



REVIVAL FM ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

OMOLEMO TRUST BROADCASTING AS REVIVAL FM

LICENCE PERIOD: 15 OCTOBER 2017 to 14 OCTOBER 2022

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 Revival FM'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, Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Revival FM is a class broadcasting service Licensee providing services to a Christian community of interest residing in the Frances Baard District Municipality area 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:

1.1 Name of company/entity: Omolemo Trust.

1.2 Name of Station: Revival FM.

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

1.3 Control of the Licensee: Control shall vest in the Board of Trustees of a Trust known as Omolemo Trust”.

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 provides that:

"2.1 The effective date of the licence is 15 October 2017; and

2.2 The licence shall expire on 14 October 2022.”

The licence is currently up to date and only expires on 14 October 2022.

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 Revival FM’s coverage area is as follows:

"The Licensee shall provide services to Frances Baard District Municipality as set out in the Licensee’s radio frequency spectrum licence”.

The Licensee confirmed that it provides a service to the licensed area as set out in the Licensee’s radio frequency spectrum licence.

In the year under review, the Authority did not receive any reports or complaints indicating that the radio station has gone beyond its licenced area.

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 Christian community of interest residing within the geographic coverage area specified herein, namely Frances Baard District Municipality”.

The Licensee submitted and confirmed that it provides a sound broadcasting service as prescribed in its 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; and

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 and attendance registers for programming meetings held on 24 May 2019 and 30 January 2020 respectively.

The Licensee complies with clause 4.2 of the schedule to the licence.

Further, 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 hold an Annual General Meeting during the period under review.

The Licensee is non-compliant 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 one hundred (100) minutes of news per day, of which 60% shall be local news, 20% shall be national news and 20% shall be international news."

The Authority's monitoring exercise revealed that the Licensee broadcasts nine (9) minutes of news per day. It broadcasts three bulletins of approximately three (3) minutes daily on weekdays. It does not broadcast news on weekends. The news bulletins are in isiXhosa and in English and they cover national and international news. No local news was identified during the monitoring exercise.

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

- *"uMphathiswa weZempilo, uZweli Mkhize, ubhengeze ukuba bakhethe indawo ePolokwane nje ngendawo abazakuhlaliswa kuyo abemi boMzansi Afrika abalikhulu namashumi amabini anesibini abazakubuyiselwa kweli besuka eWuhan, eChina namhlanje ngenxa yokuba ithe qelele kwaye ikufuphi neziko leenqwelo-moya. Uxelele abeendaba ukuba lenkqubo yokubuyisa lamalungu ibilixanduva lukaMongameli uCyril Ramaphosa nje ngeNkumande Eyintloko yelilizwe. uMkhize esithi wonke ubani, kuquka naBaphathiswa baseLimpopo bezingenalwazi ngalendawo echongiweyo de yaba ngumzuzu wokugqibela. Uthi lenqwelomoya izakuchopha ngqo eRange ukufika kwayo nje ngoko kukho indawo eyaneleyo ukuba kungachopha lenqwelomoya yoMkhosi.*
- *President Donald Trump was among hundreds of thousands of Christians who attended church online across the nation. Sunday after he leaned heavily on scripture on Saturday, to declare a National Day of Prayer in the wake of the new coronavirus pandemic. The online shift comes as many churches responded to a call from public health and local and federal government officials to abandon physical gatherings to help stem the spread of the virus that has already infected nearly four thousand people and killed sixty-nine of them in the United States. President Trump cited three scriptures in calling the nation to prayer as they seek to respond to the coronavirus pandemic. He said as the President, he asked the people to pray for the health and well-being of Americans and to remember that no problem is too big for God to handle.*
- *Obambeleyo nje ngoKumkani yesizwe sabaThembu uAzenathi Zanesizwe Dalindyebo, uthi ufuna ukhuseleko lezomthetho ngakuyise. LeKumkani ibambeleyo ifake isicelo somyalelo othintela uyise uKumkani uBuyelekhaya Dalindyebo ekubeni angene kwiKomkhulu eBumbane ngaphandle kwaseMthatha eMpuma-Koloni. Isithethi sosapho uZwelinqaba Mgudlwa sithi okukuza emva kokuba uKumkani Buyelekhaya Dalindyebo kutyholwa ukuba uhlasele ikhaya lakhe, kuquka nonyana wakhe uAzenathi ngoMgqibelo odlulileyo. Kusenjalo isithethi sikaKumkani uBuyelekhaya, uNkosana Mthunzi*

