



DIHLABENG FM ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

SOARING WAVES BROADCASTING AS DIHLABENG FM

Licence Period: 10 October 2015 – 09 October 2020

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ (ECA) and the Broadcasting Act⁴ 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 Dihlabeng FM's performance for the 2017/2018 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

Dihlabeng FM is a class broadcasting service Licensee serving a geographic community residing within the geographic coverage area of Dihlabeng Local Municipality under Thabo Mofutsanyana District Municipality in the Free State Province. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 2000⁵.

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

² Act No. 13 of 2000, as amended

³ Act No. 36 of 2005

⁴ Act No. 4 of 1999

⁵ <https://brcsa.org.za/brc-ram-rad/o-listening-oct17-mar18-jan18-jun18/>

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the licence stipulates that:

- 1.1 Name of entity: Soaring Waves.*
- 1.2 Name of the Station: Dihlabeng FM.*
- 1.3 Control of Licensee: Control shall vest in the Board of Directors of Soaring Waves.*

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

The Licensee complies with clause 1 of the licence.

3.2 Licence Period

Clause 2 of the licence stipulates that:

- 2.1 The effective date of the Licence is 10 October 2015*
- 2.2 The Licence shall expire on 09 October 2020*

Dihlabeng FM's licence was renewed, and the licence is valid from 10 October 2015 to 09 October 2020.

The Licensee complies with clause 2 of the licence.

3.3 Licence Area⁶

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

"The Licensee shall provide services to Dihlabeng Local Municipal area in 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 Authority has not received any complaints from members of the public regarding Dihlabeng FM's signal strength.

⁶ Dihlabeng FM service and spectrum licence

The Licensee complies with clause 2 of the licence.

3.4 Community

Clause 4.1 of the licence provides that:

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

The Licensee provides broadcasting services to areas in and around Dihlabeng Local Municipality. The Licensee's footprint includes Bethlehem; Clarens; Fouriesburg; Bohlokong and Mashaeng to mention a few.

The Licensee complies with clause 3.1 of the licence.

Clause 4.2 of 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 Licensee submitted proof of an AGM held on 07 October 2017 where the annual operational performance was presented to the community and a new board was elected. Although the meeting touched on some issues on programming, the main purpose of that AGM was not to discuss programming related issues. The Authority has not received any proof of programming specific meetings with the community.

The Licensee did not comply with clause 4.2.1 and 4.2.2 of the 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,

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".

During the period under review, the Licensee held an AGM on 10 October 2017 where a board of directors was elected by the community and operational feedback was provided.

The Licensee complies with clause 4.2.3 of the licence.

3.3 Programming

Clause 5.1.1 News and Information:

"The Licensee shall broadcast a total of fifty minutes (50) of news per day, of which 40% shall be local, 40% shall be national and 20% shall be international".

The Licensee submits that it broadcasts at least ten (10) news bulletins per day, with a duration of five (5) minutes per bulletin. The Licensee further state that it broadcasts news from 07h00 to 19h00. The monitoring confirmed that the Licensee broadcasts news in accordance with clause 5.1.1 above.

The following news items were identified:

- *"Kopano pakeng tsa ramotse wa phethahatso wa Mangaung Oli Mamleli botsamaisi ba Bloemfontein Celtic le rakwebo di buseditswe moraho ho fihlellwa nako esa bolelwang. Mamleli ore ho busetswa moraho ha kopano ena ho entswe ka sepheo sa ho bulsana le mahlakore a mangata a amehang malebana le ho boloka ha sehlopha sena sa professionale sa bolo sele Mangaung. Modula Setulo wa Celtics Marks Tshabalala o phatlaladitse maikemisetso a hae ho rekisa sehlopha sena ka lebaka la mathata a ditshelete. Ka sontaha batsheetsi baa halefileng ba Celtic bai le ba kena di pelaetsong ba tshesa mataere le ho tsholla matlakala mebileng ho latela di tlaleho tsa hore Celtic e rekiseditswe rakgwebo e mong wa Kimberly.*
- *Ho mamelwa ha nyeo ya polao ya Jason Rhoder wa thekiso ya matlo ho kgutledisitswe moraho ho fihlela ka jeno, lekgotla la dinyeho la Cape Town. Rhoder o qoswa ka polao ya mohatsae Susan. O ile a fumana a leketla phapuseng ya ho hlapla polaseng ya bona ya majabajaba ya feni. Rhoder ye a neng a ferekane maikutlo ore molato wah ae ke ho kena di kamanong tsa marato le basadi ba bang le hore ketso tsa hae di qetelle di bakile ketso ya hae, di bakile hore mosadi wa*

hae a ipolae. Nakong e a ntseng a hlongwa dipotso, ka jeno Rhoder o hlalositse di ketsahelo tsa hoseng hoo mosadi wa hae Susan a ileng a timela ka ona.

