



WITBANK FM ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

WITBANK FM

LICENCE PERIOD: 12 FEBRUARY 2019 – 11 FEBRUARY 2024

1. PREFACE

The Independent Communications Authority of South Africa ("the Authority") has a statutory mandate in terms of the Constitution, the ICASA Act, the Electronic Communications Act ("ECA") and the Broadcasting Act 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.

The following report is intended to give an account of Witbank FM 's compliance performance with the terms and conditions as set out in its licence for the 2018/2019 financial year. Aspects of compliance that are measured comprise of the Licence Area, Community, Programming, South African Music Content Regulations and Regulations regarding Standard Terms and Conditions for Class Licensees.

2. BACKGROUND

Witbank FM is a class broadcasting service licensee serving the geographic community of Emalahleni Local Municipal area in the Mpumalanga Province. According to the Broadcast Research Council of South Africa, the listenership figures for the last quarter of the period under review is 90 000¹ making Witbank FM one of the biggest community radio stations in the country and the second biggest radio station in its class, in Mpumalanga.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the schedule to the licence stipulates that:

- 1.1 Name of Entity: Witbank FM*
- 1.2 Name of the Station: Witbank FM*
- 1.3 Control of Licensee: Control shall vest in the Board of Directors of Witbank FM.*

¹ <https://brcsa.org.za/brc-ram-listenership-report-oct18-mar19/>

There were no changes reported by the Licensee regarding the name of the radio station and the controlling structure of the organization. Furthermore, the radio station identifies itself at regular intervals, with frequency number and areas of coverage.

The licensee complied with clause 1 of the licence.

3.2 Licence Period

Clause 2 of the schedule to the licence stipulates that:

2.1 The effective date of the Licence is 12 February 2019

2.2 The Licence shall expire on 11 February 2024.

During the period under review, the licensee submitted a renewal application and was issued a renewed community broadcasting services licence valid until 11 February 2024.

The Licensee complies with clause 1 of the licence.

3.3 Licence Area

Clause 3 of the schedule to the licence provides that the Licensee's coverage area is as outlined below:

"The Licensee shall provide services to the Emalahleni Local Municipality in Nkangala District Municipality in the Mpumalanga Province as set out in the Licensee's radio frequency spectrum licence."

The Licensee confirms that it broadcasts in the geographic area as set out in its frequency spectrum licence. Further, the licensee submits that it intends to improve its transmission to areas such as Ogies, Kriel and other parts where there a weak signal strength. The licensee highlighted cable theft as a huge problem in its area, which causes its Telkom lines to always be offline. The licensee has indicated that a wireless solution is being considered to mitigate this risk.

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

3.4 Community

Clause 4.1 of the schedule to the licence stipulates that:

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

The Licensee provides broadcasting services to the areas in Emalahleni Local Municipality under Mpumalanga Province. These include Witbank; KwaGuqa; Hlalanikahle; Klarinet and surrounding areas. The quality of the broadcasting sound is of a high standard, maintained by professional staff who adhere to the strict but fast paced world of a radio schedule. This was evident through the Authority's monitoring exercise of a sample of recordings from the station.

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

Clause 4.2 of the schedule to the licence provides as follows:

"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 2 (two) meetings annually with its community focusing on programming and programming policies of the station".

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 has held two programming meetings in accordance with its licence conditions. One meeting was held on 18 July 2018 and another on 08 December 2018. The licensee further submitted proof of the meetings in the form of attendance register; minutes of the meeting; reports presented at the meetings as well as resolutions taken by the meetings. The meetings are engaging and even make use of a survey which is further evidence of thorough community participation.

The Licensee complied with clause 4.2.1 and 4.2.2 of the schedule to its licence.

Clause 4.2.3 of the schedule to the licence provides as follows:

"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 license 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".

The Licensee held an elective general meeting on 18 July 2018. Furthermore, a comprehensive annual general meeting was held by the licensee on 21 July 2018, where financial reports; station management reports and board reports were presented. Proof of the AGMs were submitted by the licensee.

The Licensee complied with clause 4.2.3 of the schedule to its licence.

3.5 Programming

Clause 5.1.1 of the schedule to the licence provides for the radio station's format as follows:

"Local News and Information: The licensee shall broadcast sixty percent (60%) local, twenty percent (20%) provincial, ten percent (10%) international news per day."

The monitoring exercise found that most of the news bulletins consist of local news, followed by provincial news. News is broadcast in most languages as stated in clause 5.1.4. Local news is sourced internally by the station. News bulletins are broadcast every hour from 07:00 – 18:00 on weekdays.

