



QWAQWA RADIO ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

QWAQWA RADIO

Licence Period: 27 October 2018- 24 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. 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 Qwaqwa Radio's performance for the 2019/2020 financial year. Aspects of compliance that are measured comprise of the Licence Area, Community, Programming, South African Music Content Regulations and the Regulations regarding Standard Terms and Conditions for Class Licensees.

2. BACKGROUND

Qwaqwa Radio is a class broadcasting service licensee serving the geographic community of Thabo Mofutsanyane District Municipality and surrounding areas in the Free State province. The radio station is licensed to broadcast in Sesotho and English. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 56 000⁵.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the schedule to the licence states that:

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 <https://brcsa.org.za/brc-ram-listenership-report-jan19-dec19/>

Name of entity: Qwaqwa Radio

1.1 Name of the Station: Qwaqwa Radio

1.2 Control of Licensee: Control shall vest in the Board of Directors of Voluntary association known as Qwaqwa Radio

There were no changes reported by the Licensee regarding its name and ownership.

The Licensee complies with clause 1 of 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 is 27 October 2018

2.2 The Licence shall expire on 26 October 2023

Qwaqwa Radio's licence was renewed in 2018, therefore the radio station is in possession of a valid broadcasting licence.

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

3.3 Licence Area⁶

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

"The Licensee shall provide services to Thabo Mofutsanyane District Municipal area in the Free State Province as set out in the Licensee's radio frequency spectrum licence".

Qwaqwa Radio has a footprint in the Thabo Mofutsanyane District Municipal area and its surrounds. The Licensee confirms that its footprint remains unchanged.

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

3.4 Community

Clause 4.1 of the Schedule to the license states that:

⁶ Qwaqwa Radio service and spectrum licence

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

The Licensee is licensed to broadcast in the Thabo Mofutsanyane District Municipality, which has six (6) local municipalities under it. These include Maluti-A-Phofung Local Municipality; Setsoto Local Municipality and Dihlabeng Local Municipality amongst others.

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) 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 held a meeting on 27 May 2019 which included musicians to discuss their concerns and suggestions on how their music can be incorporated into the programming line-up of the station. The licensee also held another meeting on 05 October 2019, to discuss matters related to programming. The licensee submitted minutes of both meetings as proof that the meetings did take place.

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

"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 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 AGM on 23 February 2019. The Licensee provided minutes and attendance registers as proof of the meeting. The minutes demonstrate that the meeting was a reporting AGM and provided feedback on compliance issues with licence conditions, also to provide feedback on the overall financial performance of the radio station.

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

3.3 Programming

3.4 News and Information

Clause 5.1.1 of the schedule to the licence provides that:

"The Licensee shall broadcast a total of 108 minutes of news per day, which shall include news originated by the station on issues affecting the community".

The monitoring exercise found that the licensee broadcasts news on a daily basis, with headlines at the bottom of the hour. The news reports contain a mixture of local news, regional news as well as national and international news reports. The monitoring exercise found that the news broadcast per day, was not enough to reach one hundred and eight (108) minutes of news per day, instead, the news averages fifty-five (55) minutes of news in a day.

The following news items were found during the monitoring exercise:

- *"Seponesa sa Free State se netefaditse hore baithuti ba mashome a tsheletseng ba tshwerwe, ho latela letsholo la boipiletso Central University of Technology (CUT). Mmuedi wa sepolesa sa province Motansi Makgele o re baithuti bana ba jametswe ke di qoso tse amehang ho thuntshetswa taolo ya lekgotla. Baithuti ba tshwerwe maobane hoseng ka morao hore kopo ya university pakeng sa lengolo le thibelang boipelaetso e atlehe ho latela boipelaetso borupileng campuseng e Bloemfontein.*
- *Boipelatso campuseng e obo qadile ka labobedi ha baithuti bane ba bontsha ho se kgotsofale ho latela hose fomantshe tshelete ke NSFAS. Baithuti bare ha baso fumane tshelete ya dijo le ya bodulo, mme ba loketse ho ithuta ka lephako. Sehlopha sa baithuti ba tshwerweng ba lebeletse ho hlahella ka pele ha lekgotla la magistrate la selehaeng haufinyana.*

