



OASIS FM ANNUAL COMPLIANCE REPORT

MARCH 2023

2021/2022 ANNUAL COMPLIANCE REPORT

OASIS RADIO NPC BROADCASTING AS OASIS FM

Licence Period: 05 February 2021 to 04 February 2026

1. PREFACE

The Independent Communications Authority of South Africa ("Authority") has a statutory mandate in terms of the Constitution¹, the Independent Communications Authority of South Africa Act (ICASA Act²), the Electronic Communications Act³ ("ECA") 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 monitor compliance by broadcasters with the terms and conditions of their licence and any relevant legislation and regulations.

The report will detail an account of Oasis FM's compliance with the terms and conditions, as set out in its license, for the 2021/2022 financial year. Aspects of compliance that are measured comprise the Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Regulations, Regulations Regarding Standard Terms and Conditions and the applicable sections of the ICT Covid-19 National Disaster Regulations first published in April 2020 as amended.

2. BACKGROUND

In 2021, the Authority renewed the service licence of an entity named, Oasis Radio NPC for the service of Oasis FM. The licensee holds a Class Broadcasting Service licence which requires them to provide the sound broadcasting service to a Christian community in the Sarah Baartman District Municipality, in the Eastern Cape.

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

² Act No. 13 of 2000, as amended

³ Act No. 36 of 2005

⁴ Act No. 4 of 1999

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of Oasis Radio NPS's service licence provides that:

"The Licence is issued to:

1.1 Name of Company/Entity: Oasis Radio NPC

1.2 Name of the Station: Oasis FM

1.3 Control of the Licensee: Control shall vest in the Board of Directors of a non-profit company known as Oasis Radio NPC."

In the year under review, the Licensee reported no changes to its controlling structure.

The Licensee complies with clauses 1.1, 1.2 and 1.3 of its licence.

3.2 Licence Area

Clause 3 of the licence prescribes as follows:

"The Licensee shall provide services in the Sarah Baartman District Municipality in the Eastern Cape Province as set out in the Licensee's radio frequency⁵spectrum licence⁶."

For the period under review, the Authority received no reports or complaints indicating that Oasis FM has interfered in areas that are outside its coverage area.

The Licensee complies with clause 3 of its licence.

3.3 Community

Clause 4.1 of the licence provides as follows:

"The Licensee shall provide services to a Christian Community of interest residing within the geographic coverage area specified herein".

⁵ Appendix A: Oasis FM's Radio Frequency Spectrum Licence

⁶ Appendix B: Oasis FM's Broadcasting Service License

Oasis FM maintains that they continue to serve the Christian community of interest residing in the Sarah Baartman District Municipality. In addition, in the year under review, the Authority received no complaints indicating a disservice to certain areas or interference with licensees outside its coverage area.

The Licensee complies with clause 4.1 of the Licence.

While clause 4.2 of the licence gives the following obligation 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.

In May 2021, the fifth amendment to the Information and Communication Technology ("ICT") Covid-19 National Disaster Regulations lifted the suspension of the requirement for community broadcasting services to hold community meetings and AGMs. It was therefore expected that Oasis FM, should have convened the two (2) programming meetings as per clause 4.2.1 of its licence. Oasis FM could not produce proof of meetings as prescribed nor when they plan to hold the meetings as required

The Licensee does not comply with clause 4.2.1 of its licence.

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 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".

In November 2021, the Licensee convened its Annual General Meeting and submitted the attendance register⁷ and minutes of the meeting to the Authority as proof.

The Licensee complies with clause 4.2.3 of its licence.

3.4 Programming

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

3.4.1 News and Information Obligations:

Clause 5.1.1 of Oasis FM's service licence provides that:

"The Licensee shall broadcast news to a total of 60 minutes per day which shall include 50% local news, 30% national news and 20% international news."

The Licensee's monthly log sheets demonstrate that the Licensee broadcasts a total of fifty (50) minutes of news per day. Further, the programming log sheet⁸ records that the Licensee's news output is dominated by news of national origin and 20% local news.

The Authority's monitoring exercise found that Oasis FM schedules seven (7) news bulletins between 7h00 and 13h00 during weekdays, 2 news bulletins on Saturday and none on Sunday. All news bulletins were observed to be approximately seven (7) minutes long. On average calculations, the monitoring exercise found that the Licensee broadcast at least thirty-seven (37) minutes of news per day (Monday to Saturday).

