



MAPUTALAND COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

MAPUTALAND COMMUNITY RADIO

LICENCE PERIOD: 24 October 2018 to 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, the Electronic Communications Act³ (ECA) and the Broadcasting Act to regulate broadcasting activities in the public interest. The Authority has a mandate to ensure compliance by broadcasters with the terms and conditions of the licence, the three Acts referred to above and any other relevant legislation and Regulations.

The purpose of the report is to give account of Maputaland Community Radio's compliance with the terms and conditions as set out in its licence for the 2017/2018 financial year. Aspects of compliance that will be measured comprise Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligation, Language(s), South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions and the Code on People with Disabilities.

2. BACKGROUND

Maputaland Community Radio is a class broadcasting Licensee providing services to Umbombo, Ingwavuma and surrounding areas in the KwaZulu-Natal Province as set out in the Licensee's radio frequency spectrum licence. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the period under review were 85 000 during

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

² ICASA Act No 13 of 2000, as amended

³ Electronic Communications Act No 36 of 2005

the period under review⁴, making the Licensee number four (4) of KwaZulu-Natal's biggest community radio stations by listenership.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the schedule to the licence provides that:

"The Licence is issued to:

1.1 Name of entity: Maputaland Community Radio

1.2 Name of Station: MCR

1.3 Control of the Licensee: Control shall vest in the Board of Directors of a Non-Profit Organisation known as Maputaland Community Radio".

There were no changes reported by the Licensee to its company name and control structure during the period under review. The Licensee's name is Maputaland community Radio as provided in the licence.

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

3.2 Licence Period

Clause 2.1 and 2.2 of licence provide that:

"2.1 The effective date of the Licence is 24 October 2018.

2.2 The Licence shall expire on 23 October 2023".

The licence is valid and the Licensee is operational.

The Licensee complies with clauses 2.1 and 2.2 of the licence.

⁴ Appendix A: <http://www.brcsa.org.za/BRC-RAM-Radio-Listening-April17-Sep17vsJul17-Dec17>

3.3 Licence Area

Clause 3 of the licence provides that Maputaland Community Radio's coverage area is as follows:

"The Licensee shall provide services to Umbombo/Ingwavuma and surrounding areas in KwaZulu-Natal Province as set out in the Licensee's radio frequency spectrum licence".

The Licensee confirms that it provides a service to the Umbombo and surrounding areas as set out in the Licensee's radio frequency spectrum licence⁵.

The Licensee complies with clause 3 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".

Maputaland Community Radio provides a sound broadcasting service to Umbombo/Ingwavuma and surrounding areas under Umkhanyakude District Municipality with local municipalities, Jozini, Hlabisa, Hluhluwe, Umhlabuyalingana and Mtubatuba.

The Licensee complies with clause 4.1 of the licence.

Clause 4.2 of the licence provides 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) meetings annually with its community on programming and programme related matters for the selection and provision of programmes.

⁵ Appendix B. Maputaland Audit Report

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 held a non-elective Annual General Meeting (AGM) on 03 March 2018 and invited its three (3) listener’s clubs⁶ (Isixaxa, Ubumbano and Abangani). Programming matters were discussed in the AGM, for example, Ngeje Gumede proposed reshuffling time slots for certain programmes. The Licensee forwarded the attendance register of the AGM to the Authority. However, clause 4.2 requires two meetings (listeners forums) to be held annually and the Licensee held one meeting.

The Licensee partially complies with clause 4.2 of the licence.

Further, clause 4.2.3 provides that:

“The Licensee shall hold an Annual General Meeting 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 Annual General Meeting as and when required by the Constitution; 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”.

Maputaland Community Radio submitted the non-elective AGM minutes⁷ held on 03 March 2018 and an audit report⁸ for the period under review to the Authority.

The Licensee complies with clause 4.2.3 of the licence.

⁶ Appendix C: Maputaland AGM minutes

⁷ Appendix C: Maputaland AGM minutes

⁸ Appendix B: Maputaland Audit Report

3.5 Programming

Clause 5.1 of the licence provides that:

"The Licensee shall provide programming as follows:

5.1.1 Local News and Information: The Licensee shall broadcast a total of thirty (30) minutes of news per day. This shall include news from the community produced by the station on issues affecting the identified community".

The Authority's monitoring exercise determined that the Licensee broadcasts news bulletins of about five (5) minutes at 07h30, 9h30, 11h30, 13h30, 15h30, 17h30 and the last bulletin is at 18h00 which is about thirty five (35) minutes of news per day.

The news stories that were covered:

- *"Owesifazane osesicabazini kwa Mhlabuyalingana sethathelwe imoto yakhe lwehlobo ye Ford Ranger emhlophe, ithatha ngabesilisa ababehlome ngezi bhamu. Lemoto bayiphocwe kowesilisa abethunywe ngayo. Umnikazi walemoto u Babezile Khumalo uchaze ngokwenzekile";*
- *"Khona manjalo konke sekume ngomumo nge funny walk ye Maputaland radio ezoba ngo Mgqibelo yokukhuza umkhuba wekwebiwa kwezimoto Zidluliselwe kwamanye amazwe. Umphathi sithethi umnumzana u Simon Ntsele uthe ukwebiwa kwezimoto kulimaza imikhakhe eminingi yingakho ke benqume ukungagoqi izandla ngoludaba";*
- *"Idolophu elikhulu KwaZulu Natal, Itheku selikhaliswe laba lelesihlanu amadolophu amakhulu ase Afrika okwenza umnotho omkhulu ngokwembiko we Africa Asia Banks 2018 wealth report. Kuvele ukuthi lelidolophu likwaze ukwakha umnotho ofinyelela kwi 819 Billion Rand. Ungqongqoshe wokuthuthukiswa komnotho esifundeni sa KwaZulu Natal umnumzana u Sihle Zikalala okhuluma ese China eyobonisana nelelalizwe ngokuhwebelana wathi bajabulile kakhulu ngokwalombiko kodwa kuzafanele umnotho uhlomlise nabanye KwaZulu Natal"; and*
- *"Umnyango wezolimo uthi uzoxhasa abalimi bamasimi entsangu ngoba sekuse mthethweni ukusetyenziswa kwayo ngokwesinqumo senkantolo yomthetho".*

The Licensee complies with clause 5.1.1 of the licence.

