



MFM 92.6 ANNUAL COMPLIANCE REPORT

MARCH 2019

2018/2019 ANNUAL COMPLIANCE REPORT

UNIVERSITY OF STELLENBOSCH BROADCASTING AS MFM 92.6 FM

Licence Period: 24 October 2018 – 23 October 2023

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) 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 University of Stellenbosch'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 28 March 2018, a renewed class broadcasting service licence was issued to the University of Stellenbosch, broadcasting as MFM 92.6 FM. As per the licence, MFM 92.6 FM provides services to the Campus community of the University of Stellenbosch and surrounding educational institutions in Stellenbosch and Worcester in the Cape Winelands District Municipality as specified in the Licensee's Radio Frequency Spectrum licence.

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.

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of the licence provides that:

"The Licence⁵ is issued to:

1.1. Name of entity: University of Stellenbosch

1.2. Name of the Station: MFM 92.6 FM

1.3. Control of the Licensee: Control shall vest in the Council of the University of Stellenbosch."

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

The Licensee is compliant with clause 1 of its licence.

3.2 Licence Period

Clause 2 of the licence provides that:

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

2.2 The Licence shall expire on 25 October 2018."

The Licensee applied for a renewal and a renewed licence was granted on the 28th of March 2018. The current licence will be effective until 23 October 2023.

The Licensee is complaint with clause 2 of its licence.

3.3 Licence Area

Clause 3 of the licence provides that:

"The Licensee shall provide services to the Campus community of the University of Stellenbosch and surrounding educational institutions in Stellenbosch and

⁵ Annexure A: MFM 92.6 FM's Broadcasting Service Licence

Worcester in the Cape Winelands District Municipality as specified in the Licensee's radio frequency spectrum licence."

MFM 92.6 FM'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 the licence provides that:

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

The Licensee confirms that its services are offered to an educational community of interest residing within its geographic coverage area. The Licensee regularly collaborates with organisations such as Campus Health and Maties Gym regarding offering health services to its community and the "Feeding in Action" campaign in Stellenbosch that aims to provide meals to the hungry by the donation of canned foods. The Licensee also brings awareness to environmental issues such as the "Eco Week on MFM" that addressed the issue of plastic pollution. The services of the Licensee therefore ties in with the happenings within the educational community of interest.

The Licensee complies with clause 4.1 of its licence.

Clause 4.2 of the 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 focusing 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 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 any Special General Meeting as and when required by the constitution;

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 held an AGM meeting on 12 February 2018. This meeting was used to discuss the operational affairs, financial matters as well as programming related matters. The Licensee submitted the presentations that were made as well as a list of names of those who were in attendance. The AGM is open to the public, in accordance with the constitution of the Licensee. The Licensee has advised that attendance from members of the community at these types of meetings are generally very low and that its community, who are mainly students, prefer to communicate with the radio station through its social media platforms.

The Licensee further held a Governing Body meeting in March 2018. This meeting is attended by different representatives of various departments within the educational community of interest. The meetings allow these representatives to make suggestions regarding the programming of the Licensee amongst other as well as affording these representatives some air-time to address issues affecting the particular department that the representative is representing.

The Licensee partially complies with clause 4.2 of its licence.

3.5 Programming

Clause 5.1.1 of the licence provides that:

"News and Information: *The Licensee shall broadcast a total of thirty (30) minutes of news per day."*

The Licensee broadcast thirteen (13) news bulletins per day. The average news bulletin has a duration of two (2) minutes and thirty (30) seconds. The total news broadcasts for the Licensee is over thirty (30) minutes per day.

