

# Broadcasting

The Broadcasting Division is responsible for developing policy and regulations, issuing licences, and monitoring the activities of all Broadcasters. The role of the Broadcasting Division is to provide advice and support to ICASA in its legislative function and role as the Regulator of the communications sector. The Broadcasting Division licenses broadcasting services and broadcasting signal distributors; monitors compliance with licence conditions; develops standards for the content of programmes; determines limitations on advertisements; and encourages programming diversity by Public, Commercial and Community Broadcasters.

The daily activities of the Division are also influenced by the desire to promote language diversity at national and regional level in broadcasting, to set appropriate local content quotas, keep broadcasting rules up to date in the face of technological change and to promote BBBEE - in terms of ownership and control in the Broadcasting Industry. The Broadcasting Division ensures levelling the "playing fields" where rules are applied equally to all industry players. This is done against the background of the framework set by international and regional bodies to which the Authority is affiliated. There is also awareness that in order to ensure sustainable development and empowerment there is a need to harmonise regulations with other broader national government initiatives.

## Policy Development and Research Department

The Policy Development and Research Department (PDRD) consists of two Units, namely, Policy Development and Projects. The responsibility of the Policy Development Unit is to conceptualise and research policies for the regulation of the Broadcasting Industry. As the process of developing policies includes public participation and consultation as one of its key features and elements, the Policy Development Unit is responsible for compiling discussion papers based upon the research conducted, which through the Projects Unit, are put into the public domain for comment and discussion. Once consultations have closed and comments are collated, the Projects Unit consolidates all information received and makes policy recommendations to Council. Once approved by Council, these policy recommendations are compiled, by the Projects Unit, into a Position Paper. The Projects Unit is also responsible for drafting broadcasting regulations.

In the year under review PDRD was engaged in the following policy development and regulatory projects:

- **Enquiry into Commercial Subscription Broadcasting Services**

The Position Paper on the regulation of Commercial Subscription Broadcasting Services was published in June 2005. The Authority



*Councillors Masiza and Cohen during the launch of the Subscription Position Paper*

believes that the regulation of Commercial Subscription Broadcasting Services and the introduction of more Commercial Subscription Broadcasting Services will result in a marked increase in investment opportunities in the broadcasting industry.

The ITA for Commercial Subscription Broadcasting licences, and the Commercial Subscription Broadcasting Services Regulations were published in January 2006. The deadline for the submission of applications was July 2006. The Authority hopes to finalise the licensing process by the end of March 2007.

- **Review of Community Sound Broadcasting Policy**

The Discussion Paper on the Review of Community Sound Broadcasting Policy was published in September 2005. The primary objective of the enquiry was to solicit public participation and input in reviewing the regulatory framework for Community Sound Broadcasting in South Africa, and to generate discussion on the appropriate policy and licensing framework for existing and new Community Sound Broadcasting services. The review was also aimed at growing and sustaining the Community Sound Broadcasting sector.

The Authority invited interested parties, stakeholders, and the public to respond to the issues and questions raised in the Discussion Paper. The Authority received eleven submissions. Oral hearings were held in February 2006.

- **Review of Self-Help Stations Policy**

The Position Paper on the Review of Self-Help Stations Policy was published in February 2006. The Position Paper sets a new policy and licensing framework on the regulation of Self-Help Stations in South Africa.

- **Digital Migration/ Transition Strategy**

PDRD participated in initiatives to draft and support the DoC strategy for the transition process from analogue broadcasting to digital broadcasting in South Africa. In addition, the Authority has participated in the International Telecommunication Union (ITU)

processes to develop a digital plan for Europe and Africa. Trips were undertaken to the UK, Senegal, Switzerland, and Belgium. The aim is to ensure access to both analogue and digital broadcasting services during the period of transition.



*Public audience at the SABC hearings*

- **World Cup 2010**

South Africa won the right to host the FIFA 2010™ Soccer World Cup. The government of the Republic of South Africa has signed guarantees to FIFA to ensure the success of the tournament. The DoC pledged and signed Government Guarantees in terms of Telecommunications, Information Technology, the International Broadcast Centre (the IBC), and Media.

