



MASEMOLA COMMUNITY FM ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

MASEMOLA COMMUNITY FM 107.5

LICENCE PERIOD : 02 JULY 2018 – 01 JULY 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 Act⁴ to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or Regulations.

The following report is intended to give an account of Masemola Community FM's compliance performance 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 the Licence Area, Community, Programming, South African Music Content Regulations, Regulations regarding Standard Terms and Conditions for Class Licensees and Regulations on the Code on People with Disabilities.

2. BACKGROUND

Masemola Community FM is a class broadcasting service Licensee serving the geographic community under Makhuduthamaga Local Municipality in Sekhukhune District Municipality, Limpopo Province. According to the Broadcast Research Council of South Africa, the listenership figures for the last quarter of the period under review is 10 000⁵, a 42% increase from the previous reporting period.

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.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the schedule to the licence stipulates that:

- 1.1 Name of Company/Entity: Masemola Community FM, registration number 114-388 NPO*
- 1.2 Control of Licensee: Control shall vest in the Board of Directors of a non-profit organization known as Masemola Community FM*

There were no changes reported by the Licensee regarding the name of the radio station and the controlling structure of the organization. Furthermore, the radio station identifies itself at regular intervals, with frequency number and areas of coverage.

The Licensee complies with clause 1 of the licence

3.2 Licence Period

Clause 2 of the schedule to the licence stipulates that:

"This licence is valid for a period of five (5) years from the signature date"

Masemola Community FM submitted its application for renewal and the licence was renewed on 31 March 2017. The licence is valid from 02 July 2018 – 01 July 2023.

The Licensee complies with clause 2 of the licence.

3.3 Licence Area

Clause 3 of the schedule to the licence provides that the Licensee's coverage area is as outlined below:

"The Licensee shall provide services to Makhuduthamaga Local Municipality area in Limpopo Province as set out in the Licensee's radio frequency spectrum licence."

The Licensee confirms that it broadcasts in the geographic area as set out in its frequency spectrum licence however, according to its strategic plan, the Licensee intends to reach a wider audience by erecting a 30 metre tower that meets technical specifications to enable it to reach wider audiences.

The Licensee complies with clause 3 of the licence.

3.2 Community

Clause 4.1 of the schedule to the licence stipulates that:

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

The Licensee provides broadcasting services to areas under Makhuduthamaga Local Municipality, which falls under the Sekhukhune District Municipality in Limpopo Province. These areas include Ga-Masemola; Apel; Ga-Mosehla; Glen Cowie and surrounding areas. The station has not indicated any difficulties in reaching all their licensed areas, but it has stated its intention to improve coverage to reach a wider audience. The Authority has not received any complaints from members of the public residing in the coverage area on issues related to poor coverage or interference.

The Licensee complies with clause 4.1 of the schedule to the licence.

Clause 4.2 of the schedule to the licence provides as follows:

"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 2 (two) meetings annually with its community focusing on programming and programming policies of the station.

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 radio station did not submit any proof of meetings as requested by the Broadcasting Compliance Unit. The station indicated that there were circumstances that led to AGM plans to be kept on hold as there were elements around the area that could have negatively impacted the stability of the station. The station further reports that it intends to convene an AGM in the next financial year once there's been enough stakeholder consultation and some stability in the area.

The Licensee does not comply with clause 4.2.1 and 4.2.2 of its licence.

Clause 4.2.3 of the schedule to the licence provides as follows:

"4.2.3 The Licensee shall to 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 indicated that it was unable to hold an AGM due to circumstances that had a negative effect on the stable running of the radio station and reports that it intends to convene an AGM in the next financial year.

The Licensee does not comply with clause 4.2.3 of the schedule to its licence.

3.3 Programming

Clause 5.1.1 of the schedule to the licence provides for the radio station's format as follows:

"60% music and 40% talk"

A radio station with a format of 60% Music and 40% Talk will have to broadcast 432 minutes of Talk and 648 minutes of Music as per the standard definition of the performance period. During the performance under review, the monitoring exercise found that the radio station complies with its prescribed format.

