts a variety of music genres, most of which is South African. The local music played by the radio station includes among others, the following South African artists: Joe Mafela, Lady Zamar, King Monada, Jonas Gwangwa, Judith Sephuma, etc.

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"

Zebediela Community Radio 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.

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 Sepedi – 45%*
- 5.1.4.2 isiNdebele – 30%*
- 5.1.4.3 Xitsonga – 15%*
- 5.1.4.4 English – 5%*
- 5.1.4.5 Local dialect – 5%"*

The Licensee submits that it complies with the above requirement.

The monitoring exercise confirmed that programmes are broadcast in the languages as outlined in the licence.

The Licensee was found to be in compliance with clause 5.1.4 of the schedule to its licence.

Clause 5.1.5 of the schedule to the licence provides that:

"The Licensee shall broadcast for eighteen (18) hours a day"

The Licensee submits that it broadcasts for eighteen (18) hours a day.

The monitoring exercise confirmed that the Licensee broadcasts its programmes for 18 hours a day.

The Licensee was found to be in compliance with clause 5.1.5 of the schedule to its licence.

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 submitted a programme logsheets⁷ on a monthly basis indicating compliance for each month of broadcast, as required.

The Licensee was found to be in compliance with clause 5.2 of the schedule to its licence.

3.6 Contact Details

Clause 6.1 of the schedule to the licence provides that:

1.1 "The contact person for the Licensee shall be:

1.1.1 Mr Saul Molamo Mothoa

1.1.2 Tel: (015) 642 3170

1.1.3 Fax: (015) 642 3129

1.1.4 Cell: 081 321 0587 / 076 112 0503

1.1.5 Email: ZBFM@webmail.co.za / Saulm154@gmail.com"

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 the schedule to its licence.

⁷ Appendix D: Monthly Programme Logsheets

Clause 6.2 of the schedule to the licence provides 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."

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

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

3.7 Notices and Addresses

Clause 7 of the schedule to the licence provides that:

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

7.1.1 Physical Address: Stand 101

Zebediela Shopping Complex

Zebediela Citrus Estate

Zebediela

7.1.2 Postal Address: PO Box 843

Koringpunt

0632"

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 of the schedule to its licence.

4. REGULATIONS

4.1 Complaints

The Licensee is required, in terms of the Compliance Procedure Manual Regulations⁸, 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 by the Compliance Procedure Manual Regulations.

The Licensee was found not to be in compliance with the relevant clause of the Compliance Procedure Manual.

4.2 South African Music Content Regulations⁹

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".

Zebediela Community Radio is required by its licence to broadcast South African music content of 85%. The radio station broadcasts a variety of music genres, most of which is South African. The local music played by the radio station includes among others, the following South African artists: Lady Zamar, King Monada, Jonas Gwangwa, Judith Sephuma, etc.

The monitoring exercise confirmed that more than 85% of the Licensee music is comprised of local music.

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

⁸ Appendix E: Compliance Procedure Manual Regulations

⁹ Appendix F: SA Music Content Regulations

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

4.4 Code for Persons with Disabilities

Clause 3.1 (a) of the Code for Persons 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".¹⁰

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

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

5. CONCLUSION

Zebediela Community Radio has substantially complied with its licence terms and conditions and regulations, for the period under review. However, the Licensee failed to comply with clause 4.2.1, 4.2.2 and 4.2.3 of its licence and the Compliance Procedure Regulations. These matters need to be corrected as a matter of urgency.

6. TERMS OF REFERENCE

Appendix A: Zebediela Community Radio's broadcasting service licence and frequency spectrum licence;

Appendix B: Zebediela Community Radio's Control structure;

Appendix C: Report on AGM;

Appendix D: Monthly Programme Logsheets;

Appendix E: Compliance Procedure Manual Regulations;

Appendix F: SA Music Content Regulations; and

Appendix G: Code for Persons with Disabilities

¹⁰ Appendix G: Code of People with Disabilities