



KASIE FM ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

KATHORUS COMMUNITY RADIO BROADCASTING AS KASIE FM

LICENCE PERIOD: 8 OCTOBER 2018 TO 7 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 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 the report is intended to give account of Kathorus Community Radio’s performance for the 2018/2019 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community, Programming Obligations, Compliance Procedure Manual Regulations, South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Kathorus Community Radio holds a Class Sound broadcasting service licence⁵. The radio station’s mandate is to provide a sound broadcasting service to the geographic community of Katlehong, Thokoza, Vosloorus and urban areas surrounding formal and informal areas, comprising the Kathorus sub-region of the Ekurhuleni District Municipality in the Gauteng Province as set out in the Licensee’s radio frequency spectrum licence.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

“The Licence is issued to:

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: kathorus community radio broadcasting service licence.

- 1.1 *Name of Company/Entity: Kathorus Community Radio.*
- 1.2 *Name of the Station: Kasie FM.*
- 1.3 *Control of the Licensee: Control shall vest in the Board of Directors of Kathorus Community Radio”.*

There were no changes reported by the Licensee to its control structure during the period under review. Further, the name of the Licensee’s radio station is Kasie FM.

The Licensee complies with clauses 1 of the schedule to its licence.

3.2 Licence Period

Clause 2 of the schedule to the licence provides that:

“2.1 The effective date of the licence is 08 October 2018.

2.2 The licence shall expire on 07 October 2023.”

Kasie FM’s licence was renewed in 2018 and therefore valid.

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

3.3 Licence Area

Clause 3 of the schedule to the licence provides that the radio station’s geographic coverage area is as follows:

“The Licensee shall provide services to the geographic community of Katlehong, Thokoza, Vosloorus, Alberton, Germiston, Boksburg, Brakpan, Springs, Nigel urban areas and surrounding formal and informal areas of the Ekurhuleni District Municipality in the Gauteng Province as set out in the Licensee’s frequency spectrum licence”.

The Licensee confirms that it provides a service to the licensed area as set out in the Licensee’s radio frequency spectrum licence. In the year under review, the Authority did not receive any reports or complaints indicating that the radio station has gone beyond its licenced area.

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

3.4 Community

Clause 4.1 of the schedule to the licence stipulates that:

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

The Licensee submitted that it provides a sound broadcasting service to its community, as prescribed by the licence document.

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

Clause 4.2 of the schedule to the licence states 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 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; and

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 did not submit proof of meetings to the Authority. This consequently means that the Licensee did not involve its community in any of its activities.

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

3.3 Programming

Clause 5.1 of the schedule to the licence provides that:

"The Licensee shall provide programming as follows":

Clause 5.1.1 of the licence provides that:

"Local News and Information: The Licensee shall broadcast twenty (20) minutes of local news, fifteen (15) minutes of national news and five (5) minutes of international news per day.

The Licensee broadcasts fifty (50) minutes of news per day during weekdays. The monitoring exercise revealed that Kasie FM broadcasts fifty (50) minutes of news per day. The Licensee schedules (10) news bulletins per day, for a duration of five (5) minutes. The bulletins focus on local news, national and international news as per the licence.

The following are some of the news stories covered:

- *"Eskom is warning that the risk of load shedding will increase despite a rise in their coal stockpile. Load shedding may once again become a reality by mid-January despite assurances by Minister of Public Enterprises, Pravin Gordhan that businesses will return in January to find a more stable environment. However, Eskom's spokesperson, Khulu Phasiwe, says despite all the work done to try to mitigate the situation during the festive season, risks for load shedding will increase in the coming weeks.";*
- *"Baahi ba Langaville, Tsakane hona mona Ekhurhuleni ba re ba belaela ho re dinokwane tse qhekreditseng sekolong sa primary sa Menzi, ba fumane lesedi ka tebelo ho tswa ho basebetsi ba sebetsang sekolong seo.*
- *Ho ya ka ditlaleho ketsahalo ena e etsahetse ka Mantaha bosiu, beke feela ka mora hore Letona la Thuto Panyaza Lesufi a bule semmuso sekolo seo. Hara thepa e utswitsweng, ho kenyeletsa diTablet tse legolo le mashome a robedi a nang le metso e mehlano, diLaptop tsa matitjhere tse robedi, diComputer tse tharo, plasma TV le tjhelete e kalo ka makgolo a mahlano ya petty cash.";* and
- *"Abasolwa abane abathengisa imisebenzi engaphezulu kwekhulu ya kwa Johannesburg Metro Police Department kwizitshudeni zasezifundazweni ezahlukahlukene bazovel'eNkantolo kaMantshi ya seTembisa namhlanje. Laba*