Ngonyama ungqinile ukuba bawufumene umyalelo wokhuseleko kodwa bazakucela umngeni."

The Licensee does not broadcast one hundred (100) minutes of news as prescribed in clause 5.1.1, the Licensee does not broadcast news in all languages of broadcast.

The Licensee did not comply with its news obligation.

Clause 5.1.2 of the licence provides that:

"South African Music Content: 60%"

The reports submitted by the Licensee show that it broadcasts an average of eighty percent (80%) of South African music content.

The Authority's monitoring exercise confirmed that the radio station broadcasts more than eighty percent (80%) of South African music content.

The Licensee complies with its South African Music Content obligations.

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

"60% Music and 40% Talk"

The Licensee's morning shows are a blend of music and talk, but with more talk. These are dominated by prayer sessions, preaching and listener interaction. There are also discussions on matters that affect the community, like gender-based violence. The midday and afternoon shows are more music than talk, with the evening shows being a mixture of music and talk. The monitoring exercise confirmed that the Licensee's format is as prescribed in the licence.

The Licensee complies with its prescribed format.

Clause 5.1.4 of the licence provides that:

Language(s) of broadcast:

5.1.4.1 English – 30%;

5.1.4.2 isiXhosa – 30%;

5.1.4.3 Setswana – 30%; and

5.1.4.4 Afrikaans – 10%

The monitoring exercise revealed that the Licensee broadcasts its programmes mainly in Setswana, English and isiXhosa. It also has Afrikaans programmes and Afrikaans is also used interchangeably with the other languages of broadcast throughout the station's programming. However, it does not broadcast news in Setswana and Afrikaans.

The Licensee complies with its languages of broadcast obligation.

The Licensee partially complies 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.

4 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 did not comply with the relevant clause of the Compliance Procedure Manual Regulations.

5 REGULATIONS

5.1 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 eight percent (80%) of South African music content to be played by community sound broadcasting Licensees.

The reports submitted by the Licensee show that it broadcasts an average of eighty percent (80%) South African music content.

The Authority’s monitoring exercise revealed that the radio station broadcasts more than eighty percent (80%) of South African music content. It plays strictly gospel music. Some of the artists that were identified during the monitoring exercise are: *Joyous Celebration, Ishmael Masemola, Redeemed, Judith Sepuma, Dimmy, Ntokozo Mbambo, Bella* and many more.

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

5.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

The monitoring exercise revealed some members of the Licensee’s management, including the CEO, occupy dual roles by also being presenters on the station, which is in contravention of Clause 10A (7) (d) of the regulations on Amended Standard Terms and Conditions for Class Licences, 2016 published in *Government Gazette* No. 39872 dated 30 March 2016, which provides that:

“The Board of Directors/Trustees and station management must not occupy dual roles with regard to being managers/presenters at the station”.

The Licensee did not comply with the relevant clause of the Standard Terms and Conditions for class licences.

6 CONCLUSION

Revival FM did not comply with some provisions of its licence conditions and applicable Regulations. Compliance will advise the Licensee of its non-compliance and endeavour to assist the Licensee to comply. However, should the Licensee not improve its performance, Authority

will refer them the Complaints and Compliance Committee (CCC), where they'll be provided with the opportunity to respond to the non-compliance findings.

7 TERMS OF REFERENCE

7.1 Appendix A: Revival FM's Service and Spectrum Licences;

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

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

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

END

March 2021