Coverage for the World Cup is said to comprise 70% telecommunications and 30% broadcasting. This means that a substantial amount of energy and resources will have to be put in place to successfully deliver on this guarantee.

PDRD represents the Authority in the DoC-led committee that is tasked with preparing for South Africa 2010. The Authority has to look at, amongst others, the guarantee issued, satellite news gathering services (SNGs), restrictions on the import and use of transportable earth stations, the impact of the Authority's Sports Broadcasting Rights Regulations, usage of high definition television (HDTV), and all issues pertaining to the IBC and the Media Centre.

In preparation for coverage of the 2010 World Cup ICASA's team has so far taken tours to Germany and the Netherlands. The team also attended the South African Business and Investors Congress in the run-up to the 2006 World Cup in Moggengladbach, Düsseldorf, Germany in September 2005.

- **Development of South African Music**

PDRD continues to play a role in the development and promotion of South African music. The Authority is a member of the South African Music Industry Cooperative Initiative (SAMICI). SAMICI is made up

of representatives from the music and recording industries, ICASA, the Department of Arts and Culture (DAC), the South African Music Rights Organisation (SAMRO), the South African Recording Rights Association Limited (SARRAL), the Musicians Union of South Africa (MUSA), the Recording Industry of South Africa (RISA) and other organisations. SAMICI is responsible for organising the annual Moshito Music Conference and Exhibition.

## Licensing, Monitoring and Complaints Department

The Licensing, Monitoring and Complaints Department (LMCD) consists of two Units, namely, the Licensing Unit and the Monitoring and Complaints Unit. The Licensing Unit is responsible for processing applications for Signal Distribution and Broadcasting licences for Sound and Television Broadcasting Services. This also includes applications for amendments and renewal of licence conditions.

The Monitoring and Complaints Unit is essentially responsible for protecting the public interest by ensuring that licensed broadcasters and signal distributors comply with their licence conditions. This includes control, ownership, programme content and funding. The unit, together with the Authority's Engineering Division, also ensures that broadcasters use the assigned frequencies and comply with the technical standards stipulated in their licence conditions.

The Monitoring and Complaints Unit is also responsible for receiving complaints from the public and may initiate complaints for adjudication by the Broadcasting Monitoring and Complaints Committee (BMCC). The BMCC is a standing committee, established under sections 21 and 22 of the Independent Broadcasting Authority (IBA) Act.



*ICASA Panel during the SABC hearings*

## Licensing Unit

In the year to date the licensing unit completed the following projects. (See Appendix B for a list of licences granted):

### Public Broadcasting Services

#### • SABC amendment process

In March 2004 the SABC applied to the Authority for an amendment to its licence conditions. The purpose of the application was to enable the SABC to reflect the reorganisation as required in terms of the Broadcasting Act. The Broadcasting Act, as amended, requires the SABC to reorganise itself into a Public Service Division and a Commercial Service Division.

The Authority published the applications and invited the public to submit representations in respect of the amendment. The Authority received 11 representations. The representations were received from, among others, e.tv, Primedia Broadcasting Limited, the Media Monitoring Project, the Media Institute of Southern Africa, Academy Movies, Y-FM, Kagiso Media, the Mafikeng Community Radio Initiative, Ingram Radio Sport Network and the Freedom of Expression Institute.

The Authority also received the SABC's response to the representations in July 2004. The public hearings in respect of the application and representations were held in September and October 2004. The draft licence conditions were published for comment in February 2005. The final amended licence conditions were issued in June 2005. With these new licence conditions, the Authority brought the SABC in line with all other broadcasters by providing them with detailed conditions, that address the mandate of all the SABC stations, be it public or commercial.

The SABC's amended licence conditions came into effect on 23 March 2006. The Monitoring and Complaints Unit is tasked with monitoring of the SABC's compliance with the new licence conditions. This Unit will publish an annual report on the SABC's compliance with the new licence conditions.

#### • SABC Regional Television Application

The Broadcasting Act provides that the SABC must, in compliance with its mandate, apply to the Authority within nine months of the commencement of the Broadcasting Amendment Act, to licence it to provide additional television services which are broadcast regionally. In November 2003 the Authority released the Position Paper on Regional Television. The policy framework outlined in the Position Paper paved the way for the licensing of Public Regional Television services. The Position Paper further stated that the regional television services would promote the use of marginalised languages. Programming in English would be prohibited in these services.



