



RADIO WOLKBERG ANNUAL COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

RADIO WOLKBERG

Licence Period: 22 July 2020 – 21 July 2025

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act² and the Electronic Communications Act³ (ECA) and the 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, the three Acts mentioned already and any relevant legislation and regulations.

This report is intended to give account of Radio Wolkberg's compliance with the terms and conditions as set out in its license, for the 2020/2021 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

On 1 December 2020, a renewed class broadcasting service licence was issued to Radio Wolkberg, a sister station of Pretoria FM. As per the license, Radio Wolkberg provides services in Wolkberg and surrounding areas in Mopani District Municipality in the Limpopo Province as set out in the Licensee's Radio Frequency Spectrum license.

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

² ICASA Act No 13, 2000 as amended.

³ Electronic Communications Act No 36, 2005.

⁴ Act No. 4 of 1999.

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of the Schedule of Radio Wolkberg's licence provides that:

"The Licence⁵ is issued to:

1.1. Name of entity: Pretoria FM

1.2. Name of the Station: Radio Wolkberg

1.3. Control of the Licensee: Control shall vest in the governing body of Pretoria FM."

The monitoring exercise confirms that the information contained in clause 1 of the Schedule of Radio Wolkberg's licence did not change during the period under review.

The Licensee complies with clause 1 of the Schedule to its service license.

3.2 Licence Period

Clause 2 of the Schedule of Radio Wolkberg's licence provides that:

"2.1 The effective date of the licence is 22 July 2020.

2.2 The licence shall expire on 21 June 2025."

A renewed licence was issued to Radio Wolkberg on 1 December 2020. The licence is valid until 21 June 2025.

The Licensee complies with clause 2 of the Schedule to its service license.

3.3 Licence Area

Clause 3 of the Schedule to Radio Wolkberg's licence provides that:

"The Licensee shall provide services in Wolkberg and surrounding areas in Mopani District Municipality in the Limpopo Province as set out in the Licensee's radio frequency spectrum license."

⁵ Radio Wolkberg's Broadcasting Service Licence.

Radio Wolkberg's coverage area remains as prescribed in the licence terms and conditions. Further, the Authority did not receive any reports or complaints indicating that Radio Wolkberg has gone beyond its licenced area.

The Licensee complies with clause 3 of the Schedule to its service licence.

3.4 Community

Clause 4.1 of the Schedule to Radio Wolkberg's licence provides that:

"4.1 The Licensee shall provide services to a Boere Afrikaner Interest based community residing within the geographic coverage area specified herein, namely the Greater Pretoria and its immediate surroundings within the City of Tshwane Metropolitan Municipality."

Radio Wolkberg confirms that its services are offered to a Boere Afrikaner Interest based community residing within the geographic coverage area as specified in the licence. The Authority received no complaints that the Licensee was not providing services to a Boere Afrikaner interest-based community.

The Licensee complies with clause 4.1 of the Schedule to its service licence.

Clause 4.2 of the Schedule to Radio Wolkberg's licence provides that:

"4.2 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 focusing on programming and programming policies of the station;

4.2.2 The Licensee shall furnish the Authority with proof of such meetings as well the attendance thereof by members of the community.

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."*

Regulations 12(A) of the ICT COVID-19 National Disaster Second Amendment Regulations published in Government Gazette No. 43707 dated 11 September 2020, suspended the requirement for community broadcasting service licensees to hold any community meetings or AGMs and the requirement to submit proof of these meetings being held.

Consequently, the Authority did not monitor the Licensee's compliance with clause 4.2 of the Schedule to its licence.

3.5 Programming

Clause 5.1.1 of the Schedule of Radio Wolkberg's licence provides that:

"Local News and Information: *The Licensee shall broadcast news to a total of 45 minutes per day which shall be broadcast in the language of broadcast of which 50% shall be local, 20% provincial, 20% national and 10% international."*

Some of the news that was covered, during the period under review, include:

- *Die Nasionale Departement van Gesondheid en die Ministriële Advies Kommittee het weer onder skoot gekom weens hul gebrek aan kommunikasie oor die aanskaffing en effektiewe verspreiding strategie van die covid-19 entstof. Die gesondheidsdeskundige, Prof. Alex van Der Heever, sê beide die Departement en die Advies Kommittee is nie openlik met die publiek oor die verspreiding en toediening van die entstof nie.*
- *Die Afrikaanse aksie groep, DAK Netwerk, het 'n beroep om Afrikaansprekendes gedoen om te begin betoog om hul taal regte in stand te hou. Die voorsitter van DAK Netwerk, Danie van Wyk, sê meer moet gedoen word om te verseker dat Afrikaans een van die onderrigtale by die Universiteit van Stellenbos bly.*
- *Die Nasionale Tesourie oorweeg glo twee opsie om ESKOM se reuse skuld te hanteer. So beweer bronne naby aan die onderhandelinge maar wat nie hul*

name genoem wil hê nie omdat hulle nie gemagtig is om met die media te praat nie.

