



# **RADIO TEEMANENG ANNUAL COMPLIANCE REPORT**

**MARCH 2020**

# **2018/2019 ANNUAL COMPLIANCE REPORT**

## **RADIO TEEMANENG**

**LICENCE PERIOD: 24 OCTOBER 2018 to 23 OCTOBER 2023**

### **1. PREFACE**

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution<sup>1</sup>, the ICASA Act<sup>2</sup>, the Electronic Communications Act<sup>3</sup> (ECA) and the Broadcasting Act to regulate broadcasting activities in the public interest. The Authority has a mandate to ensure compliance by broadcasters with the terms and conditions of the licence, the ECA, the ICASA Act and any other relevant legislation and Regulations.

The purpose of the report is to give account of Radio Teemaneng's compliance with the terms and conditions as set out in its licence for the 2018/2019 financial year. Aspects of compliance that will be measured comprise Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligation, Language(s), South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions and the Code on People with Disabilities.

### **2. BACKGROUND**

Radio Teemaneng is a class broadcasting service Licensee providing services to Kimberley, including the surrounding of Windsorton and Barkley West in the Northern Cape Province. The radio station provides a programming format that is a mix of talk radio and music.

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Control Structure**

Clause 1 of the schedule to the licence provides that:

*"The Licence is issued to:*

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<sup>1</sup> The Constitution of the Republic of South Africa, No 108 of 1996

<sup>2</sup> ICASA Act No 13 of 2000, as amended

<sup>3</sup> Electronic Communications Act No 36 of 2005

- 1.1 *Name of company/entity: Radio Teemaneng*
- 1.2 *Name of Station: Radio Teemaneng*
- 1.3 *Control of the Licensee: Control shall vest in the Board of Directors of a voluntary association known as Radio Teemaneng”.*

There were no changes reported by the Licensee to its company name and control structure during the period under review.

**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.”*

Radio Teemaneng’s licence was renewed during the period under review.

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

### **3.3 Licence Area**

Clause 3 of the schedule to the licence provides that Radio Teemaneng’s coverage area is as follows:

*"The Licensee shall provide services to Kimberley, including the surrounding towns of Windsorton and Barkley West in the Northern Cape Province as set out in the Licensee’s radio frequency spectrum licence”.*

The Licensee confirms that it provides a service to Kimberley and the surrounding towns as set out in the Licensee’s radio frequency spectrum licence.

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

### **3.4 Community**

Clause 4.1 of the schedule to the licence provides that:

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

The Licensee submits that they provide a sound broadcasting service 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 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 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".*

The Licensee submits that it did not hold any programming meetings during the period under review.

**The Licensee does not comply with 4.2 of the schedule to the licence.**

Further, sub-clause 4.2.3 of the licence provides that:

*"The Licensee shall hold an Annual General Meeting 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 submits that it did not hold an Annual General Meeting during the period under review.

**The Licensee does not comply with sub-clause 4.2.3 of the schedule to its licence.**

### 3.5 Programming

Clause 5.1 of the schedule to the licence provides that:

*"The Licensee shall provide programming as follows":*

*5.1.1 Local News and Information: The Licensee shall broadcast a total of 50 minutes of news per day, of which 25 minutes shall be local news including community announcements, 15 minutes national news and 10 minutes international new per day.*

The Authority's monitoring exercise confirmed that the Licensee broadcasts thirty (30) minutes of news per day on weekdays and does not broadcast news on weekends. The news bulletins are in English, Setswana and Afrikaans. The radio station broadcasts local, national and international news.

The following news items were identified:

- A Kimberley pupil was stabbed to death and robbed of a pair of shoes that he had proudly worn to his Matric dance just two nights before. It is believed that the Grade 12 pupil from Emmanuel Secondary School was walking with his friends during the early hours of Sunday morning when they were approached by a group of men who were armed with knives.*
- Relatives have urged the public to be on the lookout for the stolen shoes as they believe that this could lead the police to the suspects who have yet to be arrested. Police Spokesperson, Sergeant Majang Schalkie, said that the Galeshewe police are looking for information that could lead to the arrest of the suspects.*
- Moeteledipele wa lekoko la ganetso la mono Afrika Borwa e leng lekoko la Democratic Alliance kana DA, e le Mmusi Maimane, a re ditlhopho kakaretso tse di tlang di tlile go nna botlhokwa thata mo bokamosong jwa naga eno ya Afrika Borwa. Jaaka re itse gore Afrika Borwa e tlile go tshwara ditlhopo kakaretso mo ngwageng ono wa 2019, maloko gotsa baeteledipele ba makoko a farologaneng ba tsweletse pele go ka ingokela ditlhopho mo dikarolong tse di mmalwa mo Afrika Borwa ga mmogo le mo profinsing. Mme re sa le foo, baeteledipele ba makoko a mangwe ba tsweletse pele go ka leka go shebisisa gore ke ka ntlha ya eng sa ditlhopho tse di tlilong go tswelang pele mo ngwageng ono wa 2019.*

