



**MOSUPATSELA FM
STEREO
ANNUAL
COMPLIANCE REPORT**

MARCH 2025

2023/2024 ANNUAL COMPLIANCE REPORT

MOSUPATSELA FM STEREO

LICENCE PERIOD: 27 OCTOBER 2018 to 26 OCTOBER 2023

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 (ICASA Act)¹, the Electronic Communications Act² (ECA) to regulate broadcasting activities in the public interest. The Authority has a mandate to ensure compliance by broadcasters with the terms and conditions of the licence, the ECA, the ICASA Act and any other relevant legislation and Regulations.

The purpose of the report is to give an account of Mosupatsela FM Stereo's compliance with the terms and conditions as set out in its licence for the 2019/2020 financial year. Aspects of compliance that will be measured comprise Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligation, Language(s), South African Music Content Regulations, and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Mosupatsela FM Stereo is a class broadcasting service Licensee providing services to a geographic community residing in Botshabelo, Morakge, Thaba Nchu, Klipfontein, Masham, Wolwepoort and surrounding areas in the Free State Province. The radio station provides a programming format that is a mix of talk radio and music.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the schedule to the licence provides that:

"The Licence is issued to:

1.1 Name of company/entity: Mosupatsela FM Stereo.

¹ Act No 13 of 2000, as amended

² Act No 36 of 2005

1.2 *Name of Station: Mosupatsela FM Stereo.*

1.3 *Control of the Licensee: Control shall vest in the Board of Directors of Mosupatsela FM Stereo”.*

The Licensee was previously found to be non-compliant with this clause as it was using a different company name without following proper processes of changing the name (notification or licence transfer). The Licensee has since reverted to the licensed entity as per clause 1.1 above.

The Licensee complies with clause 1 of the schedule to its licence.

3.2 Licence Period

Clause 2 of the schedule to the licence provides that:

“2.1 The effective date of the licence is 27 October 2018; and

2.2 The licence shall expire on 26 October 2023.”

The Licensee submitted a renewal application however, the Licensing and Compliance Division (“Division”) has not issued a renewed licence due to some areas of non-compliance that needed to be addressed. The Licensee has since addressed the non-compliance and submitted the required reports and is now awaiting the Division’s decision on its application.

The Licensee did not comply with clause 2 of the schedule to its licence.

3.3 Licence Area

Clause 3 of the schedule to the licence provides that Mosupatsela FM Stereo’s coverage area is as follows:

“The Licensee shall provide services to Botshabelo, Morakge, Thaba Nchu, Klipfontein, Masham, Wolwepoort and surrounding areas in the Free State Province. as set out in the Licensee’s radio frequency spectrum licence”.

The Licensee confirmed that it provides a service to licensed area as set out in the Licensee’s radio frequency spectrum licence.

In the year under review, the Authority did not receive any reports or complaints indicating that the radio station had gone beyond its licenced area.

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

3.4 Community

Clause 4.1 of the schedule to the licence provides that:

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

The Licensee submitted and confirmed that it provides a sound broadcasting service as prescribed in its licence document.

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

Clause 4.2 of the schedule to the licence provides 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; and

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".

During the period under review, the Licensee did not submit any information regarding meetings held with its community regarding programming and programming policies of the station. The Licensee stated that the reason for this non-compliance was due to conflicts within the Board and Management at the radio station, which made it difficult to establish any structures, including membership registration. The Licensee has, however, elected a new board that has started working together with the Acting Station Manager to put together programming committees.

The Licensee did not comply with sub-clauses 4.2.1 and 4.2.2 of the schedule to the licence.

Further, clause 4.2.3 provides that:

"The Licensee shall hold an Annual General Meeting 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 any Special Annual General Meeting as and when required by the Constitution; 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”.*

The Licensee held an elective Annual General Meeting (“AGM”) on 24 June 2023 whereby the board of directors was elected. However, the AGM was found to be unconstitutional, and the Licensee reconvened the AGM on 02 December 2024. This AGM and election of board members were also found to be unconstitutional due to political interference and internal conflicts. However, the Licensee has since held a successful AGM on 14 September 2024 where a new board was elected; the date of that AGM falls outside of this reporting period.

The Licensee complies with sub-clause 4.2.3 of the schedule to its licence.

3.5 Programming

Clause 5.1 of the schedule to the licence provides that:

“The Licensee shall provide programming as follows”:

5.1.1 Local News and Information: The Licensee shall broadcast a total of thirty (30) minutes of news during the week and fifteen (15) minutes during weekends. These shall include community, national and international news.