The following is a sample of news items found during the period under review:

- *"Mogonolelwa wa motswa-ntle yoo a latofatswago ka go bolaya lekgarebe go la Mhluzi, Middleburg mo bekeng ya go feta, o tlo tswelela gape pele ga kgoro tsheko ka labohlano. Molato wa mogonolelwa o shotishitswe ka lebaka la go hloka toloki ya se irabiki.*
- *Emmanuel Hramu o golegilwe ka lebaka la go bolaya lekgarebe, mme a tseya ditho tsa gagwe tsa mmele pele a lahla setopo sethokgweng sa kgauswi. O ile a golegwa ka morago ga gore maphodisa a hwetse mohlala oetswa lebenkeleng la gagwe go la Mhluzi extension 8. Maphodisa a sa ipiletsa go ba lelapa gore ba tswelele go tla go shupa setopo.*
- *Morena Bongimusa Sithole elego yo mogolo wa ditshetele masepaleng wa Govan Mbeki o boetse moshomong wa gagwe ka morago ga go thopa molato wa gagwe kgahlanong le masepala. Goya ka pego, council ga yaba ya tswela pele ga lekgotla go la CCMA go emela molato wa mme lekgotla la CCMA le ile la fetsa kahlolo ka la gore Morena Sithole a boele moshomong wa gagwe. Go begwa gore Sithose o bile a fegwa moshomong wa gagwe kgwedding ya Augustose lenyaga ka morago ga gore a le fe di company di million tse tharo fegelano hlano tsa diranta ntle le go latela mananego semolao.*

- *The Youth Chamber of Commerce and Industry South Africa Mpumalanga and the Nkangala region and the South African Youth Council will be having a briefing with different media to respond to the spaza shops unrest that is currently underway in Mhluzi, Middleburg. The organizations say they need to gather and discuss how to resolve the unrest as its going beyond the matter of the murdered girl. The organizations say that they will also talk about the selling of counterfeit food and they will also need to talk about the solution to this crisis.*
- *SANCO in ward 16 is planning a total shutdown tomorrow in Ackerville and Lynneville, this comes after the forum visited a few companies for opportunities for the youth. "Total shutdown until further notice, because we cannot (sic) for Tuesday and Wednesday, because we are prepared to fight, we are prepared to be arrested also. U masipalati uzo oporeita, satellite police station le e around thina, clinic, abantwana be skolo, amataxi azo oporeita, but izitolo, amabutchery, nani nani, angeke ku oporeite, private sectors la e loxion ngeke a nyakaze."*

The licensee complied with its news and information obligation.

Clause 5.1.2 of the schedule to the license provides that:

"South African Music Content: 70%"

The licensee submits that it has increased its South African music output to at least 66%, which slightly falls short of its obligations. The Compliance Department expects this number to improve by the next reporting period.

The Licensee partially complies with its South African Music Content obligation.

Clause 5.1.3 Local Content:

"Talk vs Music: 60% Talk and 40% Music."

A radio station with a format of 60% Talk and 40% Music will have to broadcast 648 minutes of Talk 432 minutes of Music as per the standard definition of the performance period. During the performance under review, the monitoring exercise found that the radio station complies with its prescribed format.

This was evident on some of its shows such as *Emalahleni Talk* aired on Mondays - Thursday between 18:00 – 19:00. The show is a current affairs programme that deal with topical

issues with specific relevance to the audience in the coverage area. Issues discussed include poverty, crime, youth unemployment, skills development, and working at mines in the area and related matters.

The licensee complies with clause 5.1.3 of its licence.

3.6 Language(s) of broadcast

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

5.1.4.1 isiZulu – 30%;

5.1.4.2 Sepedi – 30%

5.1.4.3 isiNdebele – 20%

5.1.4.4 English – 30%

The monitoring exercise confirmed a balanced mix of all languages in clause 5.1.4 through its normal programming and news content.

The licensee complies with its language quotas.

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 submits its logs of programmes in accordance with the Compliance Procedure Manual every month without fail.

The licensee complied with clause 5.2 of the schedule to its licence

4. REGULATIONS

4.1 South African Music Content

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 70% of South African music content to be played by community sound broadcasting licensees.

The Authority’s monitoring exercise found that the radio station broadcasts 68% of South African Music Content. Various genres were identified on the station’s music line-up including Gospel; House; Jazz; Hip Hop and Kwaito with artists such as – Boom Shaka; TKZee; Siphokazi and local artist such as Beast featuring MarazA; Lastee; Colours of Sound SA; Sandile; and many others.

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

4.2 Regulations regarding Standard Terms and Conditions for Class Licenses

For the period under review, the Authority did not find any area of non-compliance with the standard terms and conditions for class licences.

The Licensee complies with the regulations on Standard Terms and Conditions for Class Licenses.

5. CONCLUSION

For the period under review, Witbank FM generally complied with its licence terms and conditions. The station has, over the years trained and employed many people in the Emalahleni municipal area and it has essentially cemented itself as an integral part of its community, thereby fulfilling its community broadcasting mandate as envisaged by the Electronic Communications Act.

Its effort in community participation is a model for other stations to emulate, its commitment to training staff members and giving opportunities to unemployed graduates looking for practical work is commendable. The station has overall complied with its licence conditions.

6. TERMS OF REFERENCE

- 6.1 Witbank FM Class broadcasting service and spectrum licence;
- 6.2 Regulations on South African Music Content; and
- 6.3 Regulations on Standard Terms and Conditions for Class Licences