



KANGALA COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT FOR KANGALA COMMUNITY RADIO STATION

Licence Period: 24 October 2013 to 23 October 2018

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, and any relevant legislation and regulations.

The purpose of the report is intended to give an account of Kangala Community Radio Station's performance for the 2017/2018 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community, Programming Obligations, Compliance Procedure Manual Regulations, South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Kangala Community Radio Station holds a Class Sound broadcasting service licence⁵. The radio station's mandate is to provide a sound broadcasting service to the community of the Former Kwa-Ndebele, Moutse, Moretele and Highveld region in the Mpumalanga Province as set out in the Licensee's frequency spectrum licence⁶.

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 Appendix A: Kangala Community Radio Station's broadcasting service licence.

⁶ Ibid.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

- 1.1 Name of Entity: Kangala Community Radio Station.*
- 1.2 Name of the Station: Kangala Community Radio Station.*
- 1.3 Control of the Licensee: Control shall vest in the Board of Directors of a voluntary association known as Kangala Community Radio Station".*

- 1.4 There were no changes reported by the Licensee to its control structure during the period under review. The Licensee is still Kangala Community Radio Station. The name of the Licensee's radio station is Kangala Community Radio Station and the control of the Licensee is in the hands of a voluntary association known as Kangala Community Radio Station".

The Licensee was found to be in compliant with clauses 1.1 to 1.3 of the schedule to its licence.

3.2 Licence Period

Clause 2 of the schedule to the licence states that:

"2.1 The effective date of the Licence is 24 October 2013.

2.2 The Licence shall expire on 23 October 2018."

Kangala Community Radio Station's licence was active from 24 October 2013 to 23 October 2018.

The Licensee was found to be compliant with clause 2 of the schedule to its licence.

3.3 Geographic Coverage Area

Clause 3 of the schedule to the licence stipulates that:

"The Licensee shall provide services to the Former Kwa-Ndebele, Moutse, Moretele and Highveld region in the Mpumalanga Province as set out in the Licensee's frequency spectrum licence".

The Licensee covers the areas stipulated in its licence.

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

3.4 Community

Clause 4.1 of the schedule to the licence states that:

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

Kangala Community Radio Station provides sound broadcasting to the Former Kwa-Ndebele, Moutse, Moretele and Highveld region in the Mpumalanga Province.

The Licensee was found to be compliant with clause 4.1 of the schedule to its licence.

Clause 4.2 of the schedule to the licence stipulates 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) general 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; and

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".

During the year under review, the Licensee did not submit proof of meetings to the Authority.

The Licensee was found to be non-compliant with clause 4.2 and its sub-clauses of the schedule to the licence.

3.5 Programming

Clause 5.1.1 of the schedule to the licence states that:

"The Licensee shall broadcast a total of seven (7) minutes of news in isiNdebele, three (3) minutes in isiZulu, and one (1) minute in isiSwati, one (1) minute in isiXhosa, one (1) minute in Sepedi, one (1) minute in Setswana and one (1) minute in either English, Tshivenda or Xitsonga".

The content was not monitored since the Licensee did not submit the recordings.

The Licensee was found to be non-compliant with clause 5.1.1 of the schedule to the licence.

Clause 5.1.2 requires the Licensee to broadcast 40% of South African Music Content.

The monitoring exercise was not conducted because the Licensee failed to submit programme recordings.

The Licensee was found to be non-compliant with clause 5.1.2 of the schedule to its licence.

Clause 5.1.3 provides for format as follows:

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

Further, clause 5.1.4 of the schedule to the licence stipulates that Language(s) of broadcast are as follows:

"5.1.4.1 isiNdebele – 45%;

5.1.4.2 isiZulu – 15%;

5.1.4.3 isiSwati – 10%;

5.1.4.4 isiXhosa – 10%";

5.1.4.5 Sepedi – 10%

5.1.4.6 Setswana – 5%; and

5.1.4.7 English, Tshivenda or Xitsonga – 5%.

The Authority could not confirm compliance with clauses 5.1.3 and 5.1.4 since the recordings were not submitted.

The Licensee was found to be non-compliant with clauses 5.1.3 and 5.1.4 of the schedule to its licence conditions.

Clause 5.2 of the schedule to the licence stipulates 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 a log of programmes broadcast to the Authority on monthly basis as required by clause 5.2.

The Licensee was found to be non-compliant with clause 5.2 of the schedule to its licence.

4. REGULATIONS

4.1 Complaints Received

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A⁷ which reports on all complaints received during the financial year under review.

For the year under review, the Licensee did not submit its complaints report and other submissions as required by the Compliance Procedures Manual Regulations.

The Licensee was found to be non-compliant with the Compliance Procedure Manual Regulations

4.2 South African Music Content Regulations⁸

Regulation 3.3 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

⁷ Ibid.

⁸ Appendix B: South African Music Content Regulations.

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 monitoring of content was not conducted since the Licensee failed to submit recordings.

The Licensee was found to be non-compliant with the Regulations on South African Music Content.

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences⁹

During the year under review, the Licensee did not comply with the standard terms and conditions for class licences.

The Licensee was found to be non-compliant with the Standard Terms and Conditions for Class Broadcasting Licences.

5. CONCLUSION

Kangala Community Radio Station was found to be non-compliant with most provisions of its licence conditions and applicable regulations. The non-compliance by the Licensee indicates that the Licensee does not take compliance seriously. The Compliance and Consumer Affairs Division (CCA) will schedule a formal meeting with Kangala Community Radio Station to assist them with understanding the licence obligations, regulatory and governance requirements. Should the Licensee fail to rectify its non-compliance alternative measures will be employed.

⁹ Appendix C: Regulations regarding Standard Terms and Conditions for Class licences

6. TERMS OF REFERENCE

Appendix A: Kangala Community Radio Station's broadcasting service licence;
Appendix B: South African Music Content Regulations; and
Appendix C: Regulations Regarding Standard Terms and Conditions for Class
Licensees