



# **KURARA FM ANNUAL COMPLIANCE REPORT**

**MARCH 2022**

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# 2020/2021 ANNUAL COMPLIANCE REPORT

## KURARA FM

**LICENCE PERIOD: 30 June 2020 to 29 June 2025**

### 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 (ECA)<sup>3</sup> and Broadcasting Act<sup>4</sup> to regulate broadcasting services in South Africa in the public interest. One of the main tasks of the Authority, is to monitor compliance by broadcasters with the terms and conditions of their licence and any relevant legislation and regulations.

The purpose of this report is to give an account of Kurara FM's compliance terms and conditions as set out in its licence for the 2020/2021 financial year. 2020/2021 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community participation, and Programming Obligations.

Further, the report will measure compliance with Regulations that include South African Music Content, Standard Terms and Conditions, and the ICT Covid-19 National Disaster Regulations<sup>5</sup> first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.

The ICT Covid-19 National Disaster Regulations, 2020 as amended have introduced exemptions with specific service licence conditions and/or revised quotas and such will be reflected in the body of the report accordingly.

### 2. BACKGROUND

Kurara FM holds a Class Sound broadcasting service licence. The radio station's mandate is to provide sound broadcasting service to the community of Kuruman

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

<sup>2</sup> Independent Communications Authority of South Africa Act, Act No. 13 of 2000, as amended

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

<sup>4</sup> Broadcasting Act No. 4 of 1999

<sup>5</sup> The ICT COVID-19 National Disaster Regulations, 2020 as published in *Government Gazette* No. 43207 dated, 06 April 2020, as amended.

and the surrounding areas in John Taolo Gaetswe District Municipality in the Northern Cape, as set out in the Licensee's radio frequency spectrum licence.

### **3. COMPLIANCE ASSESMENT**

#### **3.1 Control Structure**

Clause 1 of the licence states that:

*"The Licence is issued to:*

*1.1 Name of Company/Entity: Kurara FM.*

*1.2 Name of the Station: Kurara FM.*

*1.3 Control of the licensee: Control shall vest in the Board of A Section 21 Company known as Kurara FM."*

There were no changes reported by the Licensee to its control structure during the period under review and there were no management contracts lodged with the Authority.

**The Licensee complies with clause 1.1 to 1.3 of the licence.**

#### **3.2 Licence Period**

Clause 2 of the licence states that:

*"2.1. The effective date of the licence: 30 June 2020.*

*2.2. The licence shall expire on 25 June 2025."*

Kurara FM's licence is still valid.

**The Licensee complies with clause 2 of the licence.**

#### **3.3 Geographic Coverage Area**

Clause 3 of the licence stipulates that:

*"The Licensee shall provide services to Kuruman and surrounding areas in John Taolo Gaetswe District Municipality in the Northern Cape Province as set out in the Licensee's radio frequency spectrum."*

The Licensee provides services to the areas stipulated in its licence.

**The Licensee complies with clause 3 of the licence.**

#### **3.4 Community**

Clause 4.1 of the licence states that:

*“The licensee shall provide services to a geographic community residing within the geographic coverage area specified herein”.*

Kurara FM provides sound broadcasting services to the geographic community residing within the geographic coverage in Kuruman and the surrounding areas of John Taolo Gaetsewe District Municipality in the Northern Cape, as set out in the Licensee’s radio frequency spectrum licence.

**The Licensee complies with clause 4.1 of the licence.**

Clause 4.2 of 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; and*

During the year under review, the Licensee could not have community participation meetings in consequence of covid-19 restrictions. Consequently, the provision above was suspended.

**Compliance with this clause of the licence was suspended during the period under review as per the ICT Covid-19 National Disaster Regulations.**

*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 licence 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.”*

**Compliance with this clause of the licence was suspended during the period under review as per the ICT Covid-19 National Disaster Regulations.**

### **3.5 Programming**

Clause 5.1 of the licence provides that:

"The Licensee shall provide programming as follows:

*5.1.1 News and information: The Licensee shall broadcast fifty (50%) percent local news, thirty (30%) national news and twenty (20%) percent international news.*

The monitoring exercise found that the licensee did broadcast 50% of local news relevant to Kuruman and the surrounding areas, as indicated in their license. The rest of the news was broadcast to include national news (30%) and the other 20% included some international news.

Some of the news items that were identified during the monitoring exercise, are the following:

- *"Kuruman Police arrested a 34-year-old man and a 20 year old man in two unrelated cases for allegedly dealing in dagga. Kuruman Police spokesperson, warrant officer Motsi Manetule says the man was arrested in Promise Land after a police operation. Dagga with an estimated street value of R3500 and an undisclosed amount of money was found at the house that was searched. The suspect was arrested. Another suspect was arrested on the same day with 335 grams of dagga with an estimated street value of R5000 and undisclosed amount of cash was found at his house. Both suspects were charged with allegedly dealing in dagga and will appear in Kuruman Magistrates Court."*
- *"Two people were arrested by the Kimberly police in two separate incidents of allegedly drunk and driving during this past weekend. According to police spokesperson, Captain Tessa Jansen, a woman was arrested after her car collided with another vehicle in Attisdal Avenue. Jansen then said a man was arrested on the same evening following an alleged hit and run incident in Phakamile Mabija Street. It is alleged that both these separate suspects who smelled of alcohol were arrested on charge of driving while under the influence of alcohol, reckless and negligent driving. The woman was also arrested for driving without a driver's license."*

