



MOLETSI FM ANNUAL COMPLIANCE REPORT

FEBRUARY 2017

2015/16 ANNUAL REPORT

MOLETSI COMMUNITY MEDIA BROADCASTING AS MOLETSI FM

LICENCE PERIOD: 24 OCTOBER 2013 - 23 OCTOBER 2018

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronics Communications Act³ (ECA) and the Broadcast Act⁴ to regulate broadcasting activities in South Africa in the public interest. One of the main task of the Authority, is to ensure compliance by broadcasters with the terms and conditions of their licence, the three Acts mentioned already and any relevant legislation and regulations.

The purpose of the report is to give account of Moletsi Community Media's performance with the terms and conditions as set out in its licence for the 2015/2016 financial year. Aspects of compliance that are measured comprise of Licence Area, Community Participation, Annual General Meeting (AGM), Local News and Information, Programming, Languages, Broadcast Hours, Promises of Performance, South African Music Content Regulations, and Regulations on Standard Terms and Conditions.

2. BACKGROUND

Moletsi FM is a geographically founded community radio station; serving the interests and needs of Moletsi and surrounding villages in the North West of Polokwane in the Limpopo Province. According to the radio station, the population is +-1 200 000 and of this number, its listenership is approximately 850 000.

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

² ICASA Act No: 13, 2000 as amended

³ EC Act No: 36 of 2005

⁴ Broadcasting Act No:4 of 1999

3. COMPLIANCE ASSESSMENT

3.1 LICENSEE

Clause 1 of the licence terms and conditions stipulates that:

"The Licensee is issued to:

- 1.1 Name of the Entity: Moletsi Community Media.*
- 1.2 Name of the Station: Moletsi Community Radio.*
- 1.3 Control of the Licensee: Control shall vest in the Board of Directors of Moletsi Community Media.*

The Licensee confirmed that the name of the radio station is still as stipulated in the licence and that control is still vested with the Board.

The Licensee complies with clauses 1.1, 1.2 and 1.3 respectively.

3.2 LICENCE AREA

Clause 3 of the licence stipulates that:

"The Licensee shall provide services in Moletjie and surrounding villages in the Limpopo Province as set out in the Licensee's radio frequency spectrum licence."

The Licensee confirmed that the radio station is still broadcasting in the areas as stipulated in the licence. The Authority can confirm that there were no complaints received during the period under review, indicating that the Licensee is not compliant with the above clause.

The Licensee complies with clause 3 of its licence.

3.4 COMMUNITY PARTICIPATION

Clause 4.1 of the licence stipulates that:

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

The Licensee caters for areas within Polokwane, Blouberg, Lepelle Nkumpi, Molemole, and Aganang Municipalities in the Capricon District (Limpopo Province) and part of Waterberg District.

The Licensee complies with clause 4.1 of its licence.

Clause 4.2 of the licence stipulates 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 two (2) meetings annually with its community on programming and programme-related matters for the selection and provisioning 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".

According to the Licensee, it has a Listeners Forum and this body meets quarterly with the station's management on programming matters. Proof of such meetings as well as attendance register were duly submitted to the Authority.

The Licensee complies with clause 4.2.1 and 4.2.2 respectively.

Clause 4.3 of the licence stipulates as follows:

"The Licensee shall hold Annual General Meetings (AGM) for the following purposes:

4.3.1 To provide feedback on the Licensee's compliance with the licence conditions;

*4.3.2 To provide feedback on the Licensee's operational and financial performance;
and*

4.3.3 To elect members of the controlling structure e.g. Board of Directors, Trustees etc. subject to the licensee's founding documents".

The last AGM was held on 22 September 2016 and it was a reporting AGM. Feedback on organisational, financial report and compliance matters was provided. At this

meeting, the Licensee stated that it complies with its licence obligations in that it convenes the AGM annually in line with the prescripts.

At the AGM, The Licensee reported that their application to register the radio station to Central Data Base was rejected on three occasions due to some Board members being government employees. Accordingly, the AGM took a resolution that the affected Board members should resign and that they should co-opt new people to serve in the Board. The co-opted Board are noted with a star (*) sign. The rest are Board members that have been serving on the Board since August 2013. The term of office of the Board is five (5) years.

1. Advocate Thomas Ntsewa - Chairperson
2. Mr Johannes Mokoele - Deputy Chairperson (*)
3. Mr Kwena Daniel Makololo – Secretary (*)
4. Ms Lessie Lesibana Selepe - Deputy Secretary
5. Mr Manyelo James Matsi – Treasurer (*)
6. Advocate Keneilwe Mabapa – PRO (*)
7. Ms P.N. Makgoka - Additional member
8. Mr C. Matlou - Additional member
9. Mr M.M. Seanego - Additional member
10. Mr Rufus Meyaha - Additional member
11. Mr N. Mohlahlana - Additional member

In addition, Regulations 7 (a) of the Standard Terms and Conditions stipulates that:

"A Licence must be owned by community members with the Board of Directors as custodian of the licence".