5.1.2 "South African Music Content: 50%"

The Authority's monitoring exercise confirmed that the Licensee's music lineup is comprised of over 90% South African music. One international track is played every hour. The Licensee broadcasts a variety of music genres, most of which is traditional music, gospel and Maskandi.

The local music played by the Licensee includes among others: Lady Zama - *"You Dreaming"*, Zola - *"Don't Cry"*, Bobo - *"Buyani Bantabami"*, Umnikezwa - *"I Dolla"* and Inkosi Yamangcukana - *"Imihlola Yam"*.

The Licensee complies with clause 5.1.2 of the licence.

5.1.3 "Talk vs Music: 50% Talk and 50% Music"

The monitoring exercise confirmed a 50% split between talk and music that is played by the Licensee. There is talk during a couple of prayer services throughout the day; during Vukuqame Breakfast Show with Siyabonga (06h00 – 09h00), Hloma Ngolwazi with Silindile (09h00 – 12h00) and Ezivuthayo Zomhlama (current affairs show from 18h30).

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

5.1.4 "Language(s) of broadcast:

5.1.4.1 *English – 20%*

5.1.4.2 *isiSwati – 3%*

5.1.4.3 *isiZulu – 75%*

5.1.4.4 *Xitsonga – 2%"*

The monitoring exercise confirmed the Licensee broadcasts mainly in isiZulu followed by English. isiSwati can be heard when for example, there was a pre-school (Zilungisele creche) that visited the station and the teacher that brought the children responded in isiSwati. However, Xitsonga was not detected during monitoring.

The Licensee partially complies with clause 5.1.4 of the licence.

Clause 5.2 of the licence provides 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 submitted programme log sheets to the Authority on a monthly basis.

The Licensee complies with clause 5.2 of the schedule to its licence.

3.6 Contact Details

Clause 6.1 of the schedule to the licence provides that:

"The contact person for the Licensee shall be"

6.1.1 Name: Mr Simon Ntsele

6.1.2 Tel: (035) 572 1172

6.1.3 Fax: (035) 572 1034

6.1.4 Cell: 082 738 0544

6.1.5 Email: si.ntsele@gmail.com

There were no changes reported by the Licensee to its contact details during the period under review.

The Licensee was found to be compliant with clause 6.1 of the schedule to its licence.

Clause 6.2 of the schedule to the licence provides that:

"Should the Licensee propose to replace the person so designated, the Licensee shall notify the Authority in writing within seven (7) days after appointing the new designate person".

There were no changes reported by the Licensee to its designated contact person during the period under review.

The Licensee complies with clause 6.2 of the licence.

3.7 Notices and Addresses

Clause 7.1 of the schedule to the licence provides that:

"The Licensee chooses the following as its principal addresses:

7.1.1 Postal Address: P.O. Box 342

Jozini

3969

7.1.2 Physical Address: B8474 Nandi Street

Jozini

2772"

There were no changes reported by the Licensee to its principal addresses during the period under review.

The Licensee complies with clause 7 of the licence.

4. REGULATIONS

4.1 Complaints

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

The Licensee submitted a Form 12A⁹ (Complaints Report) as required by the Compliance Procedure Manual Regulations and there were no complaints.

The Licensee complies with the relevant clause of the Compliance Procedure Manual Regulations.

⁹ Appendix D: Maputaland Radio Logs

4.2 ICASA Regulations on South African Music Content¹⁰

The Regulations on South African Content as published on 26 March 2016 provide that:

"A holder of a community sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of these regulations, a minimum of 60%, increasing by 10% 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 Licensee broadcasts a variety of genres, most of which is traditional, gospel and Maskandi, House music and Rhythm and Blues. Over 90% of the music played at Maputaland radio station is South African and some of the artists are: DJ Mix - *"Banomona"*, Khuzani - *"Amathemba Aphelile"*, Khansela and Falabo.

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

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licensees

During the year under review, the Authority did not find any instance of non-compliance by the Licensee with the Standard Terms and Conditions for Class Licensees.

4.4 Regulations on the Code on People with Disabilities

Clause 3.1 (a) of the Code on People with Disabilities as pushed in the *Government Gazette* No 30441, 7 November 2007, states that:

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

¹⁰ Appendix E: ICASA Regulations on South African Music

The Licensee did not submit compliance report in relation to the Code on People with Disabilities.

The Licensee does not comply with the Code for Persons with Disabilities.

5. CONCLUSION

Maputaland Community Radio complied with most of its licence terms and conditions for the year under review. However, partially complies with the languages of broadcast and well as community participation, in that it failed to convene two programming related meetings with its community. The Licensee failed to comply with the regulation on people living with a disability. It is a recommendation that the Licensee identifies forums or links for persons living with disabilities within its community and forward their attendance register separately from other listeners forums to the Authority.

6. TERMS OF REFERENCE

Appendix A: Maputaland Community Radio Service Licence;

Appendix B: BRC-RAM-Radio-Listening;

Appendix C: Maputaland's Audit Report;

Appendix D: Maputaland AGM minutes;

Appendix E: Maputaland Radio Logs; and

Appendix F: ICASA Regulations on South African Music.