*SABC Board member Christine Qunta accepts SABC Licences from ex-ICASA Chairperson Mandla Langa*

Pursuant to the Broadcasting Act and the Position Paper on Regional Television, the SABC submitted its application for two regional television channels namely SABC 4 and SABC 5 in December 2003. The Authority published the applications for comments in January 2004. The Authority received representations from e.tv and Sentech. The SABC was given an opportunity to respond to the representations. The Authority conducted hearings in the Limpopo Province and the Western Cape during October 2004. Regional Television Licences for SABC 4 and 5 were granted but not issued to the SABC in June 2005 on condition that the SABC furnishes the Authority with sufficient proof of funding.

#### • SABC Amendments

The Authority received four amendment applications for Lotus FM, Lesedi FM, SABC 3 and SABC Self-help stations.

#### Lotus FM

The Authority granted SABC an amendment application to increase the Lotus FM coverage area to include the greater Port Elizabeth area, Eastern Cape Province. In this respect the Authority approved the proposal by the SABC that a spare PBS frequency 98.3 MHz be drawn from Suurberg and be allocated to Port Elizabeth. SABC further proposed that should 98.3 MHz spare PBS frequency be granted, it could in turn be replaced with 103.9 MHz as a spare frequency in Suurberg. The ultimate objective of the amendment was to enable Lotus FM to broadcast to the largest part of the Indian community in Port Elizabeth.

#### Lesedi FM

The Authority granted SABC an amendment application to increase the Lesedi FM coverage area in the greater Durban area, KwaZulu-Natal Province. In this respect, the Authority approved the proposal by SABC to use a spare PBS frequency 106.6 MHz as listed in the 2004 draft ICASA Terrestrial Broadcasting Frequency Plan. The

SABC submitted that a large Sesotho speaking community resides within the greater Durban community and that the use of frequency 106.6 MHz would increase listenership of the station by 17 883 Sesotho speaking people.

### **SABC 3**

The Authority approved an amendment application from the SABC to expand SABC 3's coverage in the area of Bethlehem and Ulundi and to upgrade the power of its Nelspruit transmitter. With respect to Bethlehem and Ulundi, the Authority approved the following additional frequencies for SABC 3: 839.25 MHz with an Effective Radiated Power (ERP) of 100 kW at Bethlehem and 231.25 MHz with an ERP of 50 kW at Ulundi. The Authority further approved the increase of ERP for SABC 3 in Nelspruit on the existing frequency, 591.25 MHz from 15 kW to 151.4 kW.

The SABC submitted that the proposed amendment was primarily aimed at the expansion of SABC 3's coverage in order to make its service available to emerging audiences in Bethlehem, Ulundi and Nelspruit areas, which according to the SABC did not have access to SABC 3.

### **SABC Self-help Stations**

The Authority approved the establishment of 37 new television Self-help Stations in order to achieve its mandate for universal service with respect to SABC 1, SABC 2 and SABC 3 in Herschel, Mount Fletcher, Maclear, Niekerkshoop, Leliefontein, Cookhouse, De Rust, Graafwater, Kuruman, Paulshoek, Petrusville, Slang Rivier, Steinkopf, Victoria West and Wemmershoek.



*Broadcasting stakeholders at a public hearing*

### **Commercial Broadcasting Services**

#### **• M-Net amendment process**

The Authority indicated, when renewing M-Net's licence in June 2002, that it had identified certain aspects of M-Net's licence

conditions that might warrant amendment in terms of the IBA Act. Accordingly, the Authority stated, in its reasons to renew M-Net's licence, that it proposed to initiate the necessary proceedings for that purpose.

The proposed amendments included, among others, deleting all reference to the "open window" therefore requiring M-Net to provide a purely encoded service available to its subscribers only. The purpose of the amendment was to ensure fair competition between licensees and compliance with such terms, conditions and obligations, as the Authority may generally impose on all licences issued in this category.

