



MAKHADO FM ANNUAL COMPLIANCE REPORT

MARCH 2017

2015/2016 ANNUAL COMPLIANCE REPORT: MAKHADO FM

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 Electronics Communications Act³ (EC Act) 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 ensure compliance by broadcasting service licensees with the terms and conditions of their licence and relevant legislation and regulations.

The purpose of the report is to give an account of Makhado FM's compliance with the terms and conditions as set out in its service licence for the 2015/16 financial year end. Aspects of compliance that are measured comprise of Control Structure, Licence Area, Community Participation, Programming, Promise of Performance, South African Music Regulations and Standard Terms and Conditions for Class Licences.

2. BACKGROUND

Makhado FM was awarded a class sound broadcasting licence to provide a service to a geographically founded community in Makhado and surrounding areas in the Limpopo Province. According to the South African Advertising Research Foundation (SAARF), the listenership figures for the last quarter of the period under review is 60 000⁵. The licence is valid from 08 December 2013 until 07 December 2018.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details ⁶

Clause 1 of the service licence reads:

"The Licence is issued to:

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

² Act No. 13 of 2000 as amended

³ Act No. 36 of 2005

⁴ Act No. of 1999

⁵ <http://www.saarf.co.za/rams-community/2016/RAMS%20MAR%202016-Audience%20Community.pdf>

⁶ Annexure 6.1: Makhado FM service licence

- 1.1 *Name of Entity: Lounde Media Resources Centre*
- 1.2 *Name of the Station: Makhado FM*
- 1.3 *Control of the Licensee: Control shall vest in the Board of Directors of a Lounde Media Resources Centre.*

No changes were made to the Licensee's contact details and controlling structure.

The Licensee complies with clause 1 of the service licence.

3.2 Licence Area

Clause 3 of the service licence stipulates that Makhado FM's coverage area is:

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

The Licensee covers the areas as defined in its frequency spectrum licence. Its signal distributor is Sentech. During the period in review, no complaints were lodged against the Licensee regarding interference or non-compliance with its technical specifications or coverage area.

The Licensee complies with the clause 3 of the service licence.

3.3 Community

Clause 4.1 of the service licence stipulates that:

"The Licensee shall provide services to the geographic community residing within the geographic coverage area specified herein".

The Licensee's studios are based in the town of Louis Trichardt (Makhado) and broadcasts to surrounding areas around Makhado such as Elim, Sinthumule, Madombidza, Vleifontein amongst others.

The Licensee complies with clause 4.1 of the service licence.

Clause 4.2 of the service licence stipulates 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;

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;

Makhado FM submitted two sets of minutes of meetings held with members of its Programming Committee on 05 February 2015 and 20 February 2016 respectively. The first meeting was outside of the period under review so it will not be considered and the radio station did not allude to any other meeting except the February 2016 meeting. The meeting held on 20 February 2016 was focused on the feedback from the public through a phone in programme and certain recommendations were made which included allowing listeners participation with regards to community diary, alerts and weather reports. The Licensee submitted the attendance register of the meetings to the Authority⁷.

The Licensee held one meeting instead of the required two for the period under review, and therefore was found to have partially complied with clause 4.2.1 of the service licence.

4.2.3 The Licensee shall hold an Annual General Meeting (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.

⁷ Annexure 6.2: Makhado FM 's Fan Club minutes and attendance register

The Licensee submitted that it did not convene an Annual General Meeting for the period under review. The radio station cited that it is busy preparing for a reporting AGM of the 2015/16 financial year to be held on 25 February 2017.

The Licensee does not comply with clause 4.2.3 of the service licence.

3.4 Programming

Clause 5.1 of the service licence stipulates that:

"The Licensee shall provide programming as follows:

3.4.1 Local News and Information

Clause 5.1.1 of the service licence stipulates that:

"The Licensee shall broadcast news to a total of fifty (50) minutes per day, of which 70% minutes shall be local, 15% provincials, 10% national and 5% international news".

The monitoring exercise conducted for the period under review indicated that Makhado FM broadcasts news bulletins from 07h00 – 11h00 in Tshivenda with Xitsonga news bulletins from 13h00 until 17h00 during weekdays. Five news bulletins are broadcast on Saturday and Sunday. The news is approximately 4 minutes long. An average of 40 minutes of news was monitored per day during weekdays and twenty (20) minutes during the weekends.