The Licensee confirmed that the licence is controlled by the Board of Directors who are not office-bearers of any political party.

The Licensee was found to be in compliance with clause 4.2 of the licence, Regulation 7 (a) of the Standard Terms and Conditions and the provisions of section 52 of the ECA.

3.5. PROGRAMMING

Clause 5.1 of the licence stipulates that the Licensee shall provide programming as follows:

3.5.1 LOCAL NEWS AND INFORMATION

Clause 5.1.1 of the licence stipulates that:

"The Licensee shall broadcast a total of 41 minutes of news per day, of which 20 minutes shall be local, 14 minutes national and 7 minutes in international news".

The Authority's monitoring exercise revealed that the radio station broadcasts a total of 45 minutes of news bulletin per day and exceeds the above requirement. However, most of the news are not local, the majority is national and Provincial news. The international news is not broadcast at all. The news broadcast is between four (4) and five (5) minutes.

The radio station has nine (9) news bulletins. The first news bulletin commences at 08h00 and the last news bulletin is broadcast at 17h00. On weekends, there is no news broadcast.

The following news excerpts were covered during the period under review:

3.5.2 LOCAL NEWS (20 MINUTES)

The monitoring exercise revealed that the Licensee does not broadcast local news as stipulated in the licence. Most of the news bulletins are provincial and national instead of news taking place in Moletjie and the coverage areas. In total, 12 minutes of local news was monitored during the period under review as follows:

- *"A man who is accused of killing a child of 9 years old from his ex-girlfriend who lived in Mokopane has been denied bail at the Mankweng Magistrate Court yesterday. Local residents were present at the Court to listen to the murder case". The 9 years old Katlego Lesenyo has since disappeared from his home and was unfortunately found dead in a plastic bag. The residents held placards with strong messages written on it, one of the placards read that 'the accused,*

Jimmy Makhubela must be released so that we the community can deal with him for killing our son'. The case was postponed to August".

- *"North West Police says that 2 man were arrested for murder and illegal firearms. Colonel Sibatha Motaung says the accused were arrested during their routine patrol in Potchefstroom. He said that they were 3 but the 3rd one ran away at the time the police try to apprehend them. The police said that they will be remanded in custody till they go to Court".*

The Licensee did not fully comply with the above-mentioned obligation of 20 minutes of local news.

3.5.3 NATIONAL NEWS (14 MINUTES)

The total number of minutes monitored for National news is sixteen (16) minutes.

- *"National Student Financial Aid Scheme – "NSFAS" reported that it will continue to partner with the private and government sector to recover the loan monies that former students are owing to NSFAS. NSFAS spokesperson Mr Kagisho Mamabolo says that they have thus far partnered with 10 companies which will assist them in ensuring that whoever was loaned by NSFAS whilst a student to pay back the money. Mamabolo said they are grateful to all those former students who are paying back".*
- *"The African National Congress – ANC says they want the murder case of the 2 women who were killed in Pietermaritzburg to be investigate. The ANC says the 2 women, Phetheni Ngubane (50) and Badelile Nyapha (52) who are ANC members were shot and killed on their way back from an ANC meeting. Ngubane died on the sport and Badelile died in hospital. A 40-year-old man, Bonginkosi Tshabalala has been accused of killing these 2 women who were coming from an ANC meeting in the past week; and*
- *"A fire has killed 9 adults and 6 kids in Mitchells' Plane Flats, Cape Town. Serena Abrahams is one of the people who escaped the fire and was rushed to hospital. He was treated for fire wounds and the incident occurred on Saturday*

evening. The fire was apparently caused by electrical fault, the residents of Mitchell's Plane said that they are shocked by the death of so many people. The memorial service of the deceased will be held at the nearest primary school. One of the deceased has already been buried according to the Muslim culture."

The Licensee has, during the period under review, complied with the above-mentioned obligation.

International News (7 minutes)

There were no international news bulletins identified during the period under review.

The Licensee has, during the period under review, failed to comply with the above-mentioned obligation.

3.5.4 SOUTH AFRICAN MUSIC CONTENT

Clause 5.1.2 of the licence stipulates that:

"The Licensee shall broadcast 75% South African music content".

The Authority's monitoring exercise revealed that the radio station plays approximately 85% of South African music content which exceed the quota mentioned above.

Amongst others, the following South African Artists were identified: Pure Magic – 'Abantu banomona'; Mbongeni Ngema – "Stimela sami sase Zola'; Judith Sephuma – 'Mme Motswadi' ; Yvonne Chaka Chaka – 'Freedom'; Caiphus Semenya – 'Mme Matswale'; Brenda Fassie – 'Weekend Special'; Sipho Hostix Mabuse – 'Burn up'; etc.