In June 2004 ICASA gave notice of its intention to effect various amendments to M-Net's licence in terms of the IBA Act, and called on interested parties to make written submissions on the proposed amendments. The Authority received representations from a number of interested parties. Hearings were held in January 2005 and again in April 2005.

Taking into account the written and oral representations made in June 2004 and March 2005, ICASA decided that M-Net's "open window" would be terminated with effect from 1 April 2007.

#### **• Commercial Sound Broadcasting licences in Secondary Markets**

The Authority is required, in terms of the IBA Act, to promote investment in the South African broadcasting industry. In 1996/7, the first phase of privatisation and issuing of new commercial licences saw licences being issued in the Gauteng, Free State, KwaZulu-Natal, Western Cape and Eastern Cape Provinces. The Authority decided, after a review of commercial broadcasting in 2003/4, that through regulated consolidation and the granting of additional Commercial Sound Broadcasting Licences, there would be a marked increase in investment opportunities in the broadcasting industry.

In line with its commitment to boost investment opportunities within the broadcasting industry, the Authority published the ITA for commercial sound broadcasting services in the secondary market in April 2005 for the Northern Cape, Mpumalanga, North West and Limpopo Provinces. The deadline for submission was set at 30 September 2005. The Authority received 11 applications for the licence in respect of the ITA. It is anticipated that hearings and decisions will be finalised by November 2006.

#### **• Amendments**

Subject to approval by the Authority, licence conditions may be amended at the request of broadcasters in terms of the IBA Act. The following amendment applications were granted during the year under review:



### **Midi TV (Pty) Ltd**

In July 2005 the Authority granted the application by Midi TV to establish 40 Self-help Stations in order to increase access to the signal of e.tv.

### **Radio Oranje (Pty) Ltd**

In October 2005 the Authority received an amendment application for the name change of Radio Oranje (Pty) Ltd to Seyalemoya Communications (Pty) Ltd and the shareholding amendment of Radio Oranje. Both applications were approved by the Authority in January 2006.



### **• Prior Approvals**

Applications for prior approval to licence conditions are normally granted where the section 52 amendment application is not necessary. During the year under review the following prior approval applications were granted:

### **P4 Radio Cape Town (Pty) Ltd and P4 Radio Durban (Pty) Ltd**

Makana Investment Corporation (Pty) Ltd owns both P4 Radio Cape Town (Pty) Ltd and P4 Radio Durban (Pty) Ltd through Makana Radio Communication (Pty) Ltd, its wholly own subsidiary. In 2005 the Authority approved an application by Makana Investment Corporation (Pty) Ltd for prior written approval for the acquisition by Tiso Group (Pty) Ltd and Kagiso Media Limited of 41.77% and 24.9%, respectively, of shares in Makana Radio Communication.

### **Orbicom (Pty) Ltd**

Orbicom is the holder of a broadcasting signal distribution licence issued in 1999. The Authority renewed the signal distribution licence in June 2004. In 1999 MultiChoice, through MIH Holdings Limited, a 100% subsidiary of Naspers Limited sold its 100% shareholding in Orbicom to MTN. In 2005 MTN, Orbicom and MultiChoice entered into an agreement in terms of which MultiChoice was to purchase 100% shares of MTN in Orbicom. As a result Orbicom

had to apply for prior written approval in terms of clause 4 of its Signal Distribution Licence Conditions. The Authority granted the prior written approval.

### **Community Broadcasting Services**

#### **• Community Sound Broadcasting licences in Nodal Point areas**

In November 2004, the Authority issued an ITA for four-year community sound broadcasting licences in the Nodal Point Areas in terms of the IBA Act. The ITA set out the material aspects of the application process, including the closing dates for the submission of applications, the provincial frequency plans and the application form. The ITA was published in November 2004.

The invitation for applications in the Nodal points was in line with the urban renewal strategy and integrated sustainable rural development strategy of the South African government. The deadline for submission was set at 1 June 2005 for urban applications and 30 October 2005 for rural applications. Four applications were received for stations in urban areas and 15 applications for stations in rural areas. The hearings were held in March and April 2006.



### **• Special Event Applications**

Special Event Licences are granted to non-profit entities for purposes of broadcasting community events or festivals over a short period of time not exceeding 30 days. Special Event Licences are not renewable.