This was evident on some of its shows such as *The Drive-Thru* aired on weekdays between 15h00 and 18:00. Topics discussed during this show are light in substance and mainly targeted at a youthful audience.

The Licensee complies with clause 5.1.1 of its licence.

Clause 5.1.2 of the schedule to the licence provides that:

"The Licensee shall broadcast a total of eighty-nine (89) minutes of news per day, of which 70% minutes shall be local news 25% national news, and 5% minutes international news"

The Licensee submits that it broadcasts news from 07:00 to 17:00 every hour and headlines at the bottom of each hour. The Licensee further reports that its news team is made up of three (3) people, namely Thapelo Mogano; Mabilo Phogole and Poeletjo Aphané.

The monitoring exercise confirmed that Masemola Community FM broadcast news as required in the licence with a varied mixture of local, national and international news. An example of news bulletins from Masemola Community FM is as follows:

- *"Association ya di koloi ntefe ka Nebo mono seleteng sa Sekhukhune ye e shomango Motseng wa Fleishboom le Eensaam ere shoma ka fase ga letshogo. Se kego latela dikgakgano tse di bilego gona mabapi le tsela le dikoloi ntefe tsa go balela leeto go meter taxi. Mmoleledi wa association, Koti Tau ore mengwageng yago feta ba ile ba dumelelana ka molomo le dikoloi ntefe ka leeto. Go lebeletswe hlaelelwa metseng yeo ge bona basa letile mangalo a go shoma fao metseng yeo. Tau ore morago ga go hwetsa mangwalo ba ile ba leka go bolela le maloko a dikoloi ntefe ka leeto go abelana tsela yeo fao ga ilego gwa tsoga lerole. Se seile sa gapeletsa yoya kgorong tsheko gofa lengwalo la taelo gofa dikoloi ntefe tseo ba ileng ba ganana le lengwalo leo."*
- *Maphodisa ka Soweto go la Johannesburg a mohlaleng wa mootledi wa koloi ntefe yoo a amegilego go methuntshano ya maabane makgapele. Kaptene Mpande Khoza ore mootledi yo le baotledi babangwe babe ba otlela ka go kgaolana goba overtake pele ga ge batla thoma ka golwa kgauswi le clinic ya Mofolo, fao mootledi wa taxi a ilego a ntsha sethunya lego thuntsha mootledi o tee. Maphodisa are mootledi yo o amogetswe bookelong ka dikgobadi tse di shilshago gomme ba lesolong la go nyakana le mootledi wo."*
- *Modulasetulo wa komiti ya tshireletso ya matlotlo Themba Godi ore babe ba hlokomologile taba ya Eskom go tlogela komiti ya portfolio go dira moshomo wa yona. Godi ore babe batla tsena taba yeo kabogare ge nkabe baile ba kgopelwa go e tsena ka bogare go etsa bolekgotla kgasho."*
- *Ba laola sephethephethe ba lesome ba golegilwe lesolong leo le bego le laotswego ke di Hawks le RTMC maabane. Balaola sephethephethe bao ba golegilwe melatong ya go tsea shunya. Mmoleledi wa RTMC Sam Zwane ore balaola sephethephethe bao*

babe ba shoma kgorong ya dinamelwa ya Province ka Polokwane ka masepaleng wa Polokwane. Bona la letetswe gore batla tswelela pele ga kgoro tsheko nakong yeo esa fediseng pelo. Tiragalo ye e tlisha palo ya bagolegwa go kgoro yeo go masome a mararo ka mono Limpopo mo di kamanong tsa melato y abo menetsa go tloga kgwedding ya December."

