



MADIBENG COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2025

M Ramusi (Chairperson), T Faye, C Mushi, N Nontombana,
N Sithole (Councillors), T Maluleka – Disemelo (CEO)

2023/2024 ANNUAL COMPLIANCE REPORT

MADIBENG COMMUNITY RADIO

LICENCE PERIOD: 06 AUGUST 2019 – 05 AUGUST 2026

1. PREFACE

The Independent Communications Authority of South Africa (“Authority”) has a statutory mandate in terms of the Constitution, the Independent Communications Authority of South Africa Act¹ (“ICASA Act”), the Electronic Communications Act² (“ECA”) to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or regulations.

The purpose of the report is to give an account of Madibeng Community Radio’s compliance performance with the terms and conditions as set out in its licence for the 2023/2024 financial year. Aspects of compliance that are measured comprise the Licence Area, Community, Programming, South African Music Content Regulations and Regulations regarding Standard Terms and Conditions for Class Licensees.

2. BACKGROUND

Madibeng Community Radio is a class broadcasting licensee serving the geographic community of Madibeng and surrounding areas as set out in the Licensee’s radio frequency spectrum licence.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the schedule to the licence stipulates that:

1.1 Name of Entity: Madibeng Community Radio

¹ Act No. 13 of 2000, as amended

² Act No. 36 of 2005

1.2 *Name of the Station: Madibeng Community Radio Station*

Control of Licensee: Control shall vest in the Board of Directors of Madibeng Community Radio.

The Licensee is licenced under the registered entity, an NPO called Madibeng Community Radio, and with the broadcasting/trading name known as Madibeng Community Radio. However, the monitoring exercise revealed that the radio station is known as or is trading as Madibeng FM. The radio station did not submit the required application to change its details pertaining to the trading name with the Authority.

The Licensee does not comply with clause 1 of the Schedule to its licence.

3.2 **Licence Period**

Clause 2 of the schedule to the licence stipulates that:

2.1 The effective date of the Licence is 06 August 2019

2.2 The Licence shall expire on 05 August 2026.

Madibeng Community Radio holds a valid licence during the review period and at the time of this report.

The Licensee has complied with clause 1 of the Schedule to its licence.

3.3 **Licence Area**

Clause 3 of the schedule to the licence provides that the Licensee's coverage area is as outlined below:

"The Licensee shall provide services to Madibeng and surrounding areas as set out in the Licensee's radio frequency spectrum licence."

The monitoring exercise confirmed that Madibeng Community Radio broadcasts to the area of Madibeng and its surroundings.

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

3.2 Community

Clause 4.1 of the schedule to the licence stipulates that:

"The Licensee shall provide services to a geographic community residing within the geographic coverage area as aforesaid."

The monitoring exercise confirmed that Madibeng Community Radio broadcasts to the area of Madibeng and its surrounding areas.

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

Clause 4.2 of the schedule to the licence provides as follows:

"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 2 (two) 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 as the attendance thereof by members of the community".

Clause 4.2 above outlines specific requirements for community engagement, which Madibeng Community Radio did not meet. The Licensee did not hold the required community meetings to discuss programming and programme-related policies, which effectively means the Licensee failed to provide a platform for community participation. Furthermore, the radio station provided no evidence of such meetings to the Authority.

The Licensee does not comply with clause 4.2 of the Schedule to its licence.

Clause 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 license 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".

Clause 4.2.3 mandates that Madibeng Community Radio hold AGMs for crucial reasons, including, but not limited to, reporting on its licence compliance, reporting on the operational and financial performance of the radio station, and convening board elections. The Licensee's failure to conduct these AGMs points to significant governance deficiencies and a lack of accountability to its community.

The Licensee has been advised, repeatedly, to adhere to AGM obligations. However, Madibeng Community Radio has consistently ignored these directives, demonstrating a clear pattern of non-compliance and an apparent belief that it can operate the licence without adhering to regulatory obligations.

The Licensee does not comply with clause 4.2.3 of the Schedule to its licence.

3.3 Programming

Clause 5.1 of the schedule to the licence provides for the Licensee's programming as follows:

Clause 5.1.3. **Format:** *"40% Talk and 60% Music."*

The monitoring exercise found Madibeng Community Radio consistently exceeding its talk quota, approaching a 50/50 talk-to-music ratio, which signifies non-compliance. Should the Licensee desire to increase its talk content, they are required to formally apply for a format amendment with the Authority and further provide a comprehensive rationale or motivation for the requested change. At the time of compiling this report, no such request had been made by the Licensee.

The Licensee does not comply with clause 5.1.3 of the Schedule to its licence.

Clause 5.1.1: **News and Information:** *The licensee shall broadcast a total of sixty (60) minutes of news per day of which 50% will be local, 40% national and 10% international news.*

Madibeng Community Radio was found to be in contravention of its News and Information obligations with respect to its failure to adhere to the quotas.

Clause 5.1.1 mandates 60 minutes of daily news broadcasts, with specific local, national, and international quotas. Madibeng Community Radio was found to be in contravention of this clause. Notably, the Licensee did not broadcast any news bulletins on Saturdays or Sundays.

The Licensee averaged only 40 minutes of news per weekday, which is a substantial shortfall from the required 60 minutes. This weekday deficit is compounded by the complete absence of news bulletins on both Saturdays and Sundays, indicating a total failure to comply with weekend news obligations.