During this period the Licensing Unit received 49 applications for special event licences. Of these 40 were granted and nine applications were refused. (See Appendix B)

### **Four Year Licences**

#### **• Review Application Process**

The Authority granted one Four-year Community Sound Broadcasting Licence to Link FM. Link FM applied in 1997 for a Four-year Community Broadcasting Licence in respect of

frequency 97.1 MHz in licence area 170 and the application was refused by the Authority. Link FM subsequently instituted review proceedings in the High Court of South Africa, the Eastern Cape Division. The High Court found in favour of the applicant and directed the Authority to hear the matter afresh. After considering the application the Authority decided to grant Link FM a Four-year Community Sound Broadcasting Licence, as it then met the necessary requirements.

- **Renewal**

The Authority received and granted renewal applications for Four-year Community Sound Broadcasting to Radio Alpha, Radio KC, Graaff-Reinet, UCT Radio and New Pan-Hellenic.

In terms of the IBA Act, the term of validity of a Community Sound Broadcasting Licence is four years. The broadcaster must apply for the renewal of its licence not earlier than six months and not later than three months before the expiry of such a licence. The IBA Act provides that the Authority shall refuse an application for the renewal of a broadcasting licence only if the licensee has failed to materially comply with the licence conditions, and the Authority is satisfied that the applicant would not so comply if its licence were renewed.



*Stakeholders during the launch of the Community Radio Invitation to Apply*

- **Amendments**

The Authority received and granted amendment applications from the following community sound broadcasting licensees: Greater Middelburg Community Radio and Radio Shimla. Radio Hindvani's application was refused.

**Greater Middelburg Community Radio**

Greater Middelburg Community Radio applied for an amendment to use Sentech Ltd as its signal distributor as opposed to providing its own Category 3 Signal Distribution Licence. The licensee submitted that its signal was poor or could not be received in the South Eastern parts of its licence area in areas such as Witbank/Emalahleni, Clevers, Lemmerkop, Hendrina, Loskop Mosesdal and some newly built up areas.

**Radio Shimla**

Radio Shimla applied for an amendment to use Sentech as its signal distributor as opposed to providing its own Category 3 Signal Distribution licence and to change its transmission site from the Sasol Library Building at the University of the Free State's main campus to a Sentech transmitter site at Naval Hill, Bloemfontein. The licensee further applied for an increase of its ERP from 20 Watts to 100 Watts and to change the station's name from Radio Shimla (RSFM) to Kowsie FM.

**Radio Hindvani**

Radio Hindvani applied for an amendment to relocate its transmitter from the Durban site to the Durban North site as well as an increase of its ERP from 0.25 kW to 3kW. Radio Hindvani further applied for an additional frequency (97.0 MHz) at the Pietermaritzburg site, which was refused. The licensee submitted that the amendment would assist Radio Hindvani in carrying out its mandate to provide a service to the Hindu community and to ensure that there is access to its services by their target community within the Durban Metropole and surrounding areas.

- **Low Power Licences**

The Authority invited applications for Low Power Sound Broadcasting Licences in February 2005. Subject to the approval of the Authority, Low Power Sound Broadcasting Licences are issued to cover small areas. The IBA Act defines a low power sound broadcasting service as a community, private or public sound broadcasting service which radiates power not exceeding 1 watt.

During the year under consideration the Authority granted Low Power Sound Broadcasting Licences to Kriel Info Radio, Voice of Wits and Radio Puk.

- **Test Licences**

The Authority receives and considers applications for Test Licences from any person, natural or juristic, for the purposes of testing new technologies or technology innovation within the broadcasting sector. This is in line with the provisions of the IBA Act which, amongst others, encourages the promotion of research into broadcasting policy and technology. The duration of the test licence is limited to twelve months and the licensees are obliged to furnish the Authority with a report that captures the test results.

Applications for Test Licences were granted to M-Net/MultiChoice for a DVB-H Test Licence and Q Digital Cable Vision for a Cable Television Test Licence.

**M-Net**

The Authority granted M-Net the Test Licence to conduct Experimental Mobile Television Transmissions (DVB-H) in August 2005 for a period of twelve months.