The monitoring exercise findings are that:

- The Licensee failed to comply with the obligation to broadcast sixty (60) minutes of news per day in that, by own admission, Oasis FM broadcasts fifty (50) minutes of news per day and the monitoring exercise found that the Licensee broadcasts an average of thirty-seven (37) minutes of news per day (Monday to Saturday).

⁷ Appendix C: Minutes and Attendance Register of the November 2021 AGM.

⁸ Appendix D: Oasis FM's Programming Log Sheet

- The Licensee failed to provide 50% local news. Oasis FM's news offering is of national origin compared to news of local and regional origin. The monitoring exercise found that, out of 5 news items in a bulletin, at least 3 would be of national origin while the rest could be local, regional and barely international news.

Among the news stories covered for the period under review were excerpts from certain broadcasts, are the following:

- *The African National Congress has encouraged members who are aggrieved with the Zondo Commission Report to challenge it. While the ANC welcomes the findings, the Minister of Minerals and Energy, Gwede Mantashe, seeks to challenge the findings against him should challenge it. The report says, Mantashe and a few high-profile politicians should be investigated for corruption.*
- *The Democratic Alliance has today opened a criminal case against former Director General at the Department of Correctional Services and former Director General of the State Security Agency, Arthur Fraser, regarding irregularities during his time at the SSA. It was under Fraser's watch as Deputy Director for Operations at the SSA that the Principle Agent Network was established. The party's, Dianne Kohler Barnard, says millions of Rands were reportedly syphoned off or used irregularly. The Party is requesting the police to investigate possible criminal offences against Fraser. [Cross over to a live interview with DA's Dianne Kohler Barnard].*
- *The semi-automatic rifle used by EFF leader, Julius Malema, was allegedly tampered with before it was handed over to the police. Malema's firearm discharge case continued for the fourth day at the East London Regional Court in the Eastern Cape, yesterday. The firearm Malema used during the party's celebration in 2018 matches the cartridge cases that were picked up by the cleaners and handed over to the police. This is according to the Chief Forensic Ballistic Analyst at the Police Forensic Science Laboratory in Gqeberha, Lieutenant Colonel, Mandisi Mgwadleka.*

- *The government should scrap the zero tolerance drunk driving rule in South Africa. This is according to Parliament legal advisors. The advisors appeared before the Parliament's Portfolio Committee on Transport and said they were not convinced by the government's proposal to decrease the alcohol percentage on the driver's blood to Zero percent through the National Road and Traffic Amendment Bill. The Business Day reports that the Department's own argument for the provision was outweighed by many public submissions who criticised the proposal.*

3.4.2 South African Music Content

Clause 5.1.2 of Oasis FM's broadcasting service licence stipulates that the Licensee's South African Music Content shall be "80%". Oasis FM made no submission of their music output in the months sampled and monitored for the purposes of this report.

The monitoring exercise found approximately 40% of South African Music content on Oasis FM's programming profile. The monitored music content is purely Christian songs that are either performed by South African groups or international gospel musicians performing locally and featuring South African musicians or groups. The monitoring exercise could not locate a single interview with South African artists or the promotion of young local artists. While it may be possible that the Licensee would usually make up the 40 % shortfall through format factors in other weeks, it is essential to note that in the period monitored, the Licensee did not comply with the 80% South African Music Content.

The challenge with Oasis FM's programming as a whole is that the Licensee uses mostly pre-recorded material and no presenter announcements after songs. The music played is worship songs that are of international origin but are often sung by local worship groups. It then became difficult for the monitoring exercise to identify their orientation at the time they were played on Oasis FM. Raymond Cilliers, Brenda Mntambo featuring/featured in a worship group, Benjamin Dube and the Spirit Tunes, Joyous Celebration featuring Pastor Donnie Mc Clarkin were some of the items identified.

Oasis FM does not comply with clause 5.1.2 of its licence.

3.4.3 Talk vs Music

According to clause 5.1.3 of Oasis FM's broadcasting service licence, the Licensee's programming format shall be:

"60% Talk and 40% Music".

The Licensee's compliance submissions suggest that Oasis FM is more of a talk radio station than it is a music broadcaster.

The monitoring exercise found that the Licensee's profile is an even balance of talk and music at 50% talk and 50% music.

The Licensee's music contribution is found mostly over the weekend and that makes up 50% of music content. During the week, the Licensee carries more talk than required.