baboshwe ngoLwesihlanu ngemva kophenyo belwenziwa luphiko lweJohannesburg Metro Police. Kukholakala ukuthi lezitshudeni zakhokela ukuthola imisebenzi kwaJMPD”.

The Licensee complies with clause 5.1.1 of the schedule to the licence.

Clause 5.1.2 of the licence provides that:

“South African Music Content: 70%.

The Licensee must ensure that South African Music broadcast increases by 10% annually until it reaches 80%, and that the South African Music Content is spread evenly throughout the performance period.

The monitoring exercise revealed that the Licensee broadcasts more than 70% South African Music Content during the performance period.

The Licensee complies with clause 5.1.2 of the schedule to the licence.

Clause 5.1.3 of the licence stipulates that the format is as follows:

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

The Licensee has confirmed that its broadcasts in the prescribed format.

The monitoring exercise revealed that Kathorus Community Radio plays more music than talk. The music played is approximately 60% in line with clause 4.1 of the schedule to its licence conditions.

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

Clause 5.1.4 of the licence stipulates that:

“Language(s) of broadcast:

5.1.4.1 isiZulu - 40%;

5.1.4.2 English – 30%;

5.1.4.3 Sesotho – 20% and

5.1.4.4 Other (including “Kasie Lingo”) – 10%.

The monitoring exercise revealed that the Licensee broadcasts in all its languages of broadcast as required by the Licensee conditions. The languages are used interchangeably throughout the day and there are also programmes that are dedicated to each language, including news.

The Licensee complies with clause 5.1.4 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 did not submit a log of programmes broadcast on a monthly basis as required by clause 5.2 of the schedule to the licence.

The Licensee does not comply with clause 5.2 of the schedule to the licence.

4. REGULATIONS

4.1 Complaints

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a certain 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 and other submissions as required by the Compliance Procedures Manual Regulations.

The Licensee does not comply with the Compliance Procedure Manual Regulations

4.2 South African Music Content Regulations⁶

Regulation 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 months of the gazetting of these regulations, a minimum of 60%, increasing by

⁶ Appendix B: South African Music Content Regulations.

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 evenly throughout the performance period”.

For the period under review, the obligation in accordance with the SA Music regulations above was for at least seventy percent (70%) of South African music content to be played by community sound broadcasting Licensees.

The monitoring exercise confirmed that Kasie FM broadcasts more than 70% South African Music content. The Licensee plays different genres including Kwaito, Gospel, House, RnB and Maskandi. The following are some of the artists that were played: *Kwesta, Hlengiwe Mhlaba, Abathandwa, Holly Rey, AKA, Lady Zamar, The Soil* and many others.

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

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licensees.

During the year under review, the Licensee did not comply with regulation 9 of the Standard Terms and Conditions for Class Licensees as the Licensee did not submit all the information that is required and requested to enable the Authority to assess and monitor compliance.

The Licensee did not comply with the Standard Terms and Conditions for Class Broadcasting Licensees.

5. CONCLUSION

Kathorus Community Radio does not comply with some provisions of its licence conditions and all applicable Regulations. The areas of non-compliance regarding have been brought to the attention of the Licensee during the previous review period (2017/2018). The Licensee has still not rectified the areas of non-compliance as per the previous report. Therefore, the Licensee will be referred to the Complaints and Compliance Committee (“CCC”) and afforded an opportunity to respond to the non-compliance findings.

6. TERMS OF REFERENCE

- 6.1** Appendix A: Kathorus Community Radio's broadcasting service licence;
- 6.2** Appendix B: Standard Terms and Conditions for Broadcasting, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended;
- 6.3** Appendix C: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016; and
- 6.4** Appendix D: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.