



EAST RAND STEREO ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

EKURHULENI FM BROADCASTING AS EAST RAND STEREO

Licence Period: 03 March 2014 – 02 March 2019

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. One of the main tasks of the Authority, is to monitor compliance by broadcasters with the terms and conditions of their licence, the three Acts mentioned already and any relevant legislation and Regulations.

This report is intended to give account of Ekurhuleni FM's compliance with the terms and conditions as set out in its licence, for the 2017/2018 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 Regarding Standard Terms and Conditions and the Code on People with Disabilities.

2. BACKGROUND

On 12 September 2014, a renewed class broadcasting service licence was issued to Ekurhuleni FM broadcasting as East Rand Stereo (East Rand Stereo). As per the licence, East Rand Stereo provides services to the East Rand and surrounding areas in the Gauteng Province, as set out in the Licensee's Radio Frequency Spectrum licence.

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of East Rand Stereo's licence provides that:

"The Licence⁵ is issued to:

1.1. Name of entity: Ekurhuleni FM

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

² ICASA Act No 13, 2000 as amended.

³ Electronic Communications Act No 36, 2005

⁴ Act No. 4 of 1999.

⁵ Annexure A: East Rand Stereo's Broadcasting Service Licence

1.2. Name of the Station: East Rand Stereo

1.3. Control of the Licensee: Control shall vest in the Board of Directors of a non-profit company incorporated under section 21 of the Companies Act of 1973 known as Ekurhuleni FM."

No changes regarding clause 1 was submitted to the Authority by the Licensee.

The Licensee complies with clause 1 of its licence.

3.2 Licence Period

Clause 2 of East Rand Stereo's licence provides that:

"2.1 The effective date of the licence is 03 March 2014.

2.2 The licence shall expire on 02 March 2019."

The licence is currently up to date. The Licensee submitted a renewal application to the Authority. At the time of writing this report, the licence had not been renewed.

The Licensee complies with clause 2 of its licence.

3.3 Licence Area

Clause 3 of East Rand Stereo's licence provides that:

"The Licensee shall provide services to the East Rand and surrounding areas in the Gauteng Province, as set out in the Licensee's radio frequency spectrum licence."

East Rand Stereo's coverage area remains as prescribed in the licence terms and conditions. In the year under review, the Authority did not receive any reports or complaints indicating that the radio station has gone beyond its licensed area.

The Licensee complies with clause 3 of its licence.

3.4 Community

Clause 4.1 of East Rand Stereo's licence provides that:

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

The Licensee confirms that its services are offered to a Christian community of interest residing within its coverage area. This was further confirmed during the monitoring exercise where it was found that the Licensee starts the South African performance period with an hour of Christian based content. Between 05h00 and 06h00 during weekdays. Various priest are afforded an opportunity to spread the word of God to the listeners of East Rand Stereo. On Sundays the Licensee broadcast a full church service from 09h00 that includes prayer, scripture readings and gospel music.

The Licensee complies with clause 4.1 of its licence.

Clause 4.2 of East Rand Stereo's licence provides that:

"4.2 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 and shall include members from the broader community of Daveyton and other historically disadvantaged communities in the coverage area.

4.2.2 The Licensee shall furnish the Authority with proof of such meetings as well the attendance thereof by members of the community.

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 etc. subject to the Licensee's founding documents."

The Licensee holds monthly meetings with pastors out of the community. These meetings are held at the East Rand Stereo offices at Springs Mall. The purpose of these meetings is to facilitate the co-operation and uniformity between the pastors who supply content for the Licensee's religious segments. The forum also provides feedback from listeners, for example the request from the listeners for written copies of the sermons as broadcast by the Licensee.

Further, the Licensee holds monthly meetings with police officers out of the community. These meetings are held at the Licensee's studios at Springs Mall. The police officers that

participate in this forum represent different communities such as Boksburg, Springs, Etwatwa, Reigerpark, Crystal Park and Actonville amongst others. The purpose of this forum is to allow the South African Police Service to share important legal aspects on air with the community of East Rand as well as to work together in social crime initiatives.