- Mmelaelwa wa boraro tlatlapong ye nuplleng ya koloi mo Surath Haraj ha a ileng a hloka hala Chatsworth o hlahelletse ha kgutswane ho lekgotleng la migistrata la Durban. Nyeo ya sbonele Mkhize e buseditswe moraho ho fihlella ka jeno pakeng sa ho etsa di phuthutso. O tsametswe ke di qoso tsa polao, moshodu le ho qetola e mong wa babelaelwa o bolauwe ke baahi ha emong a ntse a kene poneng. Ngwana e wa ngwanana o thuntswe nakong eo ntatahae ane a fapanetsana ka dikulo le batlatlapi ba ileng ba baleha ka koloi ya habo a dutse setulong seka moraho."

The Licensee complies with 5.1.1 of the licence.

Clause 5.1.2 Local Content:

"The Licensee shall broadcast a South African music content of 60%".

The monitoring exercise found that the radio station broadcasts 75% of South African music content per week. Furthermore, the Licensee broadcasts a significant amount of Sesotho music.

The Licensee complies with clause 5.1.2 of the licence.

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

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

The monitoring exercise found that Dihlabeng FM broadcasts 60% talk and 40% music. Shows such as *Thlolong*, a weekday lunchtime show between 12h00 – 15h00, focuses on current affairs and other topical issues of interest in the community; the province and the country at large. The show *Mmadithlofa* between 19h00 – 21h00, where issues such as marriage; culture and religion are discussed.

The Licensee complies with clause 5.1.3 of the licence.

3.4 Language(s) of broadcast

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

5.1.4.1 Sesotho – 40%

5.1.4.2 English – 30%

5.1.4.3 Afrikaans – 15%

5.1.4.4 isiZulu – 15%

The Authority's monitoring exercise found that the Licensee's languages of broadcast are Sesotho; English and isiZulu. These languages are used interchangeably across the programme offering. No content in Afrikaans was found during the monitoring exercise.

The Licensee partially complies with clause 5.1.4 of the licence.

Clause 5.2 of the licence states 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 does not submit monthly logs of programmes broadcast in accordance with the Compliance Procedure Manual regulations.

The Licensee does not comply with clause 5.2 of the licence.

3.5 Notices and Addresses

Clause 6.1 of the service licence stipulates that

"The contact person for the Licensee shall be:

6.1.1 Name: Mr Habasisa Mokhothu

6.1.2 Tel: 061 079 3691

6.1.3 Fax: 058 304 4167

6.1.4 Cell: 072 528 0025

6.1.5 Email: baasimokhothu@gmail.com

The Licensee confirms that its contact details have not changed during the period under review.

The Licensee complies with clause 6.1 of the licence.

4. REGULATIONS

4.1. South African Music Content⁷

Regulation 3 (3) of the Regulations on South African Music Content as published on 23 March 2016 stipulates that:

"A holder of a community sound broadcasting licence must ensure that after eighteen (18) months of the gazetting of these regulations, a minimum of 60%, increasing by 10% annually to reach 80% 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".

For the period under review, the obligation in accordance with the SA Music regulations above was for at least 60% of South African music content to be played by community sound broadcasting Licensees.

The Authority's monitoring exercise confirmed that the radio station broadcasts an average of 75% of South African music content. Artists featured on Dihlabeng FM's playlist are: DJ Sumbody; Prince Kaybee; King Monada; El Delzy amongst others.

The Licensee complies with South African Music Content Regulations.

4.2. Regulations regarding Standard Terms and Conditions for Class Licences⁸

For the period under review, the Authority did not find non-compliance with the standard terms and conditions.

The Licensee complies with the regulations on Standard Terms and Conditions for Class Licences.

4.3. Regulations on the Code on People with Disabilities

Clause 3.1 (a) of the Code on People with Disability of 2007 provides that:

⁷ Regulations on South African Music Content

⁸ Regulations on Standard Terms and Conditions for Class Licences

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

During the period under review, the Licensee did not indicate any measures of complying with the accessibility requirements in accordance with the above Code and therefore do not comply with the requirement.

Furthermore, form 7C: Code on People with Disabilities contained in the Compliance Procedure Manual Regulations requires broadcasting Licensees to annually complete the form in accordance with the Licensee's financial year end.

The Licensee has not submitted the form in accordance with the Regulations and therefore does not comply with the provisions of the Code on People with disabilities.

The Licensee does not comply with the Regulations on the Code on People with Disabilities.

5. CONCLUSION

The Licensee has generally complied with its licence conditions. The Licensee must ensure that it commits to its language obligations as stated in its licence, and if it is unable to do so, the Licensee must file for an amendment to the language provision on its licence. CCA will assist the Licensee in addressing non-compliance matters.

6. TERMS OF REFERENCE

Annexure A: Dihlabeng FM class broadcasting service and spectrum licence

Annexure B: Regulations on South African Music Content

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

Annexure D: Regulations on the Code for People with disabilities