



MOTHEO FM ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/18 ANNUAL COMPLIANCE REPORT

MOTHEO MULTIMEDIA INSTITUTE BROADCASTING AS MOTHEO FM

LICENCE PERIOD: 08 DECEMBER 2013 –07 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. 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.

This report is intended to give account of Motheo FM'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), Promise of Performance, South African Music Content Regulations, Code on People with Disabilities and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Motheo FM was issued with a renewed Class Sound Broadcasting Service licence on 08 December 2013 to continue with their broadcasting services to the community residing within the Motheo Municipal District in the Free State Province as set out in the radio frequency spectrum licence. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 50 000.⁵

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 <https://brcsa.org.za/brc-ram-radio-listening-oct17-mar18-jan18-jun18/>

3. COMPLIANCE ASSESSMENT

3.1 Licensee⁶

Clause 1 of the schedule to the service licence of Motheo FM provides that:

"The Licence is issued to:

- 1.1 Name of Company/Entity: Motheo Multimedia Institute*
- 1.2 Name of the station: Motheo FM*
- 1.3 Control of the Licensee: Control shall vest in the Board of Directors of a Section 21 company known as Motheo Multimedia Institute."*

In the year under review, the Authority did not receive any notifications from the Licensee indicating a change in any of the above information.

The Licensee complies with clause 1 of the schedule to the service licence.

3.2 Licence Period

Clause 2 of the schedule to the service licence of Motheo FM provides that:

"The effective date of the Licensee is 08 December 2013 and shall expire 07 December 2018."

The Licensee was reminded to send a notice for renewal of the licence in accordance with the period as outline in the Processes and Procedures Regulation for Class Licences.

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

⁶ Appendix A: Motheo FM Service Licence

3.3 Licence Area

Clause 3 of the schedule to the service licence of Motheo FM provides that:

“The Licensee shall provide services to Motheo Municipal District in the Free State Province as set in the Licensee’s radio frequency spectrum licence.”

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

3.4 Community

Clause 4.2 of the schedule to the service licence of Motheo FM 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 focusing on programming and programming 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;

The Licensee submitted proof of community and stakeholder engagement through the victim empowerment outreach programmes. The discussion in the outreach included issues that are affecting women in terms of safety and security, legal matters, amongst others. The minutes reflects that the matters discussed were noted to be essential that they need to have further focus on three (3) programmes in the radio station accordingly⁷.

The Licensee complied with clause 4.2 of the schedule to the service licence.

⁷ Minutes and attendance register

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 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".*

The Licensee sent a correspondence regarding a court case involving the Board of Directors, which was instituted by a group of community members that had held an AGM, and elected an interim committee in order to facilitate an AGM⁸. The challenges were due to the community wanting to get feedback from the Board of Directors which had not been forthcoming. The Board of Directors sent a notice that the judgement was in their favour, but the "interim committee" instituted an appeal which also lapsed due to non-filing of records to be considered⁹.

The Licensee has advanced the court cases as the reason they were unable to convene an AGM. However, the radio station had not held a report back or consultative meeting with the community and/or its members to report back on the operations of the radio stations.

The Licensee failed to comply with clause 4.2.3 of the schedule to the service licence.

⁸ Court notice and appeal document

⁹ Ibid

3.5 Programming

Clause 5.1.1 of the schedule to the service licence of Motheo FM provide that:

"The Licensee shall broadcast a total of thirty (30) minutes of news per day, of which 40% shall be local, 30% provincial, 20% national and 10% international news."

The monitoring exercise confirmed that the Licensee broadcast news from 06h00 until 18h00 on weekdays, for an average of four (4) minutes which equates to fifty-two (52) minutes per day. The Licensee has news bulletins on Saturday from 06h00 until 15H00 for an average of four (4) minutes which is a total of forty (40) minutes, with Sunday news being a roundup of all the midweek news for an average of six (6) minutes from 07H00 until 13H00 for a total of forty-two (42) minutes.

The following are some of the news items monitored:

- *"The Hawks in the Free State says the investigation of last week's armed robbery at the Braam Fischer international airport is still continuing. Hawks spokesperson Sfiso Nyakane says they are following up on leads that may lead to the arrest of the three suspects."*
- *"Presidency spokesperson Bongani Ngqulunga says allegations reported in the media that President Zuma wishes to fire Deputy President Cyril Ramaphosa and replace him with Nkosazana Dlamini-Zuma are baseless lies. He says the allegations of ethnic mobilization by the President are equally without foundation"*.
- *"Disgruntled members of the south African communist party and the African National Congress are holding a media briefing discussing their dissatisfaction on the latest developments with regards to Jacob Zuma's resignation in Pretoria. This is happening as talks between the ANC national executive committee members and Zuma are set to resume on Monday"*.

