



MUSINA COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/18 ANNUAL COMPLIANCE REPORT

MUSINA COMMUNITY RADIO BROADCASTING AS MUSINA COMMUNITY RADIO

LICENCE PERIOD: 24 AUGUST 2014 –23 AUGUST 2019

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 Musina 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 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

Musina Community Radio was issued with a renewed licence on 24 August 2014 to continue with their broadcasting services to the community residing within the Musina, Nancefield, Malale village, Domboni village, Madimbo village and surrounding areas in the Limpopo Province as set out in the radio frequency spectrum licence. According to the Broadcast Research Council of South Africa

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

(BRC), the listenership figures for the last quarter of the period under review was 4 000.⁵

3. COMPLIANCE ASSESSMENT

3.1 Licensee⁶

Clause 1 of the licence provides that:

"The Licence is issued to:

- 1.1 Name of Company/Entity: Musina Community Radio*
- 1.2 Name of the station: Musina Community Radio*
- 1.3 Control of the Licensee: Control shall vest in the Board of Directors of a non-profit organisation known as Musina Community Radio."*

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 its service licence.

3.2 Licence Period

Clause 2 of the licence provides that:

"The effective date of the Licensee is 24 August 2014 and shall expire 23 August 2019."

The Licensee complies with clause 2 of its service licence.

3.3 Licence Area

Clause 3 of the licence provides that:

⁵ <https://brcsa.org.za/brc-ram-radio-listening-oct17-mar18-jan18-jun18/>

⁶ Appendix A: Musina FM Service Licence

"The Licensee shall provide services to Musina, Nancefield, Malale village, Domboni village, Madimbo village and surrounding areas in the Limpopo Province as set out in the radio frequency spectrum licence."

The Licensee covers its licensed area and has thus far not complained about coverage issues nor interference in their signal services.

The Licensee complies with clause 3 of its service licence.

3.4 Community

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 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 has communicated that they have had meetings with the community on programming matters but had not been able to submit proof thereof. The Authority can therefore not ascertain compliance with the clause of the service licence.

The Licensee failed to comply with clause 4.2 of its service licence.

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 did not send any proof of an AGM being held and after further engagement did confirm that they did not convene an AGM for the period under review.

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

3.5 Programming

Clause 5.1.1 of the licence provide that:

"The Licensee shall broadcast a total of 40 minutes of news per day, of which 60% shall be news from the community produced by the station on issues affecting the community."

The monitoring exercise confirmed that the Licensee broadcast news from 07h00 until 18H00 from Monday until Saturday for an average of four (4) minutes which equates to fifty-two (52) minutes per day. The monitoring exercise could not find any news broadcasts on Sunday.

The following are some of the news items monitored:

- *"Hu kha divha na zwickhala zwa u di nwalisa kha tshikwama tsha NFSAS nga u tou shumisa online system. Vhagudiswa vhothe u mona na la Afurika tshipembe ndi vhane vha khou itelwa khuwelelo nga vha thsikwame tsha NFSAS uri vha di nwalise sa izwi hu tshi kha divha na tshikhala itshi."*

- *"Vha lihora vha DA vha ri minister wa mushasho vha vhudavhidzani vho Stella Ndabeni – Abrahams a vha na maanda a u nea Board ya SABC ndaela. Vha DA vha ri SABC yo newa u swika nwedzi u daho kha nwedzi wa Phando nwakani uri I netshedze mvelele dza tsedzuluso dza vhukoni, na miholo ya vhashumi khathihi na pulane dzavho".*
- *"Nedorobo wa Masipala wa Tshwane Vho Solly Misamang ndi vhane vha khou itela khuwelelo dzulo la dorobo uri vha pandele mulanguli wa dorobo iyo vho Msola. Vho Msimang ndi vhane vha khou amba zwauri huna mafhungo ane ha ngo tshimbidzwa zwavhudi nga vho Msola, ngeno vho dovha vha khwathisa hafhu uri Vho Msola huna mafhungo ane a vho ngo a tshimbidza zwavhudi kha sia la masheleni".*

The news bulletins are dominated by national stories without much news from the licensed area as per the requirement in the service licence.

