



# **RISE FM ANNUAL COMPLIANCE REPORT**

**MARCH 2023**

## **2021/2022 ANNUAL COMPLIANCE REPORT**

### **RISE BROADCAST (PTY) LTD BROADCASTING AS RISE FM**

**Licence Period: 06 November 2018 to 06 November 2028**

#### **1. PREFACE**

The Independent Communications Authority of South Africa ("Authority") has a statutory mandate in terms of the Constitution<sup>1</sup>, the Independent Communications Authority of South Africa Act (ICASA Act<sup>2</sup>), the Electronic Communications Act<sup>3</sup> (ECA) and the Broadcasting Act<sup>4</sup> to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or regulations.

The purpose of the report is to give an account of Rise FM's compliance with the terms and conditions as set out in its licence for the 2021/2022 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations, Training and Skills Development, Finances and Complaints.

Additionally, the report will measure compliance with Regulations that include South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fees, and the Code of Conduct for Broadcasters.

#### **2. BACKGROUND**

---

<sup>1</sup> The Constitution of the Republic of South Africa, No 108 of 1996

<sup>2</sup> Act No. 13 of 2000, as amended

<sup>3</sup> Act No. 36 of 2005

<sup>4</sup> Act No. 4 of 1999

Rise FM is an Individual Broadcasting Service Licensee that is licensed to broadcast in the Mpumalanga Province. The radio station is licensed to provide a format of adult contemporary radio music and talk targeting mid to high-LSM groups. Rise FM is located in Mbombela, Mpumalanga Province. For the period 2021/2022 the listenership figures for the reporting period was 106 000<sup>5</sup>.

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Licensee Details**

Clause 1 of the service licence stipulates that:

*"The licence is issued to:*

- 1.1. Name of Company/Entity: Lebashe Investments (Pty) Ltd*
- 1.2. Shareholders: Lebashe Investment Group (Pty) Ltd = 100%*
- 1.3. Ownership held by persons from historically disadvantaged groups: 48.33%*
  - 1.3.1. Pazomanzi (Pty) Ltd – 28.47%;*
  - 1.3.2. Little River Trading 305 (Pty) Ltd – 21.81%;*
  - 1.3.3. Tamibex (Pty) Ltd – 21.27%;*
  - 1.3.4. WGW Capital (Pty) Ltd – 9.76%;*
  - 1.3.5. RAPHMAB (Pty) Ltd - 7.63%; and*
  - 1.3.6. Venture (Pty) Ltd – 6.54%.*

For the period under review, there were no changes in the name and shareholding of the Licensee.

**The Licensee complies with clause 1 of its licence.**

#### **3.2 Geographic Coverage**

Clause 2 of the schedule to the licence provides that:

*"Mpumalanga Province as defined in the coverage map attached to the Licensee's radio frequency spectrum licence".*

---

<sup>5</sup> <https://brcsa.org.za/rams-amplify-radio-listenership-report-oct21-sep22/>

The radio frequency spectrum licence indicates the radio station's coverage area to be Mpumalanga Province, with transmitter sites spread across the region. For the period under review, there were no complaints that were lodged against the Licensee regarding its coverage area. The Licensee maintains that its coverage area is as defined in the frequency spectrum licence.

**The Licensee complies with clause 2 of the schedule to its licence.**

### **3.3 Broadcast Language/s**

Clause 3 of the schedule to the licence stipulates that Rise FM's languages of broadcast are:

*"English – 70%;*

*isiSwati - 10%;*

*isiNdebele - 5%;*

*isiZulu - 5%;*

*xiTsonga - 5%; and*

*Sepedi - 5%".*

For the period under review, the Authority's monitoring exercise confirmed that Rise FM's primary language of broadcast is English. Other languages feature during some programmes, although not prominent.

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

### **3.4 Format**

Clause 4 of the schedule to the licence provides that:

*"The Licensee shall have a programming format of talk and music in an adult contemporary format, which will be supplemented with a mixture of urban and contemporary pop music targeting adults within the LSM 5 to 10".*

The monitoring exercise confirmed an adult contemporary format that is complemented by R&B, neo-soul and afro-pop, and did not deviate from its format.

**The Licensee complies with clause 4 of the schedule to its licence.**

### **3.5 Local Content Obligations**

Clause 5 of the schedule to the licence provides that:

*5.1 "The Licensee shall source and promote music from artists and/or musicians within the province", and*

*5.2 The Licensee must promote and develop South African music talent by airing music events, regular interviews with musicians and promoting new musicians from the Mpumalanga Province".*

The Licensee provides a platform for new artists to promote their music through profiling and interviews and a general playlist of new music.