The Licensee held its Annual General Meeting on the 7th of October 2017. The meeting was held at the Stable Inn Boardroom based in East Rand in the Gauteng Province. The agenda, minutes and attendance register thereof was submitted to the Authority. As per the minutes, feedback was received regarding the finances of the Licensee. The meeting also touched on the rules and regulations of ICASA, SAMRO and the CIPC, respectively. A new board member was also elected at this AGM.

The Licensee complies with clause 4.2 of its licence.

3.5 Programming

Clause 5.1.1 of East Rand Stereo's licence provides that:

"Local news and information: The Licensee shall broadcast a total of one hundred and twenty-four (124) minutes of news per day. Sixty (60) minutes shall be local, fifty-two (52) minutes shall be national and twelve (12) minutes shall be international news per day"

The monitoring exercise found that the Licensee broadcast news on the hour every hour between the period of 07h00 and 18h00 with the average news bulletin having a duration of three (3) minutes and thirty (30) seconds. News headlines are broadcast at the bottom of the hour from 06h30 until 18h30 with an average duration of fifteen (15) seconds.

The average daily news broadcast is under sixty (60) minutes. This does not meet the licence obligation to broadcast one hundred and twenty-four (124) minutes of news per day.

Some of the news that was broadcast during the period under review:

- ***"Free State Police have launched a manhunt for the killers of the 71-year-old Vredefort Farmer. Dirk Steenkamp was shot and killed outside his home yesterday morning when he went out to switch on a water pump. His wife, Mickey, was in the house and heard the s***
- ***hots. She called the neighbours, but although several people rushed to the scene and blocked roads in the vicinity, the murders got away."***

- *"A ruling is expected in the Constitutional Court today after Social Security Agency's (SASSA) application for another extension of Cash Pay Master Services unlawful contract for the distribution of social grants to more than 17 million people. The contract expired at the end of month but SASSA argued that it needed more time to migrate the system to the South African Post Office."*
- *"'n Man van Kaapstad wat aangekla word van moord met voorafbedagterade op sy vrou is in die streekshof in Wynberg, borgtog van R50 000 toegestaan. Die 57-jarige Rob Packham word daarvan beskuldig dat hy sy 55-jarige vrou Jill dood geslaan het en haar liggaam in haar motor laat uitbrand het. Die hof het beslis dat Packham in huis aanhouding geplaas word en dat hy sy paspoort moet inhandig en twee keer per week by 'n polisie aanmeld."*
- *"Twee van die ses verdagtes in die Nkobo polisie skietery in die Oos Kaap het hulself geinkrimineer tydens die aansoek om borgtog in die plaaslike landroshof. Die ses mans word aangekla van moord, poging tot moord, roof met verswarende omstandighede en die onwettige besit van vuurwapens na die aanval waarin vyf polisiebeamptes en 'n voormalige soldaat afgemaai is."*

The Licensee does not fully comply with clause 5.1.1 of its licence.

Clause 5.1.2 of East Rand Stereo's licence provides that:

"South African Music Content: 40%"

The Licensee submits through its monthly logs that it broadcast an average minimum of sixty (60) percent South African music. The Licensee therefore exceeds the requirement. This was confirmed during the monitoring exercise.

The following is some of the South African music content found during the period under review:

FATMAN "Dorp toe"; Andriëtte and Adam Tas "Ek Sal"; Sharoney "Toe Gaan Jy Weg"; Gerhard Steyn "Nooit Alleen"; Leme "GI Jane"; Mango Groove "Moments Away"; Etienne Steyn "My Sonskyn"; Snotkop "Rock My Amadeus"; Gerhard Steyn "Een Man Army"; Coffee Snobs "Kinders Van Die Wind"; Bobby Van Jaarseld "My Lewe Draai Om Jou"; Shimmer "Eendag"; Charlize Berg "As Jy Weet Dis Liefde".

