



MKHONDO COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

MKHONDO COMMUNITY RADIO

Licence Period: 16 July 2015 to 15 July 2020

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 Mkhondo Community Radio's performance for the 2018/2019 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community Participation, Programming Obligations, Compliance Procedures Manual Regulations, South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Mkhondo 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 Mkhondo Local Municipality in Piet Retief in the Mpumalanga Province, as set out in the Licensee's frequency spectrum licence.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

1.1 Name of Entity: Mkhondo Community Radio;

1.2 Name of the Station: Mkhondo Community Radio; and

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: Mkhondo Community Radio's broadcasting service licence.

- 1.3 *Control of the Licensee: Control shall vest in the Board of Directors a non-profit organisation known as Mkhondo Community Radio".*

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

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:

"2.1. The effective date of the licence: 16 July 2015

2.2. The licence shall expire on: 15 July 2020".

There were no changes with regard to clause 2 above.

The Licensee complies with clauses 2.1 and 2.2 of the schedule to its licence.

3.3 Geographic Coverage Area

Clause 3 of the schedule to the licence stipulates that:

"Mkhondo Local Municipality as set out in the Licensee's radio frequency spectrum licence".

Mkhondo Community Radio provides sound broadcasting services to Mkhondo Local Municipality in the Mpumalanga Province.

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

3.4 Community

Sub-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".

Mkhondo Community Radio provides a sound broadcasting service to the community of Mkhondo Local Municipality in Piet Retief, as set out in the Licensee's frequency spectrum licence

The Licensee was found to be compliant with sub-clause 4.1 of the schedule to its licence.

Sub-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 held two (2) listeners forums, on 21 April 2018 and 24 November 2018 and they forwarded the attendance registers and minutes for both meetings to the Authority⁶. Further, the Licensee held a reporting AGM on 17 August 2018 to provide feedback on the station's performance to the community of Mkhondo Local Municipality. The Licensee furnished the Authority with AGM attendance register and minutes⁷.

The Licensee complies with sub-clause 4.2 and its sub-clauses of the schedule to the licence.

3.5 Programming

Sub-clause 5.1 of the schedule to the licence states that the Licensee shall provide programming as follows:

"5.1.1 Format: 60% Music and 40% Talk".

The Authority's monitoring exercise confirmed that the Licensee broadcasts more music throughout the day and less talk in proportion with the licence requirement.

⁶ Appendix B: Mkhondo FM Programming Meetings

⁷ Appendix C: Mkhondo FM AGM August 2018

"5.1.2 News and Information:

5.1.2.1 The Licensee shall broadcast a total of 80 minutes of news per weekdays, of which 35 minutes shall be local news, 20 minutes provincial news, 15 minutes national news and 10 minutes international news.

5.1.2.2 The Licensee shall broadcast a total of 25 minutes of news every Saturday, of which 10 minutes shall be local news, 7 minutes provincial news, 5 minutes national news and 3 minutes international news.

5.1.2.3 The Licensee shall broadcast a total of 20 minutes of news every Sunday, of which 9 minutes shall be local news, 5 minutes provincial news, 4 minutes national news and 2 minutes international news".

Mkhondo Community Radio broadcasts six (6) news headlines and six (6) news bulletins between 06h59 and 17h30 on weekdays. Further, broadcasts three (3) news headlines and three (3) news bulletins between 08h59 and 13h30 on weekends. Each news headline is about 30 seconds and each news bulletin is between 3 minutes and 30 seconds and 4 minutes long.

The Authority's monitoring exercise confirmed that the Licensee broadcasts twenty seven (27) minutes of news on weekdays and thirteen (13) minutes and 30 seconds on weekends. However, the Licensee was advised to amend its news minutes, during a meeting held at ICASA head offices on 18 September 2019, upon the Licensee's own admission they were struggling to meet the minutes as stated in the service licence.

