



MOUTSE COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

MOUTSE COMMUNITY RADIO STATION

LICENCE PERIOD: 27 OCTOBER 2018 to 26 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 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 Moutse Community Radio Station's compliance with the terms and conditions as set out in its licence for the 2019/2020 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 and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Moutse Community Radio Station is a class broadcasting service Licensee providing services to Moutse, surrounding areas and informal settlements in the Limpopo Province as set out in the Licensee's radio frequency spectrum licence. 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:

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² ICASA Act No 13 of 2000, as amended

³ Electronic Communications Act No 36 of 2005

- 1.1 *Name of company/entity: Moutse Community Radio Station*
- 1.2 *Name of Station: Moutse Community Radio Station*
- 1.3 *Control of the Licensee: Control shall vest in the Board of Trustees of Moutse Community Radio Station”.*

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

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

3.2 Licence Period

Clause 2 of the schedule to the licence provide that:

“This licence is valid for a period of five (5) years from the signature date”.

The licence is valid, it expires on 26 October 2023 and the Licensee is operational.

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 Moutse Community Radio’s coverage area is as follows:

“The Licensee shall provide services to Moutse, surrounding areas and informal settlements in the Limpopo Province as set out in the Licensee’s radio frequency spectrum licence”.

The Licensee confirms that it provides a sound broadcasting service to Moutse and surrounding areas 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 submitted minutes for two (2) programming meetings that were held on 17 September 2019 and 19 November 2019. However, the minutes show that the meetings were just internal meetings with no community participation.

The Licensee did comply with clause 4.2 of the schedule to the licence.

Further, sub-clause 4.2.3 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 confirmed that it did not convene an AGM during the period under review.

The Licensee did 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 twenty-five (25) minutes of local news, ten (10) minutes of national news and five (5) minutes of international news per day."

The Authority's monitoring exercise confirmed that the Licensee broadcasts forty (40) minutes of news per day. The news bulletins are in Sepedi, isiZulu and isiNdebele. The radio station does not broadcast international news.

The following news items were identified:

- *"Moutse Residents Committee goba Komiti ya Badudi ba Moutse e re ke kgale e letile letsatsi la gosasa fao badudi bayago go kopana le Tona ya Kgoro ya go dudiswa ga Batho, meetse le Kelela Tshila, Lindiwe Sisulu lebaleng la dipapadi leo lelego pele ga bookela ba Philadelphia. Ali Maloba o re o ipiletsa go badudi go tla tsenela kopano ka makata a namane, kudu batsofe. Go le bjalo o laeditse gore barutwana ba ye sekolong ka ge gosasa e le letsatsi la sekolo.*
- *Isiphathi-Mandla kuMnyango wezeMfundo esifundazweni eMpumalanga uMnumzana uBonakele Majuba uvakashele isikolo iThomas Ntlabathi Secondary kanye nabomndeni womfundi ogwazwe wabulawa izolo. uMajuba uhambo lwakhe luza emveni kokugwazwa kubulawe umfundi ka Grade 9 oneminyaka elishumi nesikhombisa ubudala, ogwazwe yindoda eneminyaka engamashumi amabali anane ngesikhathi elibangise esikoleni.*
- *Emveni kokugwazwa kwalelibhongo kubikwa umphakathi waseSecunda eMbalenhle, ugasele lendoda wayibhaxabula yagcina isiphangalele.*
- *Bagononelwa ba bane bao babego ba tshabile golegong ya seteisho sa Pienaar ka provinsing ya Mpumalanga ba golegilwe gape. Go ya ka dipego bagononelwa ba be ba shoma ka sehlopha ge ba dira melato e masome tharo pedi go ya go thuba ka dintlong, le o tee wa polao ka tikologong ya Tonga, Matsulu, Pienaar, Kabokweni gammogo le Barberton. Maphodisa a leboga setjhaba ge se gonne go thusa ka tshedimosho eo e kgonnogo ka go thusa go golega gape bagononelwa Sfiso Mathonsi, wa mengwaga e masome pedi seswai, Senzo Nyambi wa mengwaga e masome tharo tee, Bongani*

Ntuli wa mengwaga e masome tharo supa le Vusi Ceko wa mengwaga e masome tharo tee.