The news bulletins are dominated by stories from the licensed area and a focus on national news. The news bulletins are read in all the languages of broadcast.

The Licensee complies with its news obligations.

Clause 5.1.2 of the schedule to the service licence of Motheo FM provides that:

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

The Licensee submitted their Form 8A and their local music content is an average of fifty percent (50%) which is lower than their local music obligation. The Authority's monitoring exercise found that the Licensee plays a balance of local and international music throughout the day, but most of the mid-morning shows is predominantly dominated by international music rather than local music. Some of the music artists that were monitored include *Sjava, Jamali, Lady Zamar, Dr Tumi and Culoe de song* amongst others.

The Licensee failed to comply with their local music obligations.

Clause 5.1.3 of the schedule to the service licence of Motheo FM provides that:

"The format shall be 60% talk and 40% music"

The Licensee's weekdays programming content is mostly talk. The breakfast and afternoon drive shows are mostly music driven, whilst the midmorning and early afternoon programme are a mixture of both music and talk. The Licensee broadcasts talk driven content from 18H00 in a form of current affairs programme, sports show and other talk format until 21H00.

The Licensee complies with its format.

Clause 5.1.4 of the schedule to the service licence of Motheo FM stipulates that:

5.1.4.1 40% - Setswana

5.1.4.2 30% - Sesotho

5.1.4.3 25% – English

5.1.4.4 5% - isiXhosa

The monitoring exercise revealed that the Licensee broadcasts their programme in all of their languages of broadcast. The majority of broadcast is dedicated to the main languages of Setswana and Sesotho and listeners are able to call and interact using any language since most of the presenters are multilingual.

The Licensee complies with its languages of broadcast obligations.

3.6 Promise of Performance

Clause 8.1. of the schedule to the service licence of Motheo FM provides that:

“The Licensee shall broadcast programmes relating to the promotion of cultural diversity, development of media skills, encouragement of critical debate of governance, economic and HIV/AIDS issues by community members.”

The Licensee invites guests and analysts on their midday programmes and current affairs programme to deal with issues as referred to in their promise of performance pertaining to debates on governance and economic matters. Furthermore, there was a discussion on HIV self-testing, the issues of testing and screening of HIV/AIDS and general public health access. They also had a discussion about the concepts of adoption and ancestry in a special programme. Another programme specifically focused on traditional Sesotho music.

The Licensee complies with its promise of performance.

4. REGULATIONS

4.1 South African Music Content Regulations

The Authority has on 23 March 2016 published ICASA South African Music Contents Regulations which repealed ICASA South African Music Content regulations published on 31 January 2006. The regulations were to be effective

eighteen (18) months after publication i.e. 23 September 2017 which falls within the period under review.

Regulation 3.3 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 (18) months from the date 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"*¹⁰.

The Licensee submitted their Form 8A and their local music content is an average of fifty percent (50%) which is lower than the regulated music obligation. The Authority's monitoring exercise found that the Licensee plays a balance of local and international music throughout the day, but most of the mid-morning shows in predominantly dominated by international music than local music. Some of the music artists that were monitored include *Sjava, Jamali, Lady Zamar, Dr Tumi and Culoe de song* amongst others.

The Licensee failed to comply with the Regulations on South African Music Content.

4.2 Code on People with Disabilities

Clause 3.1 (a) of the Code on People with Disabilities stipulates that:

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

The radio station's premises are accessible by public transport amenities and is accessible to people with disabilities.

The Licensee complies with the Code on People with Disabilities.

¹⁰ Appendix D: Regulations on South African Music Content

4.3 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 Licences.

5. CONCLUSION

Motheo FM has failed to comply with its community participation related to convening of an AGM and local music content. The Authority will address the area of concern with the Licensee in the next financial year.

6. TERMS OF REFERENCE

Appendix A: Motheo Community Broadcasting Service Licence

Appendix B: Meeting Attendance Register with the Motheo Local Municipality Portfolio Committee

Appendix C: Court Order and Appeal documents

Appendix D: Regulations on South African Music Content

Appendix E: Regulations regarding the Standard Terms and Conditions, 2010 published in GG no 33296 dated, 14 June 2010