- *Oud President, Jacob Zuma, sal nie vandag deel wees van die hof verrigtinge in die Grondwet Hof nie. Zuma het geen opponerende stukke ingedien teen die Zondo kommissie se aansoek om hom van minagting van die hof skuldig te bevind nie. Hy het ook geen redes verskaf vir waarom hy nê die aansoek teen staan nie.*

The monitoring exercise found that while the Licensee broadcast more than forty-five (45) minutes of news per day, the news broadcast is not aligned to the licence obligation. Most of the news found during the period under review is of a national nature. Further, local news is not emphasised in its broadcast.

The Licensee did not comply with clause 5.1.1 of the Schedule to its licence.

Clause 5.1.2 of the Schedule to Radio Wolkberg's licence provides that:

"South African Music Content: 80%."

Some of the South African music that was found during the period under review include:

Rinel Day "Ek het opgestaan"; Kosie Beukes "Bosveld Vastrap"; Theuns Jordaan "Bietjie van my"; Jan Blohm "Breyten se brief"; MD Greyling "Boer se geloof"; Ricky Faber "Om asem te haal sonder jou"; Stella "Deur die liefde en deur die seer"; Ricus Nel "Spyt kom te laat"; Majazi "The greatest love"; Bok van Blerk "Koue voete warm liefde".

The Licensee broadcast an average of sixty-five (65) percent South African music content and does not meet the 80% South African music content licence obligation.

The Licensee did not comply with clause 5.1.2 of the Schedule its licence.

Clause 5.1.3 of the Schedule to Radio Wolkberg's licence provides that:

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

The monitoring exercise confirmed that the licensee's programming is split between sixty (60) percent talk and forty (40) percent music.

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

Clause 5.1.4 of the Schedule to Pretoria FM's licence states that:

"Language(s) of broadcast

5.1.4.1 Afrikaans – 100%"

Afrikaans was confirmed to be the language of broadcast by the Licensee.

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

3.6 Promise of Performance

Clause 8.1 of the Schedule to Pretoria FM's licence provides that:

"60% of the Licensee's talk programming shall be aimed at the promotion of literacy, education, community upliftment and informational programming."

The Licensee has various talk programming such as *Fokus*, *Klankkoerant Landbou*, *Sakekern*, *Oggenderediens* that covers religious content, and *Oggendkuier* that covers legal and medical topics amongst others. The monitoring exercise found that the programming promotes literacy, educations, community upliftment and information sharing.

The Licensee complies with clause 8.1 of the Schedule to its service licence.

4. REGULATIONS

4.1 ICASA South African Music Content Regulations, 2016.

Regulation 3 of the South African Music Content Regulations⁶ 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%, 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 evenly throughout the performance period”.

The Licensee did broadcast 80% South African music content. The average percentage of South African music was sixty-five (65) percent. The Licensee promotes new music from and conducts interviews with South African artists, however the format factors on average contributes only an additional two (2) percent and therefore the overall South African music content broadcast by the Licensee remains under seventy (70) percent.

The Licensee did not comply with the Regulations on South African Music Content.

4.2 ICASA Compliance Procedure Manual Regulations, 2011.

The Licensee is required, in terms of the Compliance Procedure Manual Regulations⁷, to submit a Form 12A which reports on all complaints received during each financial year.

The Licensee has submitted form 12 A in accordance with the Compliance Procedure Manual Regulations.

⁶ ICASA South African Music Content Regulations, 2016 as published in Government Gazette No. 39844 dated, 23 March 2016.

⁷ ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

The Licensee complies with the Compliance Procedure Manual as stated above.

4.4 Standard Terms and Conditions for Class, 2010.

The Licensee appeared in front of the Complaints and Compliance Committee (CCC) for alleged non-compliance with the programme syndication requirement prescribed in the Standard Terms and Conditions for Class Licensees⁸. At the time of writing this report, the CCC has not reached a conclusion on the alleged non-compliance.

5. CONCLUSION

The monitoring exercise found that the Licensee was generally compliant with most of its licence conditions and relevant regulations. The areas of non-compliance as found in this report are clause 5.1.1 that relates to the broadcast of news and information and clause 5.1.2 that relates to the broadcast of South African Music content. Further, the CCC has not yet decided in terms of the alleged non-compliance regarding the requirements relating to programme syndication. The Authority will advise the Licensee of the non-compliance areas and will decide on a way forward in terms of the remedial action required by the Licensee.

6. TERMS OF REFERENCE

- 6.1 Annexure A: Radio Wolkberg's Class broadcasting service and spectrum licence
- 6.2 Annexure B: Regulations on South African Music Content
- 6.3 Annexure C: Compliance Procedure Manual Regulations
- 6.3 Annexure D: Regulations on Standard Terms and Conditions for Class Licences

⁸ Standard Terms and Conditions for Class Broadcasting & Electronic Communications Network Services, 2010 as published in Government Gazette No. 33296 dated, 14 June 2010, as amended.