The Licensee complies with the allocated minutes for news however, it does not broadcast international news.

5.1.2 South African Music Content: 75%

The quarterly reports submitted by the Licensee show that it plays an average of seventy five percent (75%) of South African music content. The Authority's monitoring exercise confirmed that the radio station broadcasts approximately eighty percent (80%) of South African music content.

The Licensee complies with its South African Music Content obligations.

5.1.3 Format: 60% Talk and 40% Music

The Licensee's morning and afternoon shows are more music than talk, while the mid-morning to early afternoon shows are a blend of talk and music. The radio station's evening programmes are dominated by talks shows.

The Licensee complies with its licenced format.

5.1.4 Language(s) of broadcast:

5.1.4.1 Sepedi – 40%

5.1.4.2 isiZulu – 25%

5.1.4.3 isiNdebele – 20%

5.1.4.4 Setswana – 10%”

5.1.4.5 English – 5%

The monitoring exercise revealed that the Licensee broadcasts mainly in Sepedi supplemented by English. The other languages, isiZulu, isiNdebele and Setswana are also used interchangeably throughout the station's programmes, including talk shows and current affairs.

The Licensee complies with its languages of broadcast obligation.

The Licensee is substantially compliant with clause 5.1 of the schedule to its licence.

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 Contact Details

Clause 6.1 of the schedule to the licence provides that:

"The contact person for the Licensee shall be"

6.1.1 Name: Martin Lebotse

6.1.2 Tel: (013) 944 8901

6.1.3 Fax: (013) 944 8902

6.1.4 Cell: 076 130 1705

6.1.5 Email: martin@mcrs.co.za

There were no changes reported by the Licensee to its contact details during the period under review.

The Licensee complies with clause 6.1 of the schedule to its licence.

Clause 6.2 of the schedule to the licence provides that:

"Should the Licensee propose to replace the person so designated, the Licensee shall notify the Authority in writing within seven (7) days after appointing the new designate person".

There were no changes reported by the Licensee to its designated contact person during the period under review.

The Licensee complies with clause 6.2 of the schedule to its licence.

3.7 Notices and Addresses

Clause 7.1 of the schedule to the licence provides that:

"The Licensee chooses the following as its principal addresses:

7.1.1 Postal Address: P.O. Box 2000

Elandsdoorn

0485

7.1.2 Physical Address: No. 7 Farm Waterval

34 JS Waalkraal

Kgobokwane

There were no changes reported by the Licensee to its principal addresses during the period under review.

The Licensee complies with clause 7 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. Also, the monitoring exercise revealed that the station is using the BCCSA complaints promo even though it is not a member of NAB.

The Licensee is non-compliant 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, is that for at least eighty percent (80%) of South African music content to be played by community sound broadcasting Licensees.

The quarterly reports submitted by the Licensee show that it plays an average of seventy five percent (75%) of South African music content. The Authority's monitoring exercise revealed that the radio station broadcasts approximately eighty percent (80%) of South African music content. Various genres were identified on the station's music line-up including House, Afro Pop, Hip Hop, Gospel and Kwaito with artists such as *Ntando, King Monada, Bathabile, Robbie Malinga, Amanda Black, Brenda Fassie, Mlindo* 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 adhered to the Standard Terms and Conditions for Class Licences Regulations as it submitted all information required by the Authority.

5. CONCLUSION

The Licensee is compliant with most of its licence terms and conditions but is non-compliant with some clauses of the Compliance Procedure Manual Regulations.

The Compliance and Consumer Affairs Division will advise the Licensee of its non-compliance 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), where Moutse Radio, will the opportunity to respond to the non-compliance, concerned.

6. TERMS OF REFERENCE

- 6.1** Appendix A: Moutse Community Radio Compliance Submission;
- 6.2** Appendix B: Moutse Community Radio Service & Spectrum Licences;
- 6.3** Appendix C: Standard Terms and Conditions for Class Electronic Communications Network 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.

END

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