



# **RISE FM ANNUAL COMPLIANCE REPORT**

**MARCH 2025**

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## **2023/2024 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, the Independent Communications Authority of South Africa Act<sup>1</sup> (“ICASA Act”), the Electronic Communications Act<sup>2</sup> (“ECA”) and the Broadcasting Act<sup>3</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 2023/2024 financial year. Aspects of compliance that are measured comprise 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**

Rise FM is an Individual Broadcasting Service Licensee that is licensed to broadcast to 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 in Mbombela (formerly Nelspruit), in Mpumalanga Province.

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<sup>1</sup> Act No. 13 of 2000, as amended

<sup>2</sup> Act No. 36 of 2005

<sup>3</sup> Act No. 4 of 1999

### 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%.*

During the reporting period, the Licensee's ownership structure remained unchanged with no changes reported to the Authority.

**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".*

Rise FM maintains its coverage area is as defined in the radio frequency spectrum licence, with no coverage-related complaints received by the Authority.

**The Licensee complies with clause 2 of the schedule of 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%”.*

The monitoring exercise found that the Licensee’s primary language of broadcast is English with other languages featured less prominently across all programming content.

**The Licensee complies with clause 3 of the schedule of 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 Rise FM's compliance with its format, noting the inclusion of R&B, neo-soul, and Afro-pop within its programming. This is further evident in artists like John Legend (adult contemporary with R&B influence), Alicia Keys (neo-soul), and Sjava (contemporary afro-pop) being featured on the radio station’s playlist.

**The Licensee complies with clause 4 of the schedule of 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”.*

While Rise FM did not report on music events or artist interviews, as outlined in Clause 5, the station attempted to fulfil its mandate by featuring local artists, particularly from Mpumalanga, on its playlist.

**The Licensee partially complies with clause 5 of the schedule of 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 Authority’s monitoring exercise confirmed the current affairs programme #RISEFMIN60MINUTES airs between 19:00 – 20:00.

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 found that while the current affairs program included Mpumalanga-related content, this was not a consistent feature, which indicates that the 20% requirement was met in some, but not all, instances.

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:

- *"The Pietermaritzburg high court judge Nkosinathi Chili dismissed Zuma's application, saying he was not persuaded Zuma had succeeded in establishing that retention of Downer could infringe on his right to a fair trial. However, he would only give his reasons for the ruling "at the end of the trial". Former president Jacob Zuma has again failed to remove lead prosecutor advocate Billy Downer from his arms-deal corruption case. This flummoxed Zuma's counsel advocate Dali Mpofu, who indicated he wanted the reasons in order to take the ruling on appeal. But more appeals are in the offing and the matter has still not been set down for trial for the hearing of evidence".*
- *"Community members of Modeg Farm are accusing ward councillor Peter Mbokane of overlooking them when it comes to job opportunities. The residents claims that Mbokane has taken advantage of the projects that are meant to benefit the community such as road refurbishment projects. They've also claimed that the ward councillor reserved some of the projects for family members. Residents say this is alarming given the high unemployment in the area. Meanwhile, Mbokane has denied the allegations saying that community members have benefited in previous projects".*
- *"ANC chief whip Pemmy Majodina says the party's parliamentary caucus will comment on the raid by the Investigating Directorate (ID) at National Assembly Speaker Nosiviwe Mapisa-Nqakula's Johannesburg home when there are "proper findings". The National Prosecuting Authority's ID on Tuesday conducted a search and seizure raid at her house in Bruma. This operation is linked to the widely publicised investigation into alleged corruption involving Mapisa-Nqakula's tenure as minister of defence and military veterans. The ID confirmed its members conducted the operation but would not comment further. Majodina said due processes must unfold before the ANC in parliament can act on the matter.*

*"Everyone must be given the benefit of doubt until there is a concrete report on the findings and recommendations. We are watching the space to let the process unfold".*

**The Licensee partially complies with clause 6.4 of the schedule of 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 Rise FM primarily uses self-generated news during the review period.

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

Clause 6.6 of the licence provides that:

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

The monitoring exercise found that English is the primary language of news broadcasts.

**The Licensee complies with clause 6.6 of the schedule of 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 Rise FM predominantly broadcasts news generated by itself and its news media subsidiaries.

**The Licensee complies with clause 6.7 of the schedule of 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 Rise FM's senior management comprises historically disadvantaged individuals.

**The Licensee complies with clause 7.1 of the schedule of 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.*

While the radio station's report indicated no female representation, the current acting station manager is female, which suggests that there was an omission in the report. However, the monitoring exercise found that directors retain the responsibilities of running the radio station.

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

Rise FM has not been able to meet its community broadcasting development obligations as outlined in clause 9 of its licence during the reporting period.

Not complying with the clause, the Licensee is attributing that to a hiring moratorium that has halted recruitment from community radio stations.

**The Licensee did not comply with clause 9 of the schedule of 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.”*

Rise FM maintained at least 35% South African music content during the review period. The monitoring exercise verified this compliance, noting the inclusion of various local artists, including *L-Tido; Ayana Adele; Nomfundo Moh; M’du; Aquatone and Afrotraction.*

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

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

Regulation 11 (3) of the Standard Terms and Conditions for Individual Licences Regulations<sup>4</sup> stipulates that:

*“A station must clearly identify itself at intervals of not more than thirty (30) minutes.”*

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<sup>4</sup> Regulations regarding the Standard Terms and Conditions for Individual Licensee’s

Rise FM met the station identification requirements of Regulation 11(3), broadcasting clear station IDs within the mandated 30-minute intervals. No instances of non-compliance with the Standard Terms and Conditions for Individual Licences occurred during the review period.

#### **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"*

Rise FM paid its annual licence fees in accordance with the General Licence Fees 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".*

The Licensee provided payment confirmation of contributions in accordance with regulation 3 of the USAF Regulations above.

### **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.

Rise FM being a member of the National Association of Broadcasters (NAB), has its complaints processed by the Broadcasting Complaints Commission of South Africa (BCCSA). However, during the reporting period, no complaints were escalated to the Authority.

## **6. CONCLUSION**

Rise FM generally complied with its licence terms and conditions and applicable Regulations for individual commercial broadcasting licensees during the review period, save for a few instances of non-compliance. Where any non-compliance may persist and remain unresolved, the Licensee will be referred to the Complaints and Compliance Committee (CCC), for hearing and adjudication.

## **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**