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

- *"Die ondersoek na die vraag of die voormalige Minister van Maatskaplike Ontwikkeling, Bathabile Dlamini, persoonlik aangespreek gehou sal word vir die toelaag debakel, hervat vandag. Verlede jaar het die Konstitusionele Hof ondersoek of sy aanspreeklik gehou moes word vir die oorsaak van die SASSA krisis terwyl sy die hoof van die departement was."*
- *"Die voorsitter van die Demokratiese Alliansie (DA) se federale raad sê die tugverhoor van die Kaap se burgermeester, Patricia de Lille, sal vandag voortgaan ongeag of sy daar is of nie. De Lille hou vol dat die publiek en die media haar verhoor moet kan bywoon. Die federale raad verklaar egter die saak teen De Lille is 'n interne party aangeleentheid."*
- *"A study by the South African Institute of Race Relations has revealed that there is an improvement in race related issues in the country. 77% of black respondents say they have not personally experienced racism. The same percentage believes that with better education and more jobs, the differences between races will disappear."*
- *"The National Prosecuting Authority has confirmed that it has received one hundred and forty (140) dockets from police on the Life Esidimeni tragedy. Former Deputy Chief Justice, Dikgang Moseneke, says all those involved in the tragedy lacked accountability and had little regard for human dignity. One hundred and forty-four (144) patients died after the Gauteng Health Department moved them from Life Esidimeni Facilities to ill-equipped and illegal NGO's."*

The Licensee is compliant with clause 5.1.1 of its licence.

Clause 5.1.2 of the licence provides that:

"Format: 40% talk and 60% music."

The monthly logs as submitted by the Licensee indicates that its format is forty percent (40%) talk and sixty percent (60%) music. This was confirmed during the monitoring exercise. The broadcast of music and talk is in accordance with the licence requirement.

The Licensee is compliant with clause 5.1.2 of its licence.

Clause 5.1.3 of licence provides that:

"Local Content Obligations: The Licensee shall broadcast South African music content of 40% and further comply with the South African music regulations as amended."

The Licensee monthly logs indicate that it broadcasts a minimum of forty-five percent (45%) South African music content on average. This exceeds the obligation to broadcast forty percent (40%) South African music content, as required by its licence.

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

Jimmy Nevis "All About It"; Francois van Coke "Die Skip"; Johnny Clegg ft Jesse Clegg "I've Been Looking"; Shekinah & Kyle Deutsch "Back To The Beach"; The Jumping Guns "Masses"; GoldFish & Sorana "Hold Your Kite"; ChianoSky "Act Like A Man"; Sun-EL Musician "Bamthathile"; Diamond Thug "Cosmic Dreamer".

The Licensee is compliant with clause 5.1.3 of its licence.

Clause 5.1.4 of the licence states that:

"Language(s) of broadcast

5.1.4.1 *English – 20%*

5.1.4.2 *isiXhosa – 5% and*

5.1.4.3 *Afrikaans – 65%"*

The Authority noted that an error existed on the licence and that the requirement for English should be thirty percent (30%) and not twenty percent(20%). At the time of writing this report, an updated licence has not been issued.

The Languages of broadcast are in accordance with the requirement. This was confirmed during the monitoring exercise. Most of the talk content is dominated by the Afrikaans language, followed by English and the occasional isiXhosa.

The Licensee is compliant with clause 5.1.4 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.

The information as submitted by the Licensee indicates that the Licensee plays a minimum of forty-five percent (45%) of South African music. During the period under review it was required that the holder of a community broadcasting licence should broadcast a minimum of sixty (60) percent South African music content.

⁶ Appendix B: South African Music Content Regulations.

The Licensee does not meet the requirement as the majority of music detected, during the monitoring exercise, is international.

The Licensee does not comply 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.

4.4 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 Licensees⁷.

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

4.5 Code on People with Disabilities

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

The studios of the Licensee are accessible to people with disabilities. The Licensee regularly provides airtime to various NPO/NGO's to discuss what the relevant

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

⁸ Appendix D: Code for People with Disabilities.

organisation is all about as well as informing its audience on how it can get involved. Some of these organisations focus mainly on people living with disabilities such as *Aanhou-Wen Work and Care for Adults with Mental and Physical Disabilities* and the *Innovation for the Blind* organisation, while others focus on needs of the community including those who are living with and/or are affected by those living with disabilities such as the *Reach for A Dream* organisation and the *Dis-Maties* initiatives.

The Licensee complies with the Code for People with Disabilities.

5. CONCLUSION

The Licensee generally complies with its obligations. The areas of non-compliance regarding the South African music content and the partial compliance regarding the community participation will be brought to the attention of the Licensee when the Compliance Unit meets with the Licensee in the next financial year. There will be continuous monitoring of the Licensee regarding the steps taken to remedy the areas of non-compliance as identified herein.

6. TERMS OF REFERENCE

- 6.1 Annexure A: MFM 92.6 FM'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