The Authority’s monitoring exercise revealed that the Licensee broadcasts approximately 50 minutes of news daily during the week, which amounts to approximately two hundred and fifty (250) minutes of news during the week, and broadcasts approximately thirty (30) minutes of news on weekends. The news bulletins are all in Sesotho, and they cover community and national news. No international news was identified during the monitoring exercise.

Below are some of the news items that were identified.

- *“Forum ya baahi ya Mangaung Service Delivery ka hare ho Masepala ona o moholo wa Mangaung Metro e tlo tshwara seboka sa bona sa ho tla ka maano bakeng sa ho tswella pele ho ka bona ho re ba matlafatsa jwang phano e ntlafetseng ya ditshebeletso ho baahi ba naha ena ya Afrika Borwa, hahola masepaleng ona o moholo wa Mangaung Metro. Seboka sena se tlo tshwarelwa Bloemfontein letsatsing la kajeno, ka la robedi Hlakola selemong sena sa 2024.*

- *Maobane MoPresidente wa naha wa Afrika, e leng Cyril Ramaphosa o phatlaladitse letsatsi la dikgetho e leng letsatsi la la mashome a mabedi le metso e robong Motsheanong lemong sena se hodimo sa 2024. Ho sa le jwalo, mekg e fapaneng ya dipolotiki ka hare ho naha ya Afrika Borwa haesale e le mala-a-laotswe bakeng sa ho ka utlwa kapa ho ka tsebiswa ha letsatsi leo baahi ba tlo kgethang ka lona. Ha ditaba di sae me jwalo, mokga wa dipolotiki wa Economic Freedom Fighters (EFF ka bokgutshwane), profensing ya Freistata e hlalosa e thabetse ho ka utlwa letsatsi leo la dikgetho.*
- *Batho ba nang le kabelo lenaneong la ntshetsopele ya bana e leng Early Childhood Development provinsing ya Freistata, ba ile ba ba le kopano le distereke letsatsing la maobane, mabapi le ho ka rarolla tshebetso le lebaka la diphephetso ho mesebetsi e metjha ya lekala lena. Ho sa le jwalo, lekala lena la Early Childhood Development le tlositse tlasa Lefapha la Ntshetsopele ya Setjhaba mme le ile la hokelwa ho Lefapha la Thuto ya Motheo ka selemo sa 2022. Lefapha lena le hlalosa le ntse le tswela pele bakeng sa ho hlophisa ba nang le seabo kabelong ena.*

The Licensee broadcasts more than the prescribed minutes of news per week however, it does not broadcast international news as required per clause in the licence.

The Licensee does not fully comply with its news obligation.

Clause 5.1.2 of the licence provides that:

"South African Music Content: 80%"

The Authority's monitoring exercise revealed that the radio station broadcasts approximately seventy percent (70%) of South African music content.

The Licensee did not comply with its South African Music Content obligations.

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

"60% Talk and 40% Music"

The Licensee's shows are a mixed blend of music and talk albeit with more talk. The radio station has talk shows for most of the day during the week, including two (2) current affairs programmes. The morning and mid-morning shows provide discussions on matters that affect the community, including service delivery issues, health, relationships, spirituality and

entrepreneurship. There is also listener interaction in most of the shows where listeners are given a platform to contribute to discussions.

The monitoring exercise confirmed that the Licensee's format is as prescribed in the licence.

The Licensee complies with its prescribed format.

Clause 5.1.4 of the licence provides that:

Language(s) of broadcast:

5.1.4.1 Sesotho – 65%;

5.1.4.5 English – 5%;

5.1.4.3 isiXhosa – 10%; and

5.1.4.4 Setswana – 20%.

The monitoring exercise revealed that Sesotho was the Licensee's main language of broadcast. The other languages are used interchangeably throughout the station's programmes. The languages are used mostly during the current affairs programmes and listener interaction.

The Licensee complies with its languages of broadcast.

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".

The Licensee does not submit programme logs to the Authority monthly during the period under review.

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

4. PROMISE OF PERFORMANCE

Clause 8.1 of the schedule to the licence provides that:

"The Licensee shall establish advisory committees of members of the community to ensure participation in all aspects of the station".

The Licensee did not submit any information regarding the establishment of advisory committees.

The Licensee did not comply with clause 8.1 of the schedule to its licence.

