



KASIE FM ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT FOR

KATHORUS COMMUNITY RADIO BROADCASTING AS KASIE FM

Licence Period: 8 December 2013 to 7 December 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 account of Kathorus Community Radio'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

Kathorus Community Radio holds a Class Sound broadcasting service licence⁵. The radio station's mandate is to provide a sound broadcasting service to the geographic community of Katlehong, Thokoza, Vosloorus and urban areas surrounding formal and informal areas, comprising the Kathorus sub-region of the Ekurhuleni District Municipality in the Gauteng Province as set out in the Licensee's radio 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: Kathorus Community Radio Broadcasting Service Licence.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

- 1.1 Name of Company/Entity: Kathorus Community Radio.*
- 1.2 Name of the Station: Kasie FM.*
- 1.3 Control of the Licensee: Control shall vest in the Board of Directors of Kathorus Community Radio".*

There were no changes reported by the Licensee to its control structure during the period under review. Further, the name of the Licensee's radio station is Kasie FM.

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

Clause 2 of the schedule to the licence provides that:

"2.1 The effective date of the licence is 08 December 2013.

2.2 The licence shall expire on 07 December 2018."

Kasie FM's licence was effective from 08 December 2013 to 07 December 2018.

The Licensee complies with clause 2 of the schedule to the licence.

3.2 Geographic Coverage Area

Clause 3 of the schedule to the licence provides that the radio station's geographic coverage area is as follows:

"The Licensee shall provide services to the geographic community of Katlehong, Thokoza, Vosloorus and urban areas surrounding formal and informal areas,

comprising the Kathorus sub-region of the Ekurhuleni District Municipality in the Gauteng Province as set out in the Licensee's frequency spectrum licence".

The Licensee covers Katlehong, Thokoza, Vosloorus and urban areas surrounding formal and informal areas, comprising the Kathorus sub-region of the Ekurhuleni District Municipality as stipulated in its licence.

The Licensee complies with clause 3 of the schedule to its licence.

3.3 Community

Clause 4.1 of the schedule to the licence stipulates that:

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

Kathorus Community Radio confirms that it provides sound broadcasting to the geographic community of Katlehong, Thokoza, Vosloorus and urban areas surrounding formal and informal areas, comprising the Kathorus sub-region of the Ekurhuleni District Municipality in the Gauteng Province as set out in the Licensee's radio frequency spectrum licence.

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) 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 does not comply with clause 4.2 and its sub-clauses of the schedule to the licence.

3.4 Programming

Clause 5.1.1 of the schedule goes on to provide that:

"The Licensee shall broadcast a total of twenty (20) minutes of local news, fifteen (15) minutes of national news and five (5) minutes of international news per day".

The Licensee broadcasts fifty (50) minutes of news, focusing on community and or local news followed by national news and international news. The monitoring exercise revealed that Kasie FM broadcasts ten (10) news bulletins per day. The news bulletins are five (5) minutes in duration.

Among the news stories covered for the period under review were excerpts from certain broadcasts, as follows:

- *"Former BOSASA Executive, Angelo Agrizzi has revealed to the State Capture Commission that the facilities company spent between 4*

million rands and 5 million rands in cash a month on bribing officials and politicians for contacts and tenders”;

- *“I-ANC eGauteng ithi umkhankaso wayo wokugqugquzela abantu ukuthi bayovota kulezinsuku ezizayo uzobe ugxile kakhulu kubantu baseKurrhuleni”;* and
- *“Moetapele wa mokga waDA, Mmusi Maimane hore ntlheng ya hore batsha ba khutlise sentesi sa bona ba lokela ke hore ba voutele mokhatlo wa DA”.*

The Licensee complies with clause 5.1.1 of the schedule to the licence.

Clause 5.1.2 provides that the Licensee must play 60% of South African Music.

The monitoring exercise revealed that the Licensee plays South African music including kwaito, hip hop, house, gospel, maskandi, umbhaqanga and jazz. The music played at the radio station is 60%. South African music artists whose music is played include Mafikizolo, Simmy, Siphokazi, Thandiswa Mazwai, Zahara, Khaya Mthethwa, The Soil, Ralf Gum, Big Nuz, DJ Sbu, Joyous Celebration and many more.

“Ezakwantu” is a programme broadcast on Saturdays between 9h00 and 12h00. During the programme only traditional music is played.

“Asimdumise” is broadcast on Sunday between 6h00 and 9h00. This is a worship programme and gospel music is played during the show.

“Drive Time Modern Radio” is an afternoon drive show broadcast between 15h00 and 18h00. During the show, kwaito and house music is played

The Licensee complies with clause 5.1.2 of the schedule to the licence.

Clause 5.1.3 of the schedule to the licence makes provision for the format as follows:

"40% talk and 60% music".

The Licensee has confirmed that its broadcasts in the prescribed format.

The monitoring exercise revealed that Kathorus Community Radio plays more music than talk. The music played is approximately 60% in line with clause 4.1 of the schedule to its licence conditions.

The Licensee complies with clause 5.1.3 of the schedule to its licence.

Clause 5.1.4 of the schedule to the licence lists languages of broadcast as follows:

(a) isiZulu 40%

(b) English 30%

(C) Sesotho 20%

(d) Other (including "Kasie Lingo") 10%.

The monitoring exercise revealed that the Licensee broadcast in all languages as required by the Licensee conditions. For example, news and programmes were broadcast in all languages.

The Licensee complies with clause 5.1.4 of the schedule to its licence.

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

The Licensee does not comply with clause 5.2 of the schedule to the 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 complaints report and other submissions as required by the Compliance Procedures Manual Regulations.

The Licensee does not comply with the Compliance Procedure Manual Regulations

4.2 South African Music Content Regulations⁸

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”.

The monitoring exercise confirmed that the Kasie FM plays more than 60% of South African music.

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

⁷ Ibid.

⁸ Appendix B: South African Music Content Regulations.

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licensees⁹

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

The Licensee did not comply with the Standard Terms and Conditions for Class Broadcasting Licensees.

5. CONCLUSION

Kathorus Community Radio 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 will advise the Licensee of its non-compliances and endeavour to assist the Licensee to comply. However, should the Licensee not improve its performance it will be advised of the Authority's intention to lodge a complaint with Complaints and Compliance Committee (CCC) and provided with the opportunity to respond to the non-compliance findings.

6. TERMS OF REFERENCE

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

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