



RADIO NFM ANNUAL COMPLI- ANCE REPORT

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

2023/2024 ANNUAL COMPLIANCE REPORT

RADIO NFM

LICENCE PERIOD: 15 March 2021 to 14 March 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 Act (ECA)² and Broadcasting Act³ to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority is to monitor compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The purpose of this report is to give an account of Radio NFM performance for the 2023/2024 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

Further, the report will measure compliance with the Regulations that include South African Music Content, Standard Terms and Conditions for Class Licensees, Compliance Procedure Manual Regulations and Code of Conduct for Broadcasters.

2. BACKGROUND

Radio NFM hold a Class Sound broadcasting service licence⁴. The radio station's mandate is to provide sound broadcasting service to Okiep, Springbok, Nababeep, Concordia, Steinkopft, Khal Ma, Richtersveld, and Kamiesberg in the Namakwa

¹ Act No. 13 of 2000, as amended

² Act No. 36 of 2005

³ Broadcasting Act No. 4 of 1999

⁴ Appendix A: Radio NFM broadcasting licence

District Municipality in the Northern Cape Province, as set out in the Licensee's radio frequency spectrum licence.⁵

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

1.1 Name of Company/Entity: Radio NFM.

1.2 Name of the Station: Radio NFM.

1.3 Control of the licence: Control shall vest in the Board of Directors of an association known as Radio NFM."

There were no changes reported by the Licensee to its control structure during the period under review. The Licensee's name remains, Radio NFM. The control of the Licensee is still in the hands of an association known as Radio NFM.

According to Radio NFM's MOI, the Board must consist of a minimum of seven (7) and a maximum of ten (10) directors. The board members are elected in an Annual General Meeting, the first Director will determine the period of appointment of additional Directors and his term of office will be the same as the term of ordinary members.

The Licensee submitted a list of five (5) Board of Directors that were co-opted in its last elective AGM. The control of the Licensee is still in the hands of the Board of Directors of an association known as Radio NFM.

The Licensee complies with clauses 1.1 to 1.3 of the licence.

3.2 Licence Period

Clause 2 of the licence states that:

"2.1 The effective date of the licence is 15 March 2021

2.2 The licence shall expire on 14 March 2026"

⁵ *Ibid*

Radio NFM's licence is effective from 15 March 2021 to 14 March 2026.

The Licensee complies with clause 2 of the licence.

3.3 Geographic Coverage Area

Clause 3 of the licence stipulates that:

"The Licensee shall provide services to Okiep, Springbok, Nababeep, Concordia, Steinkopft, Khal Ma, Richtersveld, and Kamiesberg in the Namakwa District Municipality in the Northern Cape Province, as set out in the Licensee's radio frequency spectrum licence"

Radio NFM provide services to the areas stipulated in its licence.

The Licensee complies with clause 3 of the licence.

3.4 Community

Clause 4.1 of the licence states that:

"The licensee shall provide services to geographic community residing within the geographic coverage specified herein"

Radio NFM provides a sound broadcasting service to the geographic community residing within the geographic coverage of Okiep, Springbok, Nababeep, Concordia, Steinkopft, Khal Ma, Richtersveld, and Kamiesberg in the Namakwa District Municipality in the Northern Cape Province, as set out in the Licensee's radio frequency spectrum licence.

The Licensee complies with clause 4.1 of the licence.

Clause 4.2 of 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;

4.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as attendance thereof by members of the community; and

NFM did not submit proof of the two meetings with its community to discuss programming and programme-related matters.

The Licensee does not comply with clauses 4.2.1 and 4.2.2.

4.3 The Licensee shall hold Annual General Meeting (AGM) for the following purposes:

4.3.1 To provide feedback on the Licensee's compliance with 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 Licensee submitted proof of an elective AGM held on 19 March 2022. In the form of an attendance register, unsigned minutes and agenda. A report of the station's finances and operations was presented.

The Licensee complies with clause 4.3.

3.5 Programming

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

5.1.1 "Local News and information: The Licensee shall broadcast 35 minutes of news per day, of which 20 minutes shall be local, 10 minutes national news and 5 minutes international news."

The Licensee submitted their log-sheet Form 8A, indicating that the radio station broadcasts an average of two hundred and forty-five (245) minutes of news programming during weekdays including weekends.

The monitoring exercise revealed that Radio NFM broadcasts news bulletins at the top of the hour between 06h30 and 21h00 on weekdays. The bulletins are broadcast for approximately five (5) minutes. On average, a total of fifty (50) minutes including community news is broadcast each day, during the South

African performance period. On Saturday news is broadcast between 09h00 and 18h00 and no news is broadcast on Sundays.

