



RADIO NFM ANNUAL COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

RADIO NFM

LICENCE PERIOD: 15 March 2021 to 14 March 2026

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 Act (ECA)³ and Broadcasting Act⁴ to regulate broadcasting activities 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 Radio NFM performance for the 2020/2021 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

Furthermore, the report will measure compliance with regulations that include South African Music Content, Standard Terms and Conditions, and the ICT Covid-19 National Disaster Regulations⁵ 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 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.

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

² Independent Communications Authority of South Africa Act, Act No. 13 of 2000, as amended

³ Electronic Communications Act No. 36 of 2005

⁴ Broadcasting Act No. 4 of 1999

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

2. BACKGROUND

Radio NFM hold a Class Sound broadcasting service licence⁶. The radio station's mandate is to provide sound broadcasting service to Okiep, Springbok, Nababeep, Concordia, Steinkopft, Khal Ma, Richtersveld, and Kamiesberg in the Namakwa District Municipality in the Northern Cape Province, as set out in the Licensee's radio frequency spectrum licence.⁷

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

1.1 Name of Company/Entity: Radio NFM.

1.2 Name of the Station: Radio NFM.

1.3 Control of the licence: Control shall vest in the Board of Directors of an association known as Radio NFM."

There were no changes reported by the Licensee to its control structure during the period under review. The Licensee name remains, Radio NFM. The control of the Licensee is still in the hands of an association known as Radio NFM.

According to Radio NFM's MOI, the Board will consist of minimum of seven (7) and maximum nine (9) directors. The board members are elected in an Annual General Meeting, the first Director will determine the period of appointment of additional Directors and his term of office will be the same as the term of ordinary members.

The Licensee submitted a list of eight (8) Board of Directors that were elected in its last elective AGM. The control of the Licensee is still in the hands of the Board of Directors of an association known as Radio NFM.

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

3.2 Licence Period

⁶ Appendix A: Radio NFM broadcasting licence

⁷ *Ibid*

Clause 2 of the licence states that:

"2.1 The effective date of the licence is 15 March 2021

2.2 The licence shall expire on the 14 March 2026"

Radio NFM's licence is effective from 15 March 2021 to 14 March 2026.

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 Okiep, Springbok, Nababeep, Concordia, Steinkopft, Khal Ma, Richtersveld, and Kamiesberg in the Namakwa District Municipality in the Northern Cape Province, as set out in the Licensee's radio frequency spectrum licence"

Radio NFM provide 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 geographic community residing within the geographic coverage specified herein"

Radio NFM provides a sound broadcasting services to the geographic community residing within the geographic coverage of Okiep, Springbok, Nababeep, Concordia, Steinkopft, Khal Ma, Richtersveld, and Kamiesberg in the Namakwa District Municipality in the Northern Cape Province, 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 attendance thereof by members of the community; and*
- 4.3 *The Licensee shall hold Annual General Meeting (AGM) for the following purposes:*
- 4.3.1 *To provide feedback on the Licensee's compliance with licence conditions;*
- 4.3.2 *To provide feedback on the Licensee's operational and financial performance; and*
- 4.3.3 *To elect members of the controlling structure e.g. Board of Directors, Trustees etc. subject to the Licensee's founding documents."*

Regulation 4(12A) of The ICT COVID-19 National Disaster Second Amendment Regulations, suspends the requirement for licensees to hold any community meetings or AGMs and be required to submit proof of holding either of the said meetings.

Therefore, findings on compliance with this clause of the licence were not made for the period under review. The suspension was made by the Authority to mitigate the risk of non-compliance by the community broadcaster due to Covid 19 pandemic.

3.5 Programming

Clause 5.1 of the licence states that the Licensee shall provide programming as follows:

- 5.1.1 *"Local News and information: The Licensee shall broadcast 35 minutes of news per day, of which 20 minutes shall be local, 10 minutes national news and 5 minutes international news."*

The Licensee submitted their log-sheet Form 8A, indicating that the radio station broadcasts an average of one hundred and eighty-six (186) minutes of news programming during weekdays including weekends.

The monitoring exercise revealed that Radio NFM broadcasts news bulletins at the top of the hour between 07h00 and 21h00 on weekdays. The bulletins are broadcast for approximately seven (7) minutes. On average, a total of forty-nine (49) minutes including community news is broadcast each day, during the South African performance period.

The Licensee does not broadcast news per day on weekends.