The Licensee partially complies with its news obligations.

Clause 5.1.2 of the licence provides that:

"The Licensee shall broadcast South African music content of 40%".

The Licensee submitted their Form 8A and their local music content is an average of seventy five percent (75%). The Authority's monitoring exercise found that the Licensee also plays new musicians and conduct interviews with local musicians which adds to their local South African music content to an average of eighty percent (80%) as per the format factor in the South African music content regulations. Some of the music artists that were monitored include *Zozo and Sengere Superbeat, Penny Penny, Tshigomboza, Umanji* amongst others.

The Licensee complies with its local content obligations.

Clause 5.1.3 of the licence provides that:

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

The Licensee's morning breakfast and afternoon drive shows are music driven, with the mid-morning to early afternoon shows being a blend of talk and music. Further, the Licensee has current affairs and sports programmes from 18H00 until 20H00 to complement the split for a majority talk based format.

The Licensee complies with its format.

Clause 5.1.4 of the licence stipulates that:

5.1.4.1 10% - Afrikaans

5.1.4.2 30% - Tshivenda

5.1.4.3 25% - Sepedi

5.1.4.4 10% - Xitsonga, and

5.1.4.5 25% - English

The monitoring exercise revealed that the Licensee broadcasts their programme mainly in Tshivenda supplemented by English. There was no programme that were presented on the other three (3) languages being Sepedi, Xitsonga and Afrikaans. It should be noted however that listeners normally call and are able to converse in any of the languages in the licensed area.

The Licensee does not comply with its languages of broadcast obligations.

3.6 Promise of Performance

Clause 8.1. of the licence provides that:

"60% of the Licensee's talk programming content shall be aimed at the promotion of literacy, education, community upliftment and informational programming. This will include informal education such as skills development."

The Licensee has guests and analysts during its 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 HIV self-testing, the issues of testing and screening of HIV/AIDS and general public health access. They also had a discussion about adoption and ancestor on a special programme with another programme with a special focus on traditional Sesotho music.

Clause 8.2. of the licence provides that:

"The Licensee shall broadcast a broad based programming that will involve the whole community."

The programming content of the radio station caters for children and youth with programmes on Saturday mornings, to weekly current affairs and sports programme, and programme playing jazz, reggae and traditional music to cater for a variety of listeners from different age groups.

The Licensee complies with its promise of performance of the service licence.

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”⁷.

The Licensee submitted their Form 8A and their local music content is an average of seventy five percent (75%) which is more than there minimum requirement per the music regulations⁸. The Authority’s monitoring exercise found that the Licensee also plays new musicians and conduct interviews with local musicians which adds to their local South African music content to an average of eighty percent (80%) as per the format factor in the South African music content regulations.

There was an interview with a local artist called *Mazwale* about her new album and they debuted her two singles accordingly. It should also be noted that the Licensee promotes a lot of music from the Limpopo area which is to be commended. Some of the music artists that were monitored include *Makhadzi Mundalamo, Solomon Mathase, Adzimbei Band* amongst others.

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

4.2 Code on People with Disabilities

Clause 3.1 (a) of the Code for 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 above-mentioned Regulation.

⁷ Appendix D: Regulations on South African Music Content

⁸ Form 8A

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

Musina Community Radio has failed to comply with its community participation obligation, language of broadcast and news obligations. A meeting with the management and the controlling structure of the radio station will be held in order to address the areas of non-compliance. The Authority will address the area of concern with the Licensee in the next financial year.

6. TERMS OF REFERENCE

Appendix A:	Musina Community Radio Broadcasting Service Licence
Appendix B:	Form 8 A
Appendix C:	Code on People with Disabilities
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 as amended in and as amended by Government Gazette No 39872 published on 30 March 2016