The following are some of the news excerpts monitored:

- *"Indaba ze NFM zifumene ulwazi ngeseni yokuba amagosa amabini ase Vet Skola ahlaselwe kalobomi ngabasebenzi basemgodini e Klien See pha izolo. Kuyala ukuba aba thathu kubo bathe babulwawa ngokufihlekileyo bancwasthwelwa kuyi Ndawo yomgodi apho kusembiwa khona ngoku ngekho emthethweni. Ulwazi olunga qinisekwanga apho luquba ngokunwebisa ngokuthi aboaba bethiweyo balaliswe esibhedlela sase Platoonhof kwaye baya nakwa."*
- *"I "offisi ka so dolopi kumasipala wase Namakwa uzaku ncedana nalabo abangakhange babe nonweba liku conga ukuze baxamlwe ku mali enga gamwaka amashumi ambili erandi. Encedana nama nina kwezo shishino. Bazakuncedwa ngokuthi bababhalise kuxibu lwama shishini anceda ngu hulumeni."*

The Licensee did not comply with sub-clause 5.1.1 of the licence.

5.1.2 South African Music Content: The Licensee shall broadcast a South African music content of 80%.

According to the Form 8A submitted by the Licensee, an average of six hundred and fifty-six (656) tracks of South African music is broadcast each week.

The monitoring exercise revealed that Radio NFM broadcasts an average of four (4) tracks per hour and most of the genre broadcast, is Gospel music. The Licensee broadcasts an average of more than two thousand (2 000) minutes per week as per the South African music content quota, which is equivalent to 80%.

The Licensee complies with sub-clause 5.1.2 of the licence.

5.1.3 Talk vs. Music: 40% Talk and 60% Music.

Forty per cent (40%) talk during the performance period weekly, is equal to two thousand three hundred and fifty-two (2352) minutes.

The log-sheet submitted by the Licensee indicates that on average two thousand eight hundred and seven (2807) minutes of talk content per week is broadcast by Radio NFM.

The Licensee complies with sub-clause 5.1.3 of the licence.

5.1.4 Language(s) of broadcast:

5.1.4.1 Afrikaans – 70%;

5.1.4.2 Nama – 15%;

5.1.4.3 isiXhosa – 10%; and

5.1.4.4 English – 5%.”

The monitoring exercise revealed that Radio NFM uses all the languages in its broadcast as per licence provisions.

The Licensee complies with clause 5.1.4 of the licence.

Clause 5.2 of 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 proforma of the log to be kept will be supplied by the Authority.”

The Licensee submits the log of programmes broadcast to the Authority as required by clause 5.2.

The Licensee complies with clause 5.2 of the licence.

4 REGULATIONS

4.1 Complaints Received

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 did not submit Form 12A.

The Licensee does not comply with the Compliance Procedure Manual Regulations.

4.2 South African Music Content Regulations⁶

Regulations 3 (3) of the Regulations on South African Music Content as published on 23 March 2016 provides that:

"A holder of a community sound broadcasting service licence must ensure that after eighteen months of the gazetting of these regulations, a minimum of 60%, increased by 10% annually to reach 80% of the musical work in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period⁷"

The monitoring exercise revealed that Radio NFM broadcasts different genres like gospel music and afro soul music amongst others. Some of the music artists that were monitored include Makhadzi, Lunga and Vusi Nova amongst others. Most of the artists are South African. Further, the monitoring exercise found that the Licensee broadcasts an average of 80% of South African music.

The Licensee complies with the Regulations.

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences⁸

Regulations Regarding Standard Terms and Conditions for Class Licences 2016. Regulation 7 sub-regulation 7 (d) provides as follows:

Radio NFM complies with the Standard Terms and Conditions for Class Broadcasting Service Licences.

4. CONCLUSION

Radio NFM did not comply with some of the provisions of its licence conditions. The non-compliance is expected to be resolved in the next review failing which the Licensee will be referred to the Complains and Compliance Committee (CCC), for hearing and adjudication.

⁶ Appendix B: ICASA South African Music Content Regulations 2016

⁷ Ibid

⁸ Appendix C: Standard Terms and Conditions for Class Licences 2016

5. TERMS OF REFERENCE

Appendix A: Radio NFM broadcasting licence

Appendix B: ICASA South African Music Content Regulations 2016

Appendix C: Regulations Regarding Standard Terms and Conditions for Class Licences 2016