The Licensee also plays a significant amount of traditional Sepedi music.

The Licensee complies with clause 5.1.2 of its licence.

5.5. 5 LANGUAGE(S) OF BROADCAST

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

- 5.1.4.1 *Sepedi – 80%*
- 5.1.4.2 *English – 10%*
- 5.1.4.3 *Tshivenda – 5%; and*
- 5.1.4.4 *Xitsonga – 5%*

The Licensee does not broadcast in all languages as stipulated above, the monitoring exercise revealed that the Licensee broadcast predominantly in Sepedi. The Licensee broadcasts approximately 90% in Sepedi. This was also verified from call in programmes from the listeners who were participating in the radio station's programmes. It is also important to highlight that guest speakers were mostly Sepedi speaking and the jingles dominated by the Sepedi language. The other languages stipulated in the licence could hardly be identified. The Authority did not identify Xitsonga and Tshivenda language in any of the programmes of the Licensee.

The English language was identified in small margins during the discussions of some programmes and some jingles and announcements. The Authority was unable to monitor the exact percentage of the language use because English is not broadcast often. It is mixed with Sepedi most of the time, there is no programming that specifically broadcast in the English language in its entirety.

The Authority has conducted a compliance induction with the Licensee more than once, the Licensee is fully aware of its obligations regarding all licence terms and conditions.

The Licensee did not fully comply with clause 5.1.4 of its licence.

5.6 PROMISES OF PERFORMANCE

Clause 8.1 of the licence stipulates that:

"60% of the Licensee's programming content shall be educational. This will include informal education such as skills development, entrepreneurship and basic literacy".

The monitoring exercise revealed that the Licensee has a variety of educational programmes that include informal education, skills development, entrepreneurship

and basic literacy. Amongst the educational programmes identified are the Book week programme, Grade 12 Catch up programme, health project, drama project, etc.

"The Book week" programme is a thirty (30) minute programme that is broadcast weekly, educating the community about basic literacy.

"The Grade 12 Catch-up" is a weekly programme that seeks to help matriculants improve on their subjects. It is a partnership programme involving radio station, the Provincial Department of Education and National Community Radio Forum in Limpopo. Tutors participate by interacting with listeners on the different subjects.

"Tiang maatla" is a programme broadcast Mondays to Fridays between 09h00 and 12h00. It is educational in nature and touches on health related programmes. One of the health educational topics identified was about 'Diabetes'. An interview in the studio with Dr Maphoto was conducted. Amongst the issues he mentioned was that 'Diabetes' is caused by many factors including, obesity, lack of exercise, stress, too much cholesterol, eating sugary food like pap, rice, bread, fizzy drinks, juice, etc. All these food causes too much sugar in the body. The Dr further said that 'Diabetes' is classified as a chronic disease but it is controllable and treatable.

The Licensee complies with clause 8.1 of its licence.

8. BROADCAST HOURS

Regulation 6 (1) and 10A (3) of the Standard Terms and Conditions stipulates that:

"A Licensee must provide broadcast services for twenty-four (24) hours per day unless the Authority has been notified of a shorter schedule of daily broadcast operations".

"A Licensee must clearly identify itself at intervals of not more than thirty (30) minutes".

The Authority's monitoring exercise through the perusal of the programmes recordings reveals that the radio station broadcast for 24 hours. The performance period which the Authority monitors compliance is from 05h00 to 23h00.

And the radio station clearly identifies itself now and then on all programmes as "*Moletsi Community Media*".

The Licensee complies with the above.

9. COMPLAINTS

Section 17B of the ICASA Act speaks to complaints on non-compliance matters pertaining to the licence conditions, regulations and underlying statutes.

During the period under review, the Licensee submitted that they have not received any complaints from community members thus far.

The Authority confirms that there has been no complaint received from the community members against the radio station.

The monitoring exercise revealed that the complaints announcement is flighted during each programme broadcast.

10. CONCLUSION

The Licensee has complied with most of the requirements as set out in its licence however the Licensee must improve in the following clauses:

1. Clause 4.1.2 – Local News and International news
2. Clause 4.1.4 – Tshivenda and Xitsonga Languages

The Authority notes that from the previous report and the current report, the Licensee has not improved on the two (2) clauses mentioned above. However, the Authority will continue to try and assist the Licensee to fully comply with its licence terms and conditions.

11. TERMS REFERENCE

11.1 APPENDIX A: Sound broadcasting service licence

11.2 APPENDIX B: AGM minutes and attendance register

11.3 APPENDIX C: Community participation minutes and attendance register

11.4 APPENDIX D: Regulations on Standard Terms and Conditions for Class Licences