Clause 8.2 of the schedule to the licence provides that:

"The Licensee shall develop broadcasting training programmes for the youth, elderly and people with disabilities in the community".

The Licensee did not submit any information regarding training programmes the youth, elderly and people with disabilities in its community.

The Licensee does not comply with clause 8.2 of the schedule to its licence.

Clause 8.3 of the schedule to the licence provides that:

"The Licensee's programming shall include programmes on education, health and community development issues."

The monitoring exercise revealed that the Licensee's programming includes education, health and community development issues. Employment opportunities are broadcast on-air and small businesses in the community are given an opportunity to promote themselves during the morning drive show, *Bua le Nna ke Mametse*. There were discussions on different topics such as relationship matters, the economy, career development, entrepreneurship and cultural matters on different shows.

The Licensee complies with clause 8.3 of the schedule to its licence.

5. COMPLAINTS

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review.

The Licensee has not submitted a Form 12A (Complaints Report) as required by the Compliance Procedure Manual Regulations.

The Licensee did not comply with the relevant clause of the Compliance Procedure Manual Regulations.

5.1 ICASA Regulations on South African Music

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".

For the period under review, the obligation in accordance with the SA Music regulations above was for at least eighty percent (80%) of South African music content to be played by community sound broadcasting Licensees.

The Authority's monitoring exercise revealed that the radio station broadcasts approximately seventy percent (70%) of South African music content. However, there is a ten percent (10%) improvement from the previous monitoring period. The Licensee was informed of the discrepancy which amounts to non-compliance and it has committed to improve. Various genres were identified on the station's music line-up including House, Hip Hop, Gospel, Amapiano and Kwaito, with artists such as *Thabo Khiba, Professor, Lucky Dube, Master KG, Holy Life Family, Dr Duda, Caiphus Semanya, Sbahle, Kwesta, Chicco, Young Stunna, Zahara, Makhadzi* and many others being played.

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

5.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

The Licensee did not adhere to the Standard Terms and Conditions for class licences as it did not submit all the information required by the Authority. The monitoring exercise also revealed that the Station Manager and the News Editor occupy dual roles by also being presenters on the station, which is in contravention of the Amendment Standard Terms and Conditions for Class Licences, 2021 published in *Government Gazette* No. 44328 dated, 25 March 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 previously approached to deal with and address the non-compliance herein and it did not. The Licensee was informed of the Division's intention to refer the non-compliance to the Complaints and Compliance Committee ("CCC"). The Board made representations and stated that it had suspended the Station Manager, following the contravention. The Compliance Department will continue to monitor the matter.

The Licensee did not comply with the relevant clause of the Standard Terms and Conditions for Class Broadcasting Licences.

6. CONCLUSION

The Licensee does not comply with some provisions of its licence conditions and applicable Regulations, including the Compliance Procedure Manual Regulations, 2011³. The areas of non-compliance have been discussed with the Licensee and the new Board and Management have committed to addressing the issues concerned.

The Broadcasting Compliance Unit ("BCU") held several workshops and intervention meetings with the Licensee to address governance and operational challenges, where it emerged that there was serious disregard for certain rules and Regulations. The previous Board conceded to being complacent to the non-compliance at the radio station; however, it took steps to make amends after the BCU revealed the levels of non-compliance where the Station Manager was also suspended as indicated in 5.2 above.

The alleged transgressions against the Station Manager include mismanagement of funds, contravention of ICASA regulations and bringing Mosupatsela FM Stereo into disrepute, among others. The last part is with regards to the Station Manager taking over the Board's responsibilities, including organising and holding an elective AGM where the News Editor was elected as the Chairperson of the Board, that was done parallel to the elective AGM that was being arranged by the Board.

³ Published in Government Gazette No. 34863 dated, 15 December 2011.

It was agreed that the BCU would give the new Board and Management time to address the challenges at the radio station and provide regular updates to the Authority on progress made. The BCU will continue to monitor the situation at Mosupatsela FM Stereo and the Licensee was informed that the non-compliance will be referred to the CCC if it is not addressed, as agreed.

7. TERMS OF REFERENCE

Appendix A: Mosupatsela FM Stereo's Service and Spectrum Licences.

Appendix B: ICASA Compliance Procedure Manual Regulations, 2011

Appendix C: ICASA South African Music Content Regulations, 2016

Appendix D: Standard Terms and Conditions for Class Broadcasting