- *Mmusho wa naga ya Tanzania o tiisheditse gore o golegile batsetsana bao elego ban aba sekolo bao ba ithwelego, go bafa tshedimosho mabapi le banna bao baba robilego maoto. Mokomishinara wa selete wa Tandimba, Sebastian Weruba ore bana bao ba golegilweng bekeng ya go feta goka ba botsisholla. Naga yeo ya bohlabela bja Afrika, efa kotlo ya mengwaga ye masome a ma raro kgolegong go monna ofe goba ofe yo a kabago a imisha ngwana wa sekolo. Dihlopha tsa di tokelo tsa botho ka nageng yeo, di sola mmusho kago bea melao yeo e ganetsanago le ban aba go boela dikolong morago ga pelego.";* and
- *Bjale ka ge Afrika Borwa ele gare e keteka le go gopola senatla sa mmimo wa jazz Bra Hugh Masekela, ba lapa ba rata go ka fiwa sebaka go swara poloko ya sephiring, gole bjalo go tlaaba le ditirelo tse pedi tsa segopotso tseo badudi batlago go tsea karolo go tsona."*

The Licensee complies with its news and information obligations.

Clause 5.1.3 Local Content:

"The Licensee shall broadcast a South African music content of 60%."

The monitoring exercise confirmed that Licensee broadcasts an average of 70% of South African Music Content. This is above the minimum requirement of 60% and it demonstrates the commitment by the Licensee towards supporting SA Music content. Furthermore, the Licensee promotes local artists on its platform and prioritizes artists from the Limpopo Province in most cases.

The Licensee complies with clause 5.1.3 of its licence.

3.4 Language(s) of broadcast

Clause 5.1.4 of the schedule to the licence provides that the languages of broadcast are as follows:

5.1.4.1 Sepedi – 97%;

5.1.4.2 English – 3%

The monitoring exercise found that the principal language of broadcast is Sepedi with some references to English in some programs.

The Licensee complies with clause 5.1.4 of its licence

3.5 Notices and Addresses

Clause 7 of the schedule to the licence stipulates that:

"The Licensee chooses the following as its principal addresses"

7.1 Postal Address: P O Box 1299 Masemola 1060

7.2 Physical Address: 2202 Maroge Section Masemola 1060

The Licensee confirms that its offices are situated at the above-stated address and that there haven't been any changes in that regard.

The Licensee complies with clause 7 of its licence.

4. REGULATIONS

4.1 South African Music Content

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

"A holder of a community sound broadcasting licence must ensure that after eighteen (18) 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 reasonably evenly throughout the said period".

For the period under review, the obligation in accordance with the SA Music regulations above was for at least 60% of the musical works broadcast in the performance period, consist of South African music.

The Authority's monitoring exercise confirmed that the radio station broadcasts an average of 70% of South African music content. Some of the artists featured on Masemola Community FM's playlists are: Josta; Dr Malinga; Master KG; Janisto; Casper Nyovest; Destruction Boyz; Sanco Vision and many others.

The Licensee complies with the South African Music Content Regulations.

4.2 Regulations regarding Standard Terms and Conditions for Class Licences

For the period under review, the Authority did not find any area of non-compliance with the standard terms and conditions for class licences.

The Licensee complies with the regulations on Standard Terms and Conditions for Class Licences.

4.3 Regulations on the Code on People with Disabilities

Clause 3.1 (a) of the Code on People with Disability of 2007 provides that:

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

During the period under review, the Licensee did not indicate any measures of compliance with the accessibility requirements in accordance with the above Code and therefore does not comply with the requirement.

Furthermore, form 7C: Code on People with Disabilities contained in the Compliance Procedure Manual Regulations requires broadcasting Licensees to annually complete the form in accordance with the Licensee's financial year end.

The Licensee has not submitted the form in accordance with the regulations and therefore **does not comply with the provisions of the Code for People with disabilities.**

5. CONCLUSION

The Licensee has generally complied with its licence conditions. Its commitment to South African Music Content as well as its dedication to producing consistent and relevant news is applauded. Areas of improvement for the Licensee to attend to are community participation and holding of an AGM. This element of community is important and will

demonstrate that the community radio station is indeed for its people and produced by its own people.

6. TERMS OF REFERENCE

- 6.1 Annexure A: Masemola Community FM Class broadcasting service and spectrum licence;
- 6.2 Annexure B: Regulations on South African Music Content;
- 6.3 Annexure C: Regulations on Standard Terms and Conditions for Class Licences; AND
- 6.4 Annexure D: Regulations on the Code for People with disabilities.