



RADIO NAMAKWALAND ANNUAL COMPLIANCE REPORT

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**Y Kedama (Acting Chairperson), T Faye, Dr. C Lewis, Adv. LS Mkumatela, C Mushi, N Nontombana,
N Sithole, P Zimri (Councillors), T Maluleka – Disemelo (CEO)**

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RADIO NAMAKWALAND

Licence Period: 24 October 2018 – 23 October 2023

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the Independent Communications Authority of South Africa Act (ICASA Act²) and 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, the three Acts mentioned already and any relevant legislation and regulations.

This report is intended to give an account of Radio Namakwaland'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 of Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

On 23 November 2021, a renewed Class Broadcasting Service licence was issued to Radio Namakwaland with licence number Class/Re/Com/R/157/Sep/2021. As per the licence, Radio Namakwaland must provide services to Klawer, Lambert Bay, Vredendal, Bitterfontein, Clanwilliam and Van Rhynsdorp in the Western Cape Province as set out in the Licensee's Radio Frequency Spectrum license.

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of the Schedule of Radio Namakwaland's licence provides that:

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

² ICASA Act No 13, 2000 as amended.

³ Electronic Communications Act No 36, 2005.

⁴ Act No. 4 of 1999.

"The Licence⁵ is issued to:

1.1. Name of entity: Radio Namakwaland

1.2. Name of the Station: Radio Namakwaland

1.3. Control of the Licensee: Control of the station shall vest in the Board of Directors of Radio Namakwaland."

The monitoring exercise confirmed that the information prescribed in clause 1 of the Schedule to Radio Namakwaland's licence did not change during the period under review.

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

3.2 Licence Period

Clause 2 of the Schedule of Radio Namakwaland's licence provides that:

"2.1 The effective date of the licence is 24 October 2018.

2.2 The licence shall expire on 23 October 2023."

The date of expiration of the licence of the Licensee is 23 October 2023. The Licensee will be eligible to lodge its renewal application from 23 October 2022 until 23 April 2023.

The Licensee complies with clause 2 of the Schedule to its service licence.

3.3 Licence Area

Clause 3 of the Schedule to Radio Namakwaland's licence provides that:

"The Licensee shall provide services to Klawer, Lambert Bay, Vredendal, Bitterfontein, Clanwilliam and Van Rhyndorp in the Western Cape Province as set out in the Licensee's radio frequency spectrum license."

Radio Namakwaland's coverage area remains as prescribed in the licence terms and conditions. Further, the Authority did not receive any reports or complaints indicating that Radio Namakwaland has gone beyond its licenced area.

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

⁵ Radio Namakwaland's Broadcasting Service Licence.

3.4 Community

Clause 4.1 of the Schedule to Radio Namakwaland's licence provides that:

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

The monitoring exercise confirmed that the services provided by the Licensee is relevant to a Christian community of interest. The Christian identity is evident through the talk and music programming that the Licensee broadcast.

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

Clause 4.2 of the Schedule to Radio Namakwaland's licence provides that:

"4.2 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 focusing on programming and programming policies of the station;

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

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."

The Licensee did not provide any information relating to community meetings held during the period under review for the purpose of focusing on programming and the programming policies of the station.

The Licensee held its Annual General Meeting on 21 October 2021 and duly submitted the required documentation to the Authority. The Licensee elected new members to its Board of Directors.

The Licensee partially complies with clause 4.2 of the Schedule to its service licence.

3.5 Programming

Clause 5.1.1 of the Schedule of Radio Namakwaland's licence provides that:

"Local News and Information: *The Licensee shall broadcast a total of fifty (50) minutes per day. The news shall be broadcast in all official languages identified below."*

Some of the news that was covered, during the period under review, include:

- *"Die Minister van Vervoer, Fikile Mbalula, het gister gewaarsku dat die gene wat werknemers by bestuurs toets sentrums dreig dieooreenkomstig hanteer sal word. Hy het by die Vekeersentrum in Centurion oor die aangeleentheid gepraat nadat instrukteurs by bestuurskole begin betoog het."*
- *"Agri-SA sê sy navorsing toon dat die krisis tussen Rusland en Oekraïne gaan 'n ernstige uitwerking hê op Suid-Afrika se voedsel sekerheid en hou groot gevaar in vir dele van die landbou sektor. Tussen 2016 en 2020 het Suid-Afrika se landbou uitvoere na Oekraïne meer as verdubbel. Landbou invoere het redelik stabiel gebly."*
- *"Die ANC het kommer uitgespreek oor die praktiese aspekte van sommige voorstelle van die Verkiesings Wysigingswetsontwerp. Die Parlementêre Portefeulje-komitee van Binnelandse Sake het gister in Limpopo 'n omvattende landwye konsultasie proses oor die Verkiesings Wysigingswetsontwerp van stapel gestuur. Die ANC sê mense wat as onafhanklike kandidate staan en nuwe partye se kwalifikasies moet na gegaan word."*
- *"Die langverwagte toekenning van die 5G spektrum begin vandag. Die Onafhanklike Kommunikasie Owerheid van Suid-Afrika sal begin met ses gelisensieerde telekommunikasie operateurs wat aan die proses deel neem"*

naamlik Telkom, Vodacom, MTN, Cell C, Liquid Communications en Rain. Die hoofveiling sal Donderdag plaasvind. TechCentral se redakteur, Duncan McCloy, het aan NewsRoom Afrika gesê dat die hangende hofstryd kan die toekenning van die noodsaaklike en langverwagte network vermoë aan operateurs kniehalter."

The monitoring exercise found that the Licensee broadcasts news from 07h00 until the last bulletin at 18h00 during weekdays. The bulletins have an average duration of five (5) minutes and thirty (30) seconds. The total news broadcast per day averages sixty (60) minutes. The monitoring exercise further found that news broadcast is aligned to the languages of broadcast.

On Saturdays there are only two news bulletins that are broadcast at 07h00 and 08h00 respectively. The monitoring exercise did not find any news broadcast on Sundays. The Licensee therefore, complies with its news obligation during weekdays yet does not comply during the weekends.

The Licensee partly complies with clause 5.1.1 of the Schedule to its service licence.

Clause 5.1.2 of the Schedule to Radio Namakwaland's licence provides that:

"South African Music Content: 70%."

The obligation carried by this clause has been repealed and placed with the provisions made in the ICASA South African Music Content Regulations of 2016. As such, the details and finding regarding the Licensee's South African music content output is discussed under section 4.1 below.

Clause 5.1.3 of the Schedule to Radio Namakwaland's licence provides that:

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

The monitoring exercise confirmed that the licensee's programming is split between sixty (60) percent talk and forty (40) percent music. The Licensee has various talk programming including interviews with various experts in the Health, Business, Legal and Cultural sectors of society. During the period under review the monitoring exercise found that the Licensee held interviews during its programme "Kollig" among others, with the Western Cape Blood Bank to discuss

the importance of donating blood; with a political expert to discuss the Russia and Ukraine saga; with the head of Solidariteit to discuss the rising petrol prices in South Africa.

The Licensee further broadcast a daily radio drama between 11h15 and 11h30. During the period under review the radio drama that was broadcast was "Plattelanders" by Joe Kleinhans.

The Licensee complies with clause 5.1.3 of the Schedule to its service licence.

Clause 5.1.4 of the Schedule to Radio Namakwaland's licence states that:

"Language(s) of broadcast

5.1.4.1 Afrikaans – 90%; and

5.1.4.2 English – 10%"

The monitoring exercise found the broadcast languages of Afrikaans and English during the broadcast by the Licensee. However, the Licensee does not comply with its languages of broadcast in as far as the monitoring exercise also found that the Licensee broadcasts programming in isiXhosa, which is not prescribed as a language of broadcast in the licence.

The Licensee does not comply with clause 5.1.4 of the Schedule to its service licence.

3.6 Promise of Performance

Clause 8.1 of the Schedule to Radio Namakwaland's licence provides that:

"The Licensee shall ensure that the Christian community from Vredendal, Lamberts Bay, Klawer, Clanwilliam and Van Rhynsdorp fully participate in the activities of the radio station and that structures are set up to incorporate community representatives from the area."

The Licensee has structures in place to ensure that community representatives participate in the activities of the radio station. The board of directors are representatives from different areas of the coverage area.

The Licensee complies with clause 8.1 of the Schedule to its service licence.

Clause 8.2 of the Schedule to Radio Namakwaland's licence provides that:

"The Licensee shall ensure that all churches in its coverage area are afforded the opportunity to participate equitably in preaching programmes on air."

