



C'ORE FM ANNUAL COMPLIANCE REPORT

MARCH 2023

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2022/2023 ANNUAL COMPLIANCE REPORT

SISHEN IRON ORE COMPANY (PTY) LTD T/A C'ORE FM

LICENCE PERIOD: 12 JULY 2021 TO 11 JULY 2028

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 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, and any relevant legislation and regulations.

The purpose of this report is to give an account of C'ore FM's compliance with terms and conditions as set out in its licence for the 2022/2023 financial year. Aspects of compliance that are measured comprise of Geographic Coverage and Programming Obligations.

Furthermore, the report will measure compliance with regulations that include South African Music Content, Compliance Procedure Manual Regulations and Standard Terms and Conditions.

2. BACKGROUND

Sishen Iron Ore Company (Pty) Ltd ("Licensee") holds a Commercial Low Power Sound broadcasting service licence and it trades as C'ore FM. The radio station is licensed to provide a sound broadcasting service to Sishen Mine and surrounds in the John Taolo Gaetsewe District Municipality in the Northern Cape province, as set out in the Licensee's radio frequency spectrum licence.

¹ Independent Communications Authority of South Africa Act, Act No. 13 of 2000, as amended

² Electronic Communications Act No. 36 of 2005

³ Broadcasting Act No. 4 of 1999

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: Sishen Iron Ore Company (Pty) Ltd.

1.2 Name of the Station: C'ore FM.

1.3 Control of the licensee: Control shall vest in the Board of Directors of a company known as Sishen Iron Ore Company (Pty) Ltd."

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

The Licensee complies with clauses 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: 12 July 2021.

2.2. The licence shall expire on 11 July 2028."

The Licence remains 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 a commercial low power broadcasting service to the Sishen Mine and surrounds in within the John Taolo Gaetsewe District Municipality as set out in the Licensee's radio frequency spectrum."

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

The Licensee complies with clause 3 of the licence.

3.4 Community

Clause 4 of the licence states that:

"The licensee shall provide a commercial low power broadcasting service aimed at workers and contractors within the Sishen Mine and surrounds."

C'ore FM provides sound broadcasting services to the designated community of Sishen Mine, as specified in its licence.

The Licensee complies with clause 4 of the licence.

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 not be obliged to broadcast news and actuality programmes but may broadcast programmes and events that promote arts, culture and heritage of the area.

The Licensee does not broadcast news but broadcasts programmes and events that promote arts, culture and heritage of the area.

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: 60%

The Licensee is required to broadcast a minimum of 35% South African music content and further comply with the rest of the South African Music Regulations for the duration of the licence."

Compliance with the South African Music Content will be measured together with the SA Music Content Regulations.

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

"5.1.3.1 60% talk and 40% Music"

The monitoring exercise found that the Licensee broadcasts approximately 80% music and 20% talk. The Licensee's programming is dominated by music and

there is very little talk content. It provides talk content mostly during live shows or outside broadcasts which cover Sishen Mine programmes and events, such as sports.

The events have interactions with attendees on topics of the day, such as financial education. Attendees are dominantly employees of the mine. There were also interviews with sport officials during the sporting events.

The Licensee does not comply 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 English: 60%;

5.1.4.3 Other Languages (Afrikaans, Xhosa, Tswana, Nama): 40%"

The monitoring exercise found that English and Tswana are the main languages of broadcast and that they are used equally. No other language was detected during this period.

The Licensee does not comply 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."

C'ore FM did not submit programming logs on a monthly basis to the Authority during the period under review. However, the Licensee explained that this was due to the fact that it was not allocated a Compliance Officer until recently. The Licensee did submit the logs when requested to do so by the Compliance department.

The Licensee did not comply with clause 5.2 of the Schedule to its licence.

Clause 6.1 of the licence provides that:

"6.1 The contact person for the Licensee shall be:

6.1.1 Name: Thandi Princess Mapi

6.1.2 Tel: 053-739-2793

6.1.3 Cell: 072-949-9765

6.1.4 Email: Thandiwe.mapi@angloamerican.co.za

The contact details for the Licensee have changed as the contact person has left the company; however, the Licensee did not submit a notification of change of information as required by Regulations. The Licensee was informed of the non-compliance and advised to submit form L yet to date, the Licensee has not submitted the notification.

The Licensee does not comply with clause 6.1 of the licence.

4 REGULATIONS

4.1 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 exercise confirmed that the radio station broadcasts between 35% and 60% of South African music content during the performance period. Below are some of the artists that were played:

Pabi Cooper, Lebo Sekgobela, Prince KayBee, AyMos, Betusile, M'saki, AKA, Professor, Rickus Nel, Blaq Diamond, Kwesta and more.

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

4.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences

The Licensee has contravened Schedule 1, regulation 2 (1) of the Amendment Standard Terms and Conditions for Class Licences, 2021 as published in the *Government Gazette* No. 44328, dated 25 March 2021, which provide that:

- "(1) A Licensee must submit written notice to the Authority within fourteen 14) days of the occurrence of the following changes in its licence:*
- (a) The name of the Licensee;*
 - (b) Contact details including the contact person (e.g. telephone, fax, cell number and email;*
 - (c) Board of Directors or Trustees;*
 - (d) Principal place of business; and*
 - (e) Postal address;"*

The Licensee did not submit a written notice to notify the Authority of the changes to its contact person and contact details.

The Licensee did not comply with the above Regulations.

5 CONCLUSION

The Licensee did not comply with some of its licence terms and conditions, the Compliance Procedure Manual Regulations, SA Music Content Regulations and Standard Terms and Conditions for Class Licences Regulations.

The Licensing and Compliance Division has taken into consideration that until recently, Low Power licensees were not allocated Compliance Officers to workshop them on regulations and assist with their compliance. The Licensee will be advised of its non-compliance and accordingly, be provided with the necessary support to assist with its compliance. Ongoing compliance monitoring will continue.

6. TERMS OF REFERENCE

Appendix A: Core 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; and

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

End