- *Moithuti wa selemo sa boraro wa Universiting ya Walter Sisulu, o timetse ka mora ho wela fatshe ha a tswa mokatong wa bobedi wa sebaka sa bodulo ba baithuti sa Atlanta Umtata, Eastern Cape. Ho tla lemoha hore moithuti yenwa ya dilemo di mashome a mararo a metso ye mmedi, Olwethu Nwamta, o timeletse sepetleleng sa Nelson Mandela academic. Mo president wa SRC university eo, Sihle Msomi, o beha molato ho botsamaisi ba university ka seo areng ke maemo a mabe a moralo wa motheo aleng kotsing bakeng sa baithuti. Ha mme wa Olwethu Sibongile Nwamta, ore ha motho a sheba sebaka seo mora wa hae a weleng ho sona, one a keke a wela fatshe, mme ore ba dumela hore o sutumeditse.*
- *Moetapele wa EFF, Julius Malema, o arabetsweng kopotshwarelo e nsthitweng ke mopresidente Cyril Ramaphosa maobane. Mopresidente o kopile tshwarelo ho Malema, mosadi wa hae Mantwa le ho MaAfrika bohle ka mora hore setho sa palamente sa ANC Boy Mamabolo, a qose Malema ka hore o hlikifetsa mosadi nakong ya di ngangisano tsa puosetshaba e eneng e bula palamente. Malema sethathung oile a arabela miyetsing eo kao qosa Ramaphosa kao hlikifetsa mosadi wah ae, eo eseng ele mufu, Nomazizi Mtshotshisa. Le ha hole jwalo, Malema, o se a ntsitse kopotshwarelo yah ae eo a e libisitseng ho ma Afrika Borwa kaofela a kgopisitseng ke taba ena. Mme o beetse a libisa tshwarelo ya hae kao quleya ho mahlatsipa a ketso tsa dikgoka kgahlanong le bong."*

The Licensee partially complies with 5.1.1 of the Schedule to its licence.

Clause 5.1.3 of the service licence provides for the radio station's format as follows:

"60% talk and 40% music".

The monitoring exercise found that the station adheres to its format of 60% talk and 40% music.

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

3.5 Language(s) of broadcast

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

(a) 56% Sesotho

(b) 44% English

The monitoring exercise found that Sesotho is the primary language of broadcast with some shows aired in English.

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

3.7 Promise of Performance

Clause 8.1 of the schedule to the licence provides that:

"The Licensee shall ensure that the following towns namely, Qwa-Qwa, Kestell and Harrismith are represented on the board of directors."

The Licensee's submission indicates that the areas listed above are represented in the form of board members on Qwaqwa Radio.

Clause 8.2 of the schedule to the licence provides that:

"The Licensee's staff complement shall consist of not less than 40% women at all levels."

The licensee's submission demonstrates that there is at least 50% of women representation across the station's staff complement.

Clause 8.3 of the schedule to the licence provides that:

"The Licensee shall through its programming facilitate the development of music, arts and culture within its coverage area"

The Licensee submitted that it conducted an artist's workshop where local musicians met with the radio station to find common ground on ways in which the promotion of local music as well as empowerment of musicians can take place. Various issues were discussed including the registration of artist's music on the South African Music Rights Organisation (SAMRO). The Licensee submitted proof of the meeting.

The Licensee complies with clause 8 of its licence.

3.8 COMPLAINTS

The Licensee has appeared before the Complaints and Compliance Committee (CCC), for various matters related to its governance and non-compliance with certain licence conditions. There have been two rulings issued by the CCC in which the licensee is in the process of implementing. At the time of writing this report, the Licensee was still involved in an ongoing case with the CCC. The Broadcasting Compliance Unit will monitor the CCC outcome and ensure compliance with the ruling.

4. REGULATIONS

4.1 South African Music Content⁷

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".

The Authority's monitoring exercise found that the licensee plays more than 80% of SA Music Content. Artists featured on Qwaqwa Radio's music selection include *Village Pope; Jimmy Dlodlu; Don Laka; DJ Maphorisa; Zahara* and many others.

The Licensee complies with South African Music Content Regulations.

4.2 Regulations regarding Standard Terms and Conditions for Class Licences⁸

There were no incidents of non-compliance with the Standard Terms and Conditions for Class Licences committed by the licensee during the period under review.

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

⁷ Regulations on South African Music Content

⁸ Regulations on Standard Terms and Conditions for Class Licences

5. CONCLUSION

The Licensee has made significant changes that demonstrate an attitude of change towards compliance with licence conditions. Although there are still a few areas of improvement, the station is on the right path towards full compliance.

6. TERMS OF REFERENCE

- 6.1 Appendix A: Qwaqwa Radio service and spectrum licence
- 6.2 Appendix B: Qwaqwa Radio submission
- 6.3 Appendix C: Complaints and responses thereto
- 6.4 Appendix D: Regulations on South African Music Content
- 6.5 Appendix E: Regulations on Standard Terms and Conditions for Class Licences

End

March 2021