The following are some of the news excerpts monitored:

- *"Community in the Northern Cape are urged to speak up and report cases of gender base violence and any form of abuse against women this as two men aged 73 and 55 years of age were expected to appear before two magistrate courts on Monday in connection with the murder of their partners."*
- *"The MEC for the Health Marupeng Lekwene has encourage citizens to live an active and healthy lifestyle during the Covid19 pandemic. He advised that major risk factors such as tobacco use, drug taking, alcohol misuse, unhealthy diet and lack of physical activity could lead to lifestyle disease."*

The licensee did not comply with sub clause 5.1.1 of the licence

5.1.2 South African Music Content: The Licensee shall broadcast a South African music content of 80%.

According to the Form 8A submitted by the Licensee, an average of five hundred and six (506) tracks of South African music is broadcast each week.

The ICT COVID-19 National Disaster Regulations, regulation 4 sub-regulation 7 provides that the performance period for both sound and television broadcasting shall run from 07h00 to 21h00.

The ICT COVID-19 National Disaster Regulations, regulation 4 sub-regulation 8C provides that Sound broadcasting service Licensees shall comply with the local content music quotas.

The monitoring exercise revealed that Radio NFM broadcasts an average of four (4) minutes per track and most of the genre broadcast, is Gospel music. The Licensee broadcasts an average of more than two thousand (2 000) minutes per week as per the South African music content quota, which is equivalent to 80%.

The licensee complies with sub clause 5.1.2 of the licence

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

Forty per cent (40%) talk during the performance period weekly, is equal to two thousand three hundred and fifty-two (2352) minutes.

The log-sheet submitted by the Licensee indicate that on average three thousand nine hundred and eighty (3980) minutes per week is broadcast by Radio NFM.

The licensee complies with sub clause 5.1.3 of the licence

5.1.4 Language(s) of broadcast:

5.1.4.1 Afrikaans – 70%;

5.1.4.2 Nama – 15%;

5.1.4.3 isiXhosa – 10%; and

5.1.4.4 English – 5%.”

The monitoring exercise revealed that Radio NFM uses all the languages in its broadcast as per licence provisions.

The licensee complies with clause 5.1.4 of the 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. A proforma of the log to be kept will be supplied by the Authority."

The Licensee submits the log of programmes broadcast to the Authority as required by clause 5.2.

The licensee complies with clause 5.2 of the licence.

4 REGULATIONS

4.1 Complaints Received

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 ICT COVID-19 National Disaster Amendment Regulations, regulation 4(1) provides that Licensees are exempt from the responsibility to resolve complaints received within the time frames prescribed by the Authority in its Regulations.

For the year under review, the Licensee did not receive any complaints and therefore, none was escalated to the Authority.

The Licensee complies with the Compliance Procedure Manual Regulations

4.2 South African Music Content Regulations⁸

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 period⁹"

The monitoring exercise revealed that Radio NFM broadcast different genres like, gospel music and afro soul music amongst others. Some of the music artists that were monitored include Jabu Hlongwane, Rebecca Malope, Mthunzi Namba, Jay em Featuring Chad Saaiman and Bongo beat featuring MasterKG amongst others. Most of the artist are South African. Further, the monitoring exercise found that the Licensee broadcasts an average 80% of South African music.

The licensee complies with the Regulations.

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences¹⁰

Regulations Regarding Standard Terms and Conditions for Class Licences 2016. Regulation 7 sub-regulation 7 (d) provides as follows:

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

⁸ Appendix B: ICASA South African Music Content Regulations 2016

⁹ Ibid

¹⁰ Appendix C: Standard Terms and Conditions for Class Licences 2016

During the year under review, the Licensee did not comply with the standard terms and conditions for class licences.

The monitoring exercise also revealed that the programmes manager has dual roles at the station. The programmes manager is also presenting a show at the radio station.

Radio NFM does not comply with regulation 7 sub-regulation 7(d) of Standard Terms and Conditions for Class Broadcasting Service Licences.

5 CONCLUSION

Radio NFM did not comply with some of the provisions of its licence conditions. Some of the provisions were exempted or suspended due to the National State of Disaster during the year under review. The non-compliance with the Standard terms and conditions on dual role was addressed with the broadcaster. The non-compliance is expected to be resolved in the next review failing which the Licensee will be referred to the Complains and Compliance Committee for adjudication.

7. TERMS OF REFERENCE

Appendix A: Radio NFM broadcasting licence

Appendix B: ICASA South African Music Content Regulations 2016

Appendix C: Regulations Regarding Standard Terms and Conditions for Class Licences 2016

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