- *"Meanwhile 5 suspects aged between 27 and 34 are expected to appear before Brits Magistrate Court tomorrow for possession of unlicensed firearms and ammunition. The accused's court appearance stems from their apprehension recently on the R511 road at Arsen near Brits. According to information available at this stage, the police were busy patrolling the on the R511 road when they were alerted by the local security company about a Toyota Hilux double cap vehicle. A car chase ensued consequent to spotting of the vehicle by members on the said road. The vehicle with 5 occupants was eventually pulled off. Upon searching it, two rifles and two short guns were found."*

Broken down, an average of fifty (50) minutes of news is broadcast on weekdays with bulletins starting at 07h00 and the last bulletin is broadcast at 18h00. The Licensee does not broadcast news on weekends, except for a current affairs programme that is broadcast between 12h00 and 13h00 on Sundays.

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

*Clause 5.1.2 of the licence states that:*

*"South African Music Content: 80%"*

The Authority's monitoring exercise confirmed that the radio station broadcasts a significant amount of South African music. However, due to the shortened performance period following the exemptions and suspensions on Licensees per the ICT Covid-19 National Disaster Regulations, 2020, the actual percentages could not be determined.

**The Licensee's compliance with this clause could not be determined.**

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

*"30% talk and 70% Music"*

The monitoring exercise found that the talk and music content as broadcast by the Licensee was split as indicated in the license.

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

*Clause 5.1.4 of the licence provides that:*

*"Language(s) of broadcast:*

*5.1.4.1 Setswana – 50%;*

5.1.4.2 English – 30%;

5.1.4.3 Afrikaans – 20%”

The monitoring exercise found that Setswana is the primary language of broadcast by the Licensee. Although, English and Afrikaans are secondary languages, these languages do feature during the performance period in the talk and music content of the Licensee.

### **The Licensee complies with clause 5.1.4 of the Schedule of its licence.**

Clause 5.2 of the licence provides that:

*“The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. Pro-forma of the log to be kept will be supplied by the Authority.”*

The ICT Covid-19 National Disaster Regulations exempt Licensees from submitting programming logs as stipulated in their licence terms and conditions. However, Licensees were required to keep the information and submit to the Authority upon request.

**Kurara FM did not submit the programming logs for the period under review when requested to do so by the Authority.**

### **3.6 Promise of Performance**

Clause 8.1 of the licence provides that:

*“60% of the Licensee’s talk programming content shall be aimed at the promotion of literacy, education, community upliftment and information programming. This will include informal education such as skills development.”*

Clause 8.2 of the licence provides that:

*“The Licensee shall broadcast a broadbased programming that will involve the whole community.”*

**Sound broadcasting Licensees were exempted from compliance with promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.**

## 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. However, the Licensee did not indicate if they did receive any complaints and how they have dealt with those.

For the year under review, the Licensee did not submit any forms to the Authority.

**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 Content

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

*"A holder of a community sound broadcasting service licence must ensure that after eighteen months of the gazetting of these regulations, a minimum of 60%, increased by 10% annually to reach 80% of the musical work in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period"*

The monitoring conducted by the Authority indicated that the Licensee plays South African music during the performance period. Below are the some of the artists that were played:

*Black Diamond, Busie Radebe, Sekhoba, Letta Mbulu, Lira, Brenda Fassie, Micasa, Lady Zamar, Bongo Muffin and Tuks.*

**The monitoring exercise has taken into consideration the impact of the reduced performance period on compliance with this clause. Therefore, findings on compliance with this clause of the licence have not been made.**



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

During the year under review, the Licensee submitted all the information requested by the Authority, except for the programming logs that were required in terms of the ICT Covid-19 National Disaster Regulations.

**Kurara FM substantially complied with the Standard Terms and Conditions for Class Broadcasting Service Licences.**

## **5 CONCLUSION**

The exemptions and suspensions imposed on Licensees due to the National State of Disaster have been lifted for the next review period. Complete monitoring of compliance with licence conditions and regulations will be conducted in the next review. However, the Broadcasting Compliance Unit will follow up with the Licensee on identified areas of non-compliance.

Further, the Authority's ruling of 26 May 2020 required Kurara FM to hold an Annual General Meeting ("AGM"), to elect a new board of directors. The Licensee was unable to implement the ruling because AGMs were suspended during this period. The suspension has been lifted for the next review period, therefore the Licensee's compliance with the ruling will be monitored.

## **6. TERMS OF REFERENCE**

Appendix A: Kurara FM's Service Licence

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

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

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

Appendix E: The ICT COVID-19 National Disaster Regulations, 2020 as published in *Government Gazette* No. 43207 dated, 06 April 2020, as amended.

**End**