The Licensee does not comply fully with clause 5.1.3 of the licence.

3.4.4 Language(s) of Broadcast:

Clause 5.1.4 of the licence provides that Oasis FM's languages of broadcast shall be:

5.1.4.1 Afrikaans – 50%;

5.1.4.2 English – 25%;

5.1.4.3 isiXhosa – 25%."

Oasis FM's programming profile is dominated by English, no shows were found in isiXhosa. Furthermore, the Licensee's news offering is dominated by English; some Afrikaans was identified during news programming and none in isiXhosa. Out of at least 10 news bulletins on Oasis FM, 6 are broadcast in English and 4 are broadcast in Afrikaans.

The expected broadcasting output from Oasis FM is supposed to have Afrikaans as a dominant language of broadcast and an equal amount of English and isiXhosa. The language split should be evident throughout the Licensee's programming profile for example, in every twelve (12) hours of programming, at least three (3) hours should be dedicated to isiXhosa programming and another three (3) hours to English programming, while the remaining six (6) hours of programming must be dedicated to the Afrikaans language. The same trend is expected in the Licensee's news scheduling. Out of every twelve (12) news

bulletins, at least three (3) should be in English and another three (3), in isiXhosa.

Oasis FM does not comply with clause 5.1.4 of its licence.

Clause 5.2 of Oasis FM licence states 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 keeps a log sheet and submits them as prescribed by the Compliance Procedure Manual Regulations. In the event the Licensee has missed a submission, they always make it a point to communicate the delays and submits as soon as possible thereafter.

Oasis FM complies with clause 5. 2 of the licence.

4. REGULATIONS

4.1 ICASA South African Music Content Regulations

Regulation 3 of the ICASA South African Music Content Regulations 2016⁹ stipulates that:

"A holder of a community sound broadcasting service licence must ensure that after eighteen (18) months from the date of 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 evenly throughout the performance period."

The monitoring exercise found approximately forty percent (40%) of South African Music content on Oasis FM's programming profile. The monitored music content is purely Christian songs that are either performed by South African groups or international gospel musicians performing locally and featuring South African musicians or groups.

⁹ Appendix E: ICASA South African Music Content Regulations

The monitoring exercise could not locate a single interview with South African artists or a promotion of young local artists. While it may be possible that the Licensee would usually make up the 40% shortfall through format factors in other weeks, it is essential to note that period monitored, the Licensee did not provide 80% South African Music Content.

The following artists were found during monitoring: Raymond Cilliers, Brenda Mntambo featuring/featured in a worship group, Benjamin Dube and the Spirit Tunes, Joyous Celebration featuring Pastor Donnie Mc Clarkin.

The Licensee does not comply with SA Music Content Regulations.

4.2 Regulations regarding Standard Terms and Conditions for Class Licensees

For the period under review, it was revealed that the Station Manager occupies dual roles by also being a board member of the radio station and at times is radio presenter on some shows, which is in contravention of Clause 10A (7) (d) of Amended Standard Terms and Conditions Regulations for Class Licences, 2016 published in Government Gazette No. 39872 dated 30 March 2016, which provides that:

"The Board of Directors/Trustees and station management must not occupy dual roles with regard to being managers/presenters at the station."

The Licensee has been engaged on the above-mentioned contraventions and has advised the Compliance Department that it will remedy the non-compliance.

The Licensee does not comply with the Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

5. CONCLUSION

Oasis FM does not comply with the programming-related provisions of its licence. The Licensee will be given a detailed review of the findings, as recorded in this report and guided on how to remedy the non-compliance. The use of pre-recorded programming material will be addressed and monitored over the next few months. Broadcasting Compliance Unit will continue to monitor and report on Oasis FM's performance in the next two years. The report on Oasis's 2023

compliance will be purely to confirm its programming culture and whether it continues to utilise pre-recorded material from Joyce Meyer's teachings. The 2024 monitoring exercise will be to see if the Licensee did remedy all the non-compliance recorded in this report.

6. TERMS OF REFERENCE

Appendix A : Oasis FM's Radio Frequency Spectrum Licence

Appendix B : Oasis FM's Broadcasting Service License

Appendix C : AGM minutes and attendance register

Appendix D : Latest Programme Log sheet submitted by Oasis FM

Appendix E : Regulations on South African Music Content

Appendix F : Regulations regarding the Standard Terms and Conditions