The Licensee complies with clause 5.1.2 of its licence.

Clause 5.1.3 of East Rand Stereo's licence provides that:

"Talk vs Music: 35% talk and 65% music."

The monitoring exercise found that the format of the Licensee consists of thirty-five (35) percent talk and sixty-five (65) percent music.

The Licensee complies with clause 5.1.3 of its licence.

Clause 5.1.4 of East Rand Stereo's licence states that:

"Language(s) of broadcast: 50% English, 50% Afrikaans."

The monitoring exercise found that the language of broadcast is evenly split between Afrikaans and English. News broadcast alternate between the before mentioned languages, as does the music as broadcast by the Licensee. Presenters interchange between the two languages with ease and are proficient in both languages.

The Licensee complies with clause 5.1.4 of its licence.

Clause 5.2 of East Rand Stereo's licence reads:

"The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A pro-forma log to be kept will be supplied by the Authority."

The Licensee submits the monthly logs on a timeous basis.

The Licensee complies with clause 5.2 of its licence.

4. REGULATIONS

4.1. South African Music Content Regulations

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

"A holder of a community sound broadcasting service licence must ensure that after eighteen 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 evenly throughout the performance period"⁶.

⁶ Appendix B: South African Music Content Regulations.

The information as submitted by the Licensee indicates that the Licensee plays a minimum of sixty (60) percent of South African music. The monitoring exercise confirms that the Licensee plays a substantial amount of South African music throughout the performance period. Some of the South African music content was identified above (see clause 5.1.2). Further, taking into consideration the format factors such as interviews with artists as well as the promotion of new releases, the Licensee therefore complies with these Regulations.

The Licensee complies with the Regulations on South African Music Content.

4.2. Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during each financial year.

In the year under review, the Licensee submitted the required Form 12A.

The Licensee is compliant with the Compliance Procedure Manual as stated above.

4.3. Regulations regarding Standard Terms and Conditions for Class Licensees

The Authority is satisfied that during the period under review the Licensee did not contravene the regulation in respect of the Standard Terms and Conditions for Class Licences⁷.

The Licensee complies with the Standard Terms and Conditions for Class Broadcasting Service Licensees.

4.4. Code on People with Disabilities

The Code on People with Disabilities requires that broadcasting service Licensees ensure that their services are made available and accessible to people with disabilities⁸.

The Licensee collaborates with various organisations and including conducting interviews and running campaigns with those organisations and the media partners. Some of these organisations are The Arms of Angels, The Heaven Care Centre, Wings of Inspiration Care Centre, Mess Charity Organisation, Vita Nova School amongst others. These organisations speak to the needs of individuals, including those living with disabilities, within the community. Awareness for disabilities such as Motor Neuron Disease was also broadcast by

⁷ Appendix C: Regulations regarding Standard Terms and Conditions for Class Licensees.

⁸ Appendix D: Code for People with Disabilities.

the Licensee. Further, the Licensee's offices and studios are accessible for people living with disabilities.

The Licensee complies with the Code for People with Disabilities.

5. CONCLUSION

The Monitoring exercise found that the Licensee generally complies with most of its obligations, but for one, which is related to news broadcast per day. Further, on 27 February 2018 the Council of the Authority approved a recommendations from the Complaints and Compliance Committee (CCC)⁹. The Authority will monitor the compliance of the Licensee with the recommendations of the CCC during the next financial year, as well as monitoring the steps taken to remedy the non-compliance as identified in this report.

6. TERMS OF REFERENCE

- 6.1. Annexure A: East Rand Stereo's Class broadcasting service and spectrum Licence;**
- 6.2. Annexure B: Regulations on South African Music ;**
- 6.3. Annexure C: Regulations on Standard Terms and Conditions for Class Licences;**
- 6.4. Annexure D: Code for People with Disabilities; and**
- 6.5. Annexure E: CCC Judgment against East Rand Stereo.**

⁹ Appendix E: CCC Judgment against East Rand Stereo with case number: 260/2017.