



VUKANI COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

VUKANI COMMUNITY RADIO

LICENCE PERIOD: 27 OCTOBER 2018 to 26 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 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 this report is to give an account of Vukani Community Radio's compliance with the terms and conditions as set out in its licence for the 2020/2021 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community participation, and Programming Obligations.

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 Regulations⁴ 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.

2. BACKGROUND

Vukani Community Radio is a class broadcasting service Licensee providing services to a geographic community residing in the Xhalanga District in the Eastern Cape Province. The radio station provides a programming format that is a mix of talk and music.

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

⁴ The ICT COVID-19 National Disaster Regulations, 2020 as published in *Government Gazette* No. 43207 dated, 06 April 2020, as amended.

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: Vukani Community Radio.

1.2 Name of Station: Vukani Community Radio.

1.3 Control of the Licensee: Control shall vest in the Board of Trustees of Vukani Community Radio".

There were no changes reported by the Licensee to its company name and control structure during the period under review.

The Licensee complies with clauses 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 27 October 2018.

2.2 The licence shall expire on 26 October 2023."

The licence is still valid.

3.3 Licence Area

Clause 3 of the schedule to the licence provides that Vukani Community Radio's coverage area is as follows:

"The Licensee shall provide services to Xhalanga District and its surrounding areas of Cala, Cofimvaba, Dordrecht, Queenstown, Indwe, Engcobo, Lady Frere and Elliot in the Eastern Cape Province, as set out in the Licensee's radio frequency spectrum licence".

The Licensee confirmed that it provides a service to 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 geographic community residing within the geographic coverage area specified herein".

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

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".

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

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".

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 schedule to the licence provides that:

"The Licensee shall provide programming as follows":

5.1.1 Local News and Information: The Licensee shall broadcast news a total fifty (50) minutes per day, of which thirty (30) minutes shall be local, fifteen (15) minutes national and five (5) minutes international news."

The Authority's monitoring exercise revealed that the Licensee broadcasts approximately twenty (20) minutes of news per day during the week, and no news over the weekend. The news bulletins are all broadcast in isiXhosa; they cover local and national news. No international news was identified during the monitoring exercise.

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

- "uMongameli weli loMzantsi Afrika uCyril Ramaphosa kubusuku baphezolo uphinde wenza intetho yakhe kwakhona. Kanti kwisishwankathelo salentetho kaMongameli kanye xa singena kuLevele one ngentsasa yanamhlanje, bangaphaya kwe sixty-seven thousand abasebenzi beSebe leZempilo abasele belifumene ichiza lokugonyelwa intsholongwane yecorona. Kanti namanye amachiza sele efikile kweli loMzantsi Afrika kuleveki ukuqhubeka nokugonywa koluntu. Olugonyo luzakwenziwa ezibhedlele nakwindawo ezithile ezilalini nanjengoko inkqubo yogonyo iqhubekela. Sithetha nje kulungiselelwa iindawo zabucala ezizakugonya abantu ezingamashumi amane anethoba kuquka neelali. Kwisigaba sesibini sogonyo kuqalwa ngabantu abadala kulandele nabanye njalonjalo.*
- OyiPortfolio Head kwicandelo lakwaIntegrated Planning and Economic Development, IPED kwamafuphi, kumasipala wesithili seChris Hani uvakalise ukuba ii-irrigation schemes eziliqela kwesisithili azihambeli ndawo ngenxa yokuba kwasoloko kukho urutharuthano olukhoyo phakathi kwamalungu ezicooperatives, nto leyo ebangela ukuba umsebenzi kwaye nenkqubela zingahambeli phambili. Kanti uthethe oku xeshikweni bekubanjwe igqugula kunye noonondaba nalapho ebesothulela umqwazi iShiloh Irrigation Scheme ezenze eWhittlesea ngokuqhubekela ngentsebenziswano Phakathi kwamalungu ayo. Ongusihlalo weShiloh Irrigation Scheme uSelbourne Sicacele uthi bangamalungu angamakhulu amathathu namashumi alithoba kwaye abavumeli bani angene phakathi kwabo.*
- Umbutho weAfrican Transformation Movement, ATM ngamafuphi, uthi awuhambelani nesiphakamoso seDemocratic Alliance, iDA sokuphelelwa lithemba ngakuMkhuseli Woluntu uBasiswe Mkhwebane kwaye oku bakubona nje ngenkohlakalo. iATM ithi lo kaMkhwebane usilungele esisikhundla kwaye wenza oko kufanelekileyo nanjengoko*

enguMkhuseli Woluntu wokuqala ukufezikisa uphichotho zincwadi olungenachaphaza kuleminyaka ingamashumi amabini anesihlanu yadlulayo. Endaweni yokuthi abhiyozelwe, uyatshutshiswa ngoku.Kusenjalo, ophuma kwiofisi yonxibelelano kulombutho uZama Ntshona uthi iDemocratic Alliance ayizange yamfuna kwiofisi lo okaMkhwebane, kwaye ngowona mbutho ongazange wakuxhasa oku ePalamente nabebeke bambiza ngongcothoza kodwa abazange bakwazi ukuza nobungqina kwezizityholo bambeka zona.”

The Licensee does not broadcast fifty (50) minutes of news per day as prescribed in clause 5.1.1 and does not broadcast international news.

The Licensee does not comply with its news obligation.

Clause 5.1.2 of the licence provides that:

"South African Music Content: 70%"

The Authority's monitoring exercise confirmed that the radio station broadcasts South African music. However, due to the shortened performance period, 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:

"60% Talk and 40% Music"

The monitoring exercise revealed that the Licensee's shows are a mixed blend of music and talk, with more talk. The station has discussions throughout the day and interviews on issues that affect the community. Discussion on culture, relationship issues, health, community development and employment matters were among the topics that were identified during the monitoring exercise. There is also a lot of listener interaction. 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 – 2%;

5.1.4.2 Afrikaans – 2%; and

5.1.4.3 isiXhosa– 96%;

The monitoring exercise revealed that the Licensee broadcasts all its programmes mainly in isiXhosa, English was identified during listener interactions and during interviews. Afrikaans was not heard during the monitoring exercise.

The Licensee substantially complies with its languages of broadcast obligation.

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 ICT Covid-19 National Disaster Regulations exempted 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.

The Licensee submitted the programming logs when requested to do so by the Authority.

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, 2011.

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, provides for at least eighty percent (80%) of South African music content to be played by community sound broadcasting Licensees.

The Authority's monitoring exercise revealed that the radio station broadcasts a significant amount of South African music content. Various genres were identified on the station's music line-up including House, Hip-Hop, Gospel, Afro-Soul and Kwaito with artists such as *Nathi, Soul Brothers, Yvonne Chaka Chaka, Kelly Khumalo, Lady Zamar, Mlindo the Vocalist, Chimora, Shekhina, SeaBee.*

The Authority 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 Licences

The Licensee did not adhere to the Standard Terms and Conditions for class licences as the monitoring exercise also revealed that the Programmes Manager occupies dual roles by also being a presenter 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 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

6. 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.

7. TERMS OF REFERENCE

Appendix A: Vukani Community Radio'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, and

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

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

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