To meet the news and information requirements of Clause 5.1.1, Madibeng Community Radio must take immediate action to either increase the number of daily news bulletins or lengthen the existing bulletins.

The licence further requires Madibeng Community Radio to prioritize local news, with a 50% local news quota. However, the monitoring exercise revealed that the Licensee's news bulletins predominantly focused on national news, thereby failing to give adequate salience to local issues. This imbalance represents a non-compliance with the license's percentage breakdown above. International news was also found to be insufficient.

The Licensee does not comply with its news and information obligation.

Clause 5.1.2 of the schedule to the license provides that:

"South African Music Content: 80%"

While Madibeng Community Radio achieved the minimum required South African music content as outlined in Clause 5.1.2, it was observed that the radio station's music selection heavily favoured gospel music. The overwhelming prevalence of gospel music raises concerns, as it could easily be perceived as a Christian community of interest radio station. This perception is incorrect as the station is licensed as a geographic community broadcaster, not one targeting a specific interest group.

The Licensee complies with its South African Music Content obligation.

3.4 Language(s) of broadcast

Clause 5.1.4 of the schedule to the licence provides that the languages of broadcast are as follows:

5.1.4.1 Setswana – 30%;

5.1.4.1 English – 30%;

5.1.4.1 Sesotho – 15%;

5.1.4.1 isiXhosa – 10%;

5.1.4.1 isiZulu – 10%; and

5.1.4.1 XiTsonga – 5%;

Clause 5.1.4 stipulates specific language quotas that Madibeng Community Radio did not meet. Setswana is the primary language of broadcast, with English only minimally used and no presence of the other mandated languages.

Madibeng Community Radio must implement immediate corrective measures in order to comply with this requirement. These may include developing a language-based programming calendar or partnering with local language and cultural organizations for content and talent development.

The Licensee does not comply with its language quotas.

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".

Madibeng Community Radio fails to submit monthly program logs to the Authority, as required. Additionally, the radio station does not maintain proper and reliable audio recordings, both of which are regulatory requirements.

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

3.5 Notices and Addresses

Clause 7 of the schedule to the licence stipulates that:

"The licensee chooses the following as its principal address"

7.1 Postal Address: *Old Shopping Complex, 59 Karee Street, Mooinooi, 0325*

7.2 Physical Address: *Old Shopping Complex, 59 Karee Street, Mooinooi, 0325*

Clause 7 of Madibeng Community Radio's license specifies their principal address as Old Shopping Complex, 59 Karee Street, Mooinooi. However, their social media platforms indicate a relocation to 45 Van Velden St, Plaza Building, Brits.

The Licensee failed to inform the Authority of this change using the prescribed forms and within the stipulated timeframes. Furthermore, their contact details, including email addresses and phone numbers, are not current and were not updated with the Authority. This represents a clear contravention of the Standard Terms and Conditions Regulations.

The Licensee does not comply with clause 7 of the Schedule to its licence.

4. REGULATIONS

4.1 South African Music Content

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".

Madibeng Community Radio met the 80% South African music content requirement as per the above regulations. However, the radio station's playlist was predominantly dominated by the gospel genre.

The Licensee complies with the South African Music Content Regulations.

4.2 Regulations Regarding Standard Terms and Conditions for Class Licenses.

4.2.1 A Licensee must submit written notice to the Authority within fourteen (14)

days of occurrence of the following changes:

(a) the name of the Licensee;

(b) contact details including the contact persons (e.g. telephone, fax, cell number and email);

(c) Board of Directors or Trustees;

(d) Principal place of business; and

(e) Postal address."

Regulation 2(1) of the Amendment Standard Terms and Conditions Regulations for Class Licences mandates that licensees must submit written notice to the Authority within fourteen (14) days of changes to their name, contact details, board, principal place of business, and postal address. Madibeng Community Radio failed to submit the required notice regarding changes to their principal place of business and contact details.

4.2.2 The monitoring exercise revealed that the Station Manager occupies dual roles by also being a presenter on the radio station, which is in contravention of Amendment Standard Terms and Conditions for Class Licences, 2021, which provide that:

"(14 A) The Board of Directors/Trustees and Station Management must not occupy a dual role with regard to being members of the Board, Trustees, Managers, and simultaneously being presenters at the radio station".

The Licensee was found to be in contravention of the same Regulations previously, and therefore, this non-compliance is viewed in a very serious light.

The Licensee does not comply with the Amendment Standard Terms and Conditions for Class Licenses.

5. CONCLUSION

In conclusion, Madibeng Community Radio demonstrated significant non-compliance across multiple areas of its licence obligations and relevant Regulations. The Licensee consistently failed to adhere to requirements regarding community participation, programming format, news and information quotas, language quotas, record keeping, and address updates. This pattern of non-compliance raises serious concerns about the Licensee's governance and operational integrity. The observed non-compliance of Madibeng Community Radio will be referred to the Complaints and Compliance Committee (CCC) for adjudication.

6. TERMS OF REFERENCE

- 6.1 Annexure A: Madibeng Community Radio Station Class broadcasting service and spectrum licence
- 6.2 Annexure B: Regulations on South African Music Content
- 6.3 Annexure C: Regulations on Standard Terms and Conditions for Class Licences

END