Among the news stories covered for the period under review were extracts from certain broadcasts, as follows:

1. *"Nwana wa mubishopo Vho Desmond Tutu o do tuthetshela kereke ya Anglican nga murahu ha musi o di dzhenisa kha mbingano ye a do malana na mufumukadzi. Reverend Mpho Tutu uri zwa u funza ndi zwinwe zwa zwithu zwine zwavha uri zwa zwino haho khazwo nga murahu ha musi o malana na mufumakadzi uyo";*
2. *"Mulilo we wa dovha hone wo do vhulaya vhathu vha fumi sumbe ngeno vhatanu vho tou huvhala. Mulilo wonowo ndi we wa dovha hone mulovha*

nga Swondaha he vhana vhane vha vha na minwaha ya u thoma kha mitanu u swikela kha fumi mbili vha vha vho edela afho tshikoloni. Tshikolo tshenesho ndi tsha vhana vha vhasidzana; and

3. *"Mulai wa bvumo wa ngei Thohoyandou Ndivhuwo Gofrey Ntsieni o gwevhiwa u dzula dzhele lwa minwaha ya dana mbili futhanu nga khothe khulwane ya Thohoyandou. Ntsieni o netshedzwa u dzula dzhele lwa vhutshilo hawe hothe katahe kha milandu mitanu ya u vhulaha, mina ya u tshipa ngeno minwaha ya fumi na mitanu I ya u hamboka.*

The Licensee did not comply with clause 5.11 during the period under review.

3.4.2 South African Music Content

Clause 5.1.2 of the service licence on South African music stipulates:

"The Licensee shall broadcast 70% of South African music content".

The Licensee submits their Form 8A general log sheet in accordance with the frequency and format as outlined in the Compliance Procedure Manual Regulations⁸. The radio station's submission shows that the local music percentages have been improving throughout the year under review but still does not meet the 70% obligations. The average from the submission is between 55% and 70% throughout the different months.

Between 55% and 60% was monitored during the period under review. Some of the artists that were monitored included Rhythm Element, Paul Mulaudzi, Joe Shirimane, Miriam Makeba, Brian Bomba, Hugh Masekela amongst others.

The Licensee broadcasts programmes such as "the National Top 20" on Saturdays between 10h00 and 12h00 playing mostly South African music.

The Licensee has , during the period under review, failed to comply with its promise of performance contemplated in clause 5.1.2 above.

⁸ Annexure 6.3: Form 8A

3.4.3. Talk vs Music

Clause 5.1.3 of the service licence stipulates that the format is as follows:

"60% talk and 40% music".

Makhado FM submits that it broadcasts 60% talk and 40% music comprising a variety of programme genres which are reflective of the demographic nature of the coverage area.

The monitoring exercise confirmed that the Licensee's format more inclined to talk than music. The Licensee broadcasts talk show format programmes such a sports focused programme from 17h00 until 18h00, followed by current affairs programme until 19h00 with educational programmes in the last hour until 20h00.

The Licensee was found to be compliant with clause 5.1.3 of the service licence.

3.4.4 Language (s) of broadcast

Clause 5.1.4 of the service licence stipulates that the languages of broadcast are as follows:

- (a) 5% English
- (b) 60% Tshivenda
- (c) 15% Xitsonga
- (d) 20% Sepedi

The Licensee's radio presenters are conversant in and broadcast programmes in both Tshivenda and Xitsonga. The news bulletins are in all languages. There was no content broadcast in Sepedi. Some programmes were broadcast in English.

The Licensee's failure to broadcast in Sepedi language during the period under review, renders it non-compliant with clause 5.1.4 above.

3.4.5 Promise of Performance

Clause 8.1 of the service licence stipulates that:

"The Licensee shall broadcast programmes relating to combating crime, drug abuse, poverty and HIV/AIDS".

While the the Licensee engages its listeners on some of the challenges affecting listeners from their coverage area, through its daily programming, the Licensee does not have specific shows dedicated to addressing the specific issues that are outlined in the promise of performance.

During the period in review, the Licensee was found to be non-compliant with clause 8.1 above.

4. REGULATIONS

4.1 South African Music Content Regulations

The Regulations on South African Music Content as published on 31 January 2006 stipulates that:

"Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% 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".

The Licensee has in its licence condition a minimum of 70% of local music and it plays between 55% and 60% which is above the 40% minimum requirement stipulated in the music regulations. It should be noted that the radio station does broadcast considerable amount of music from Limpopo area giving exposure to those artists.

The Licensee was found to be compliant with the South African Music Content Regulations.

4.2 Standard Terms and Conditions for Class Licences

The Authority is satisfied that during the period under review the Licensee did not contravene the regulation in respect of the Standard Terms and Conditions Regulations for class Licences.

5. CONCLUSION

Over the years, the radio station has been engulfed with serious problems related to governance issues. Several interventions were made and these were resolved successfully. To date, there are areas of improvement related to compliance with licence terms and conditions. It is against this backdrop that this report concludes that whereas strides have been taken by the Licensee to comply with certain obligations as per the licence terms and conditions and relevant regulations, the Licensee has failed to comply with its language, music (as per promise of performance) and news obligations as well as community participation.

The Licensee will be engaged yet again to assist it to fully comply. It would appear that the Licensee is not utilising the format factors to its advantage, which is geared at incentivising Licensees who are struggling to meet their local music obligations. Noteworthy is the fact that the Licensee has programmes that can be utilised to address the different issues outlined in the promise of performance which are currently not being fully utilised for this purpose.

6. APPENDICES

- 6.1 Makhado FM service licence;
- 6.2 Makhado FM's Fan Club minutes and attendance register;
- 6.3 Form 8A submission
- 6.5 South African Music Content Regulations; and
- 6.6 Standard Terms and Conditions Regulation for Class licences