### Q-Digital Cable Vision

In 2005 the Authority granted Q-Digital Cable Vision a licence to test a combination of Hybrid Fibre Coaxial Television technology system solutions to deliver video and data services. The network would also allow the system to have high spectral efficiency, a robust resistance to noise, and exceptional flexibility to deliver a multitude of premium digital services such as video on demand, voice and commercial data transport.

### Monitoring and Complaints Unit

ICASA's Monitoring and Complaints Unit (MCU) is divided into two sections. The Monitoring Section is responsible for monitoring compliance by licensed broadcasters with the IBA Act; the Broadcasting Act, as amended, relevant regulations and licence conditions. The Complaints Section is responsible for the receipt, processing and prosecution of complaints. This section further plays the role of Registrar of Complaints for the BMCC.



*Election Monitors during the 2006 Local Government Elections*

#### • Monitoring

A major component of the Monitoring Unit's work is the monitoring of licensed broadcasters and compilation and publication of monitoring reports. The monitoring process involves the comparing of the actual performance of a broadcaster with the criteria set out in the licensing conditions, regulations and the applicable legislation. Reports on the performance of licensees are sent to Council and the Licensing Unit on a regular basis. They are also used when considering renewal or amendment of applications. Monitoring visits are undertaken when a broadcaster is experiencing difficulties with compliance or has just commenced its broadcasting services. During the period under review, monitoring officers produced and published 163 reports.

In addition to publishing monitoring reports the monitoring section conducted 35 monitoring visits during this period.

#### Monitoring visits

Province	Commercial	Community
Gauteng	2	6
Mpumalanga		1
KZN	2	5
Eastern Cape	1	6
North West		2
Free State		3
Western Cape		7
TOTAL	5	30

#### • Complaints

The Complaints Section manages about 10 - 15 complaints a month. On receipt of any complaint, the unit either investigates the complaint or refers it to another relevant authority such as the Broadcasting Complaints Commission of South Africa (BCCSA) or the Advertising Standards Authority (ASA). The average time for assessing a complaint from receipt to finalisation is between three to four weeks.

During the period under review, the Complaints Section received 69 complaints.

#### Total Complaints per Category

Complaints	Quantity
Advertising	03
Blasphemy	00
Defamation	07
Hate Speech	01
Mismanagement	19
Other	21
Pornography	01
Programming	13
Technical	04
TOTAL	69

#### Geographic breakdown of complaints

Province	Quantity
Eastern Cape	11
Free State	06
Gauteng	24
KwaZulu-Natal	09
Limpopo	03
Northern Cape	04
Mpumalanga	01
North West	03
Western Cape	08
TOTAL	69

• **Broadcasting Monitoring and Complaints Committee (BMCC)**

The BMCC is a standing committee of Council established in terms of the IBA Act, 153 of 1993. The BMCC adjudicates complaints that have been referred to it by the MCU and considers matters of policy relating to compliance of broadcasters. The membership of the BMCC now comprises of Advocate Jules Browde, SC (Chairperson); Ms Irene Baloyi; Mr Yaswant Gordhan; Advocate Fayeeza Kathree; Ms Irene Menell; Ms Keneiloe Mohafa; Dr Sophia Mosime; Prof Nomvula Mtetwa; Advocate Mhlangeni Mthembu; Prof Nomvula Mosime; Ms Renee Smith and Prof Tina Uys. The Councillor representing ICASA is Councillor Nadia Bulbulia.

Ms Keneiloe Mohafa resigned in November 2005.



A BMCC hearing in session

On receipt of a complaint the broadcaster involved is requested to respond to the complaint within three working days. In the event that the complainant is not satisfied with the response given by the broadcaster, the matter is referred to the Chairperson of the BMCC to decide whether it warrants a BMCC hearing or not. Should the Chairperson decide that the matter warrants a formal hearing, the BMCC, represented by no less than three members, convenes to adjudicate the complaint.

