



NQUBEKO COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE

NQUBEKO COMMUNITY RADIO NPC BROADCASTING AS NQUBEKO COMMUNITY RADIO

Licence Period: 08 May 2014 to 07 May 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. One of the main tasks of the Authority, is to monitor compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The purpose of this report is to give an account of Nqubeko Community Radio's performance for the 2017/2018 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community, Programming Obligations, Compliance Procedures Manual Regulations, South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Nqubeko Community Radio holds a Class Sound broadcasting service licence⁵. The radio station's mandate is to provide a sound broadcasting service to the community of the uThukela District Municipal area in KwaZulu-Natal Province, as set out in the Licensee's frequency spectrum licence⁶.

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 Appendix A: Nqubeko Community Radio's broadcasting service licence.

⁶ Ibid.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

- 1.1 Name of Entity: Nqubeko Community Radio NPC.*
- 1.2 Name of the Station: Nqubeko Community Radio.*
- 1.3 Control of the Licensee: Control shall vest in the Board of Directors of Nqubeko Community Radio NPC."*

There were no changes reported by the Licensee to its control structure during the period under review. The licence is still Nqubeko Community Radio NPC. The name of the Licensee's radio station is Nqubeko Community Radio. The control of the Licensee is still in the hands of Nqubeko Community Radio NPC.

The Licensee complies with clauses 1.1 to 1.3 of the schedule to its licence.

3.2 Licence Period

Clause 2 of the schedule to the licence states that:

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

Nqubeko Community Radio's licence was effective from 08 May 2014, and will expire on 07 May 2019. The Licensee will be reminded to submit a renewal application timeously.

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

3.3 Geographic Coverage Area

Clause 3 of the schedule to the licence stipulates that:

"The Licensee shall provide services to uThukela District Municipal area in KwaZulu-Natal Province as set out in the Licensee's radio frequency spectrum licence".

Nqubeko Community Radio provides broadcasting service to the uThukela District Municipal area in KwaZulu-Natal Province.

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

3.4 Community

Clause 4.1 of the schedule to the licence states that:

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

Nqubeko Community Radio provides a sound broadcasting service to the community of the uThukela District Municipal area in the KwaZulu-Natal Province, as set out in the Licensee's frequency spectrum licence.

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

Clause 4.2 of the schedule to 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) general 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 as 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

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".

During the year under review, the Licensee failed to provide the Authority with proof of the two (2) meetings with the community and the AGM.

The Licensee did not comply with clause 4.2 and its sub-clauses of the schedule to the licence.

3.5 Programming

Clause 5.1 of the schedule to the licence states that the Licensee shall provide programming as follows:

"5.1.1 Local News and Information: The Licensee shall broadcast news to a total of 30 minutes per day, of which 75% shall be local, 20% shall be national and 5% shall be international.

5.1.2 South African Music Content: 40%

5.1.3 Talk vs Music: 60% Talk and 40% Music

5.1.4 Language(s) of broadcast:

5.1.4.1 isiZulu – 90%;

5.1.4.2 English – 8%;

5.1.4.3 Afrikaans – 1%; and

5.1.4.4 Hindu – 1%".

The Licensee's recordings submitted were not in a format in line with the Authority's requirements, making it impossible to monitor content.

The Licensee does not comply with clause 5 of the schedule to its licence.

Clause 5.2 of the schedule to the licence states 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 submits logs of programmes broadcast to the Authority as required by clause 5.2.

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

4. REGULATIONS

4.1 Complaints Received

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.

For the year under review, the Licensee did not submit complaints report as required by Compliance Procedure Manual Regulations.

The Licensee does not comply with the Compliance Procedure Manual Regulations.

4.2 South African Music Content Regulations⁷

Regulation 3.3 of the Regulations on South African Music Content as published on 31 January 2006 provides that:

"Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% 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".

The Licensee's recordings were not in a format audible to the Authority. Therefore, the monitoring of recordings was not conducted.

Therefore, it was difficult to ascertain the Licensee's compliance with the Regulations on South African Music Content.

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences⁸

During the year under review, the Licensee failed to comply with the Standard Terms and Conditions for Class Licensees Regulations.

Nqubeko Community Radio does not comply with the Standard Terms and Conditions for Class Broadcasting Licences.

5. CONCLUSION

Nqubeko Community Radio was found to be non-compliant with most provisions of its licence conditions and applicable regulations. The non-compliance by the Licensee indicates that the radio station does not take compliance seriously. The Compliance and Consumer Affairs Division (CCA) will schedule a formal meeting with Nqubeko Community Radio to assist them with understanding the licence

⁷ Appendix B: South African Music Content Regulations.

⁸ Appendix C: Regulations regarding Standard Terms and Conditions for Class licences

obligations, regulatory and governance requirements. Should the Licensee fail to rectify its non-compliance alternative measures will be employed.

6. TERMS OF REFERENCE

Appendix A: Nqubeko Community Radio's broadcasting service licence;

Appendix B: South African Music Content Regulations; and

Appendix C: Regulations Regarding Standard Terms and Conditions for Class Licensees