**The Licensee complies with clause 5 of the schedule to its licence.**

### **3.6 General Programming Obligations**

Clause 6.1 of the schedule to the licence provides that:

*"The Licensee shall broadcast Current Affairs between 06h00 and 19h00 during weekdays".*

The monitoring exercise found the current affairs programme #RISEFMIN60MINUTES between 19:30 – 20:30

Clause 6.2 of the schedule to the licence provides that:

*"At least 20% of Current Affairs programming must be generated from the coverage area".*

The monitoring exercise further found that, consistently, some of the programming during current affairs is from the Mpumalanga area.

Clause 6.3 of the schedule to the licence provides that:

*"The Licensee must broadcast:*

- a) *forty-four (44) minutes of news (in the form of hourly bulletins between 06h00 and 18h00) each day,*
- b) *as well as ten (10) minutes of sports news each day from Monday to Friday,*
- c) *twelve (12) minutes of news on weekends, and*
- d) *The duration of each bulletin will not exceed three (3) minutes."*

Clause 6.4 of the schedule to the licence provides that:

*"The Licensee must broadcast 40% of news that has been generated from the coverage area".*

The monitoring exercise found the following extracts of news during the period under review:

- *"Violent protests on the N3 near Mooi River in KwaZulu-Natal disrupted traffic on Monday morning. The N3 Toll Concession issued an alert early on Monday saying there were reports of protests in Bruntville near the Mooi River Toll Plaza. "Law enforcement services have been deployed and are monitoring the situation.*
- *Traffic on the N3 Toll Route is currently not impacted by the community protest. Road users are, however, advised to approach the area with caution." SA Trucker later advised transporters on Twitter to hold back their trucks as a result of the "violent protest" near Mooi River. "Trucks and cars are being stoned." Southbound traffic has come to a standstill at the toll plaza."*
- *"The community activist and environmental lobbyist said communities, that bear the brunt of climate change effects, are not included in the just energy transition process. Thomas Mnguni, the GroundWorks community campaigner, was speaking on the sidelines of the Energy Summit taking place at Emalahleni at The Ridge hotel on Wednesday morning. The Energy Summit started on Tuesday, 24 May, and will end today, 25 May. The summit organised by the Mpumalanga Provincial Government Premier Refilwe Mtsweni-Tsipane, members of the Executive Council, the mayor's from various municipalities, mining companies, industries, and community organisations to explore ways and strategies that can lead to the minimisation of the impact of climate change. Mnguni also said that*

*there are not many commitments from world leaders to reduce carbon emissions from the 1st COP summit back in 1995 in Germany to the recently held COP26 summit in Glasgow, UK, in November last year."*

- *"Police confirmed that calm has been restored in Mariti on the R40 between Hazyview and Bushbuckridge. Last night Tuesday 24 May angry community members from the area burnt down three Timber trucks. At least five trucks have been burned down in the same areas during service delivery protests in the last three weeks. Some of the community members who spoke to RISE fm News anonymously said they will not stop protesting until the Public Works Department Mohita Latchminarain respond to their grievances. They demand that a tar road must be constructed to link Marite with other villages. They are also complaining about a lack of housing and water shortages. Last week two timber trucks were burnt down after attempting to cross by force during a protest in the same area. Meanwhile, Provincial police spokesperson Brigadier Selvy Mohlala said the road is currently open. "Motorists can be able to access the particular road. The challenge is that parts of the burned trucks are still on the road but motorists can be able to pass and our members are also patrolling the site," said Mohlala.*
- *The Democratic Alliance (DA) in Mpumalanga is calling for the Provincial Government and the Bushbuckridge Local Municipality to intervene. The DA voiced concern citing that it is worrying that 10 schools in Marite have now been shut down by the protestors denying learners access to education.*

#### **The Licensee complies with clause 6.4 of the schedule to its licence.**

Clause 6.5 of the licence provides that:

*"The Licensee shall make use of SAPA for national and international news. The Licensee will also use its own news team and stringers as well as African Eye News service to source local news".*

The monitoring exercise found that most of the news coverage is self-generated during the period under review.

**The Licensee complies with clause 6.5 of the schedule to its licence.**

Clause 6.6 of the licence provides that:

*"News will be broadcast in English only".*

The monitoring exercise confirmed English as the main language of news broadcasts.

**The Licensee complies with clause 6.6 of schedule to its Licence.**

Clause 6.7 of Rise FM's schedule to the licence provides that:

*"The source(s) of all news material (other than news sourced from the Licensee) shall be disclosed during the news broadcast".*

The monitoring exercise found that most of the news broadcast by the licensee is predominantly from the Mpumalanga Province and is generated by the licensee and its subsidiary entities in print media.

**The Licensee complies with clause 6.7 of the schedule to its licence.**

### **3.7 Management, Training and Skills Development**

Clause 7.1 of the licence stipulates that:

*"The Licensee shall ensure that 50% of the people employed in its senior management are black, of whom 30% will be black women within a five (5) year period. Furthermore, the Licensee must ensure that it employs historically disadvantaged individuals from Mpumalanga."*

The monitoring exercise found that 50% of senior management falls under the HDI groups.