The Licensee has a programme called "Oggend Oordenkings" where different churches from the coverage area are provided with a platform to preach on air. The programme is broadcast daily.

The Licensee complies with clause 8.2 of the Schedule to its service licence.

Clause 8.3 of the Schedule to Radio Namakwaland's licence provides that:

"The Licensee shall ensure that 50% of all staff positions on the management structure of the radio station represents the majority of the population in its coverage area."

The Licensee currently has two management positions namely Station Manager and Operations Manager. The positions are occupied by one male and one female, respectively. Both managers are white. The Licensee confirms that this is representative of the majority of the population in its coverage area.

The Licensee complies with clause 8.3 of the Schedule to its service Licence.

Clause 8.4 of the Schedule to Radio Namakwaland's licence provides that:

"The Licensee shall broadcast programme related to children, youth and the elderly."

The monitoring exercise confirmed that the Licensee broadcasts programming that caters to children, youth and the elderly. The children's programme "Cool Dudes" is broadcast from 18h30 to 18h45 from Mondays to Thursday. The programme "Jeugtyd" as well as the school news segment and academic programmes cater to the youth.

The Licensee has various programming that caters to the elderly such as its daily recipe segment, the golden oldies music that is broadcast on Fridays between 22h00 and 23h00.

The Licensee complies with clause 8.4 of the Schedule to its service licence.

Clause 8.5 of the Schedule to Radio Namakwaland's licence provides that:

"The Licensee shall ensure participation by members of its community in production of news."

The Licensee broadcasts community news daily between 16h05 and 16h15. This segment is very participatory in nature and members of the community are encouraged to share their news during this segment of the Licensee's broadcast.

The Licensee complies with clause 8.5 of the Schedule to its service licence.

4. REGULATIONS

4.1 ICASA South African Music Content Regulations, 2016.

Regulation 3 of the South African Music Content Regulations⁶ 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%, 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 Licensee on average broadcast over eighty (80) percent of South African music content.

Some of the South African music that was found during the period under review are:

⁶ ICASA South African Music Content Regulations, 2016 as published in Government Gazette No. 39844 dated, 23 March 2016.

Adri Theron "U Is Waardig"; Onbeskaamd "Grote Almagtige Here"; Oscar Ehrensperger "Net Soos Jy Is"; Jannie Pelser "Hy Is Magtig en Sterk"; Mari Michael "U Is Die Heer"; Ncandweni Christ Ambassadors "Mbonge uJehova"; Danie Botha "Was Nie Die Spykers"; Various Artists "Alles Het Nuut Geword"; Nadine Blom "Die Gebed"; Francois en Elizabeth Fourie "Ek Roep U Naam".

The Licensee complies with the ICASA South African Music Content Regulations.

4.2 ICASA Compliance Procedure Manual Regulations, 2011.

The Licensee is required, in terms of the Compliance Procedure Manual Regulations⁷, to submit a Form 12A which reports on all complaints received during each financial year.

The Licensee has submitted form 12 A in accordance with the Compliance Procedure Manual Regulations.

The Licensee complies with the Compliance Procedure Manual Regulations, as stated above.

4.4 Standard Terms and Conditions for Class, 2010.

The Authority is satisfied that during the period under review, the Licensee did not contravene the Regulations in respect of the Standard Terms and Conditions for Class Licences.⁸

5. CONCLUSION

The monitoring exercise found that the Licensee was generally compliant with most of its licence conditions and relevant regulations. However, the monitoring exercise found areas where the licensee has not complied. It was found that the Licensee does not comply with its news obligation of broadcasting fifty (50) minutes per day in so far as the Licensee does not broadcast news on Saturdays and Sundays.

⁷ ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

⁸ Standard Terms and Conditions for Class Broadcasting & Electronic Communications Network Services, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended.

It was further found that the Licensee does not comply with its languages of broadcast in so far as the Licensee broadcasts certain programming in isiXhosa. The licensee will be advised of the option to apply for a licence amendment, should it wish to continue broadcasting in a language that is not prescribed in its service licence.

6. TERMS OF REFERENCE

- 6.1 Annexure A: Radio Namakwaland's Class broadcasting service and spectrum licence
- 6.2 Annexure B: Regulations on South African Music Content
- 6.3 Annexure C: Compliance Procedure Manual Regulations
- 6.3 Annexure D: Regulations on Standard Terms and Conditions for Class Licences

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