The following are some of the news items that were monitored:

- *" Ngokusho kwe Student Representative Council, abafundi abangu thirteen ababoshwa empikishweni waphenduka udlame e University of Zululand ngelidlule badedelwe nga bail",*
- *" U Mayor womaspala u Mkhondo u Councillor u Vusi Mutha ubehambele umphakathi wase New Hope emavikini amabini adlulile. U Councillor uthe njengokuba behambele lomphakathi yingoba ke ukhala ngokufakelwa u gesi kanti ke futhi wakhe endaweni ye Company u Mondi. Usecele amaviki amabili kuwona lomphakathi ukuthi uzawubuya azolungisa izinkinga zo gesi", and*
- *" Ungqongqoshe wezimali u Nhlanhla Nene uthi ke izikhungo zemfundo ephakeme nezamabhizinisi azizimele kudinga zihlangabezane nemigomo ka Hulumeni ekuhlinzekeni imfundo ephakeme yamahala".*

The Licensee does not comply with clause 5.1.2 of its licence.

"5.1.3 Local Content: The Licensee shall broadcast South African music content of 65%".

The Authority's monitoring exercise confirmed that Mkhondo Community Radio broadcasts between 85% to 90% South African music. The following are some of the artists that were featured: Lady Zamar *"Collide"*, Mandoza *"Indoda"*, Ringo *"Masibambane ngezandla"*, Gigi Lamaine *"Lobola"*, Sjava *"Ekseni"* and many more.

The Licensee complies with the South African music Content as per clause 5.1.3 of the licence.

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

"5.1.4.1 97.7% isiZulu;

5.1.4.2 1.18% isiSwati;

5.1.4.3 1.18% English and

5.1.4.4 0.68% Afrikaans".

The Licensee broadcasts in mainly isiZulu, isiSwati can be heard during the weather forecasts, Facebook messages and voice notes. The Licensee also broadcasts an English and Afrikaans programme called *"The Big Picture"*, hosted by Hardie Potgieter on Tuesdays to Fridays from 19h00 to 20h00. The programme broadcasts 90% music and artists such as Linkin Park and Karen Zoid were featured on the day of monitoring.

The Licensee complies with clause 5.1.4 of the schedule to its licence.

4. REGULATIONS

4.1 Compliance Procedure Manual Regulations

The Licensee is required, in terms of the Compliance Procedure Manual Regulations⁸, to submit a Form 12A which reports on all complaints received during the financial year under review.

For the year under review, the Licensee submitted the complaints report as required and there were no complaints received.

The Licensee complies with the Compliance Procedure Manual Regulations.

⁸ Appendix E: ICASA Compliance Procedure Manual Regulations, 2011 as published in Government Gazette No. 34863 dated, 15 December 2011. (re: submission of Form 12A: ECN/S and BS Complaints Reporting).

4.2 ICASA South African Music Content Regulations, 2016

Schedule 3.3 of the Regulations on ICASA South African Music Content No. 39844 as published on 23 March 2016 provides that:

"A holder of a Community Sound Broadcasting service licence must ensure that after eighteen months (18) from the date 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 performance period".

The Authority's monitoring exercise confirmed that the Licensee broadcasts between 85% and 90% South African music. The artists that were featured are: Hugh Masekela "Thimlela", Amanda Black "Into Yam", DJ Bongs "Thanduxolo", Zanda Zakuza ft. Bongo Beats "Hair to toes", Moroza Fakuthe "Dear Kuhlupheka" and many more.

The Licensee's complies with the ICASA South African Music Content Regulations, 2016.

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences⁹

During the period under review, there is no record that the Licensee did not adhere to the Standard Terms and Conditions for Class Licensees Regulations.

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

5. CONCLUSION

Mkhondo Community Radio generally complied with most provisions of its licence conditions and applicable regulations. The non-compliance by the Licensee with the prescribed news minutes has been addressed. The Licensee's service licence is due for renewal in July 2020 and both Forms D&F for service licence amendment and renewal were forwarded via email to the Licensee on 17 February 2020.

⁹ Appendix F: Standard Terms and Conditions for Class Broadcasting & Electronic Communications Network Services, 2010 as published in Government Gazette No. 33296 dated, 14 June 2010, as amended.

6. TERMS OF REFERENCE

- 6.1** Appendix A: Mkhondo Community Radio's broadcasting service licence;
- 6.2** Appendix B: Mkhondo FM Programming meetings;
- 6.3** Appendix C: Mkhondo FM AGM August 2018;
- 6.4** Appendix D: ICASA Compliance Procedure Manual Regulations, 2011;
- 6.5** Appendix E: ICASA South African Music Content Regulations, 2016; and
- 6.6** Appendix F: Standard Terms and Conditions for Class Broadcasting & Electronic Communications Network Services, 2010.