**The Licensee complies with clause 7.1 of the schedule to its licence.**

### **3.8 Ownership and Control Obligations**

Clause 8 of the licence stipulates that:

*8.1 The Licensee must ensure equitable representation of women on its board and management structures.*



*8.2 Directors of the Licensee shall retain control and responsibility for the running of the station.*

The monitoring exercise found equitable representation on the board and management of the licensee. Furthermore, directors retain the responsibilities of running the radio station.

**The Licensee complies with clauses 8.1 and 8.2 of the schedule to its licence.**

### **3.9 Developing the on-air Talent of Local Community Sound Broadcasters:**

Clause 9 of the licence stipulates that:

*9.1 The Licensee shall offer ongoing on the job training support to community sound broadcasters broadcasting within the coverage area by:*

*9.2 Offering individual on-air presenters of such community sound broadcasting services the opportunity to volunteer as guest presenters on the early morning show of Rise FM; and*

*9.3 Offering news staffers of such community sound broadcasting services the opportunity of engaging in job-shadowing in Rise FM's news department.*

The Licensee submits that it has not been able to fulfil its community broadcasting development obligations. However, the licensee reports that they have established a partnership with a local NGO called Zoe Creatives Organisation in their Music Creatives Workshop.

**The Licensee did not comply with clause 9 of the schedule to its licence.**

## **4 REGULATIONS**

### **4.1. South African Music Content Regulations**

Regulation 3(2) of the Regulations on South African Music Content as published on 23 March 2016 provides that:

*"Every holder of a commercial sound broadcasting licence must ensure that after eighteen (18) months from the date of gazetting of these Regulations, a minimum of 35% 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."*

The monitoring exercise confirmed at least 35% of SA Music Content during the period under review. Artists found on the playlist include *Phumla Music; Afrotraction; Mlindo the Vocalist; Kelly Khumalo; Msaki; Sjava* and many others.

### **The Licensee complies with the South African Music Content Regulations.**

#### **4.2. Regulations regarding Standard Terms and Conditions for Individual Broadcasting Licences**

There were no incidents of non-compliance with the Standard Terms and Conditions for Individual Licences committed by the licensee during the period under review.

#### **4.3 General Licence Fees Regulations**

Regulation 3(1)(a) of the General Licence Fees Regulations provides that:

*"The annual Licence fees prescribed in these regulations and as set out in Schedule 2 apply to holders of Individual and Class ECS Licences, Individual and Class ECNS Licences and Individual Commercial BS Licences".*

Schedule 2 under Annual Licences Fees provides that:

*"Individual Commercial Broadcasting Service Licensees to pay an annual licence fee of 1.5% of gross profit to the Authority".*

Schedule 3(4)(b) and (c) provides that:

*"(b) in respect of payment, such are due and payable within 6 months from the end of the Licensee's financial year;*

*(c) may only be paid by way of an electronic transfer or via direct deposit into the Authority's bank account"*

The Licensee paid their annual licence fees in accordance with the applicable regulations.

**The Licensee complies with the General Licence Fees Regulations.**

**4.4 Universal Service and Access Fund (USAF) Regulations**

Regulation 3 (1) of the prescribed annual contribution of licences to USAF regulations published on 10 February 2011 provides that:

*"Every holder of the licence granted in terms of Chapter 3, 4 and /or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2 % of the annual turnover, to the Fund".*

Regulation 3 (2) stipulates that:

*"A BS Licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year".*

A confirmation of the Licensee's annual contribution to the USAF was received from the Licensee, and this was done within the prescribed timeframes.

**The Licensee complies with the USAF Regulations.**

**5. COMPLAINTS**

Form 12A: Complaints Report of the Compliance Procedure Manual Regulations read with the Code of Conduct for Broadcasters requires that broadcasters complete the form bi-annually in accordance with the Licensees' Financial Year.

The Licensee is a member of the National Association of Broadcasters ("NAB"), and as such, any complaints related to this Licensee are administered through the

Broadcasting Complaints Commission of South Africa ("BCCSA"). For the period under review, there were no complaints escalated to the Authority.

## **6. CONCLUSION**

The Licensee generally complied with its licence terms and conditions and related Regulations for public broadcasting during the period under review.

## **7. TERMS OF REFERENCE**

Annexure A : Rise FM's Broadcasting Service Licence

Annexure B : Rise FM's Frequency Spectrum Licence

Annexure C : Rise FM Compliance Submission

Annexure D : The Licensee's Music Report

Annexure E : Standard Terms and Conditions Regulations (individual)

Annexure F : Universal Service and Access Fund Regulations

Annexure G : General Licence Fees Regulations

**END**