The BMCC normally meets on a quarterly basis or at such intervals as it may deem necessary. During the year under review, the BMCC held meetings in April, August, September, November 2005 as well as in February 2006. Hearings were held in respect of the following broadcasters:

**Radio Lichtenburg**

On 21 September 2005 the BMCC heard a submission made by the Association of Voluntary Workers of Radio Lichtenburg which lodged a complaint against the station. The complaint included allegations relating to failure by Radio Lichtenburg to convene an AGM, lack of community participation, failure to keep programme recordings, lack of gender equity on the Board, broadcasting of

Radio Pretoria's programmes and refusal by the Board to hold meetings with the Voluntary Association.

The BMCC found that Radio Lichtenburg had contravened its licence conditions and recommended to the Authority that a fine of R2 000.00 be imposed, payment thereof would be suspended until September 2006 on condition that no further contraventions of the allegations take place during that period.



Radio Lichtenburg BMCC hearings

**Radio Grahamstown**

On 22 September 2005 the BMCC held a formal hearing against Radio Grahamstown for alleged failure to furnish its audited Financial Statements in terms of its licence conditions and furnish log sheets of all programmes broadcast in a form acceptable to the Authority.

The BMCC recommended that the station be called upon to furnish the required log-sheets and the audited Financial Statements for the last financial year by the last day of September 2005. Since the contraventions were seen in a serious light and prevented the MCU from properly monitoring the station, a fine of R2 000.00 was imposed. However, the fine was suspended pending the submission of financial statements and log sheets to the Authority by the station.

**South African Jewish Board of Deputies vs. Voice of the Cape**

On 22 September 2005 the BMCC held a formal hearing on a complaint lodged against Voice of the Cape by the South African Jewish Board of Deputies.

The South African Jewish Board of Deputies complained that on 10 September 2004 a programme entitled "Religion on Friday" contained a number of deeply offensive and hurtful attacks on Jews and Jewish religion.

The BMCC ruled that the station apologise unreservedly and unequivocally on air for any offence caused to the Jewish community as a result of the broadcast.



### **Radio Graaff- Reinet**

On 22 December 2005 a BMCC hearing was held in respect of a complaint relating to non-compliance by Radio Graaff-Reinet with its licence conditions. The MCU alleged that the station failed to furnish the Authority with an agreement from Sentech to provide the station with its signal distribution. The station failed to submit audited Financial Statements in accordance with Generally Accepted Accounting Practice (GAAP) and failed to hold an AGM to ensure community participation.

The BMCC recommended the immediate suspension of the licence issued to Radio Graaff-Reinet. The suspension was effective until the end of January 2006. Radio Graaff-Reinet was ordered to conclude a signal distribution contract with Sentech and to convene a Special General Meeting. It further ordered that the community be properly informed of the meeting, its date, time and venue, and that the community must elect a competent Board to replace that which had demonstrated incompetence. These conditions were to be met before the end of January 2006. In the event that the station fail to comply with these conditions within the stipulated period, the BMCC recommended that the licence be revoked.

### **Maritzburg Radio**

On 12 December 2005 a hearing took place into the broadcaster's admitted breach of its licence conditions which state that, the licensee must broadcast for 24 hours per day or such lesser period as may be approved by the Authority and that the licensee must broadcast continuously during the licensed programming hours and may not stop broadcasting unless due to factors beyond its control or with the written consent of the Authority.

The station was given a final opportunity to solve its problems by the end of January 2006. The condition imposed was that the Golden Horse Casino, potential funder of the station, must provide a satisfactory written undertaking that would convince Sentech to resume its signal distribution services to the station, to assist the station to restore the working conditions of the broadcast equipment and also to provide the station with its necessary running expenses until the end of June 2006. Should the station fail to achieve this agreement by the end of January 2006 its licence would be revoked.

### **• 2006 Local Government Elections**

The 2006 Municipal Elections were held on 1 March 2006. ICASA is empowered in terms of the IBA Act to monitor Party Election Broadcasts (PEBs), Political Advertisements (PAs), and the equitable treatment of political parties by broadcasting licensees during the election period.

The MCU was tasked with the monitoring of the broadcasters' coverage of the elections. The MCU employed 23 temporary

monitoring officers for the purposes of this project. The monitoring of elections commenced on 23 January 2006 and was completed on 10 March 2006.



*Drawing of lots for Political Parties*