- *"Eskom has announced that there is a high risk of rotational load shedding on Tuesday, saying the power system is constrained. The power utility called all customers to switch off all essential appliances to decrease pressure on the national grid. The power utility on Monday said its cuts would only be implemented if absolutely necessary. The utility warned of a high risk of power cuts, but these were not implemented".*

### **The Licensee does not comply with its news obligation.**

Clause 5.1.2 of the licence stipulates that:

***"South African Music Content: 70%"***

The quarterly reports submitted by the Licensee show that it broadcasts an average of seventy percent (70%) South African music content. The Authority's monitoring exercise confirmed that the radio station broadcasts more than seventy percent (70%) South African music content.

### **The Licensee complies with its South African Music Content obligations.**

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

***"60% Talk and 40% Music"***

The monitoring exercise confirmed that Radio Teemaneng's programming is sixty percent (60%) talk and forty percent (40%) music. Throughout the day their programmes are made up of discussions, listener interactions and interviews that are informative and educational. There are also two current affairs shows per day as well as a sports show. During the monitoring exercise, interviews with an Occupational Therapist, labour experts and up and coming artists were identified. The early morning shows and late evening shows are more music but also include talk in the form of discussions and listener interaction.

### **The Licensee complies with its licenced format.**

Clause 5.1.4 of the licence provides as follows:

#### ***Language(s) of broadcast:***

*5.1.4.1 Afrikaans – 20%*

*5.1.4.2 Setswana – 30%*

*5.1.4.3 isiXhosa – 10%*

*5.1.4.4 English – 40%*

The monitoring exercise revealed that the Licensee broadcasts its programmes mainly in English and Setswana. Afrikaans and isiXhosa programmes are also available, with all the languages being used interchangeably throughout the station's programmes.

**The Licensee complies with its languages of broadcast obligation.**

Clause 5.2 of the schedule to the licence provides 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 submitted programme logs to the Authority on a monthly basis during the period under review.

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

### **3.6 PROMISE OF PERFORMANCE**

Clause 8.1 of the schedule to the licence provides that:

*"The Licensee shall develop and maintain Programming Committees to promote participation in its coverage area to cater for the programming needs of members from areas such as Windsor and Barkley West".*

The Licensee confirmed that these programming meetings did not take place during the period under review.

**The Licensee does not comply with clause 8.1 of the schedule to its licence.**

## **4. REGULATIONS**

### **4.1 Complaints**

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. The

Licensee has not submitted a Form 12A (Complaints Report) as required by the Compliance Procedure Manual Regulations.

**The Licensee does not comply with the relevant clause of the Compliance Procedure Manual Regulations.**

#### **4.2 ICASA Regulations on South African Music**

Regulation 3 (3) of the Regulations on South African Music Content as published on 23 March 2016 stipulates that:

*"A holder of a community sound broadcasting licence must ensure that after eighteen (18) months 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".*

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 as stipulated in the Regulations for community sound broadcasting Licensees.

The quarterly reports submitted by the Licensee show that it broadcasts an average of seventy percent (70%) South African music content. The Authority's monitoring exercise revealed that the radio station broadcasts more than seventy percent (70%) of South African music content. Various genres were identified on the station's music line-up including House, Afro Pop, Reggae, Gospel and Kwaito with artists such as *Malaika, King Monada, Babes Wodumo, Ladysmith Black Mambazo, Leah, Shekhinah* and many others being played.

**The Licensee complies with the ICASA Regulations on South African Music.**

#### **4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences**

The Licensee did not adhere to the Standard Terms and Conditions for class licences as it did not submit all information required by the Authority.



## **5. CONCLUSION**

The Licensee did not fully comply with most of its licence terms and conditions and prescribed Regulations. The Compliance and Consumer Affairs Division ("CCA") will advise the Licensee of its non-compliances and endeavour to assist the Licensee to comply.

However, should the Licensee not improve its performance it will be advised of the Authority's intention to refer them to the Complaints and Compliance Committee (CCC), for a hearing and adjudication.

## **6. TERMS OF REFERENCE**

**6.1** Appendix A: Radio Teemaneng Compliance Submission;

**6.2** Appendix B: Radio Teemaneng Service Licence;

**6.3** Appendix C: Standard Terms and Conditions for Class Broadcasting Services, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended;

**6.4** Appendix D: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016; and

**6.5** Appendix E: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.