



ULWAZI FM ANNUAL COMPLIANCE REPORT

MARCH 2023

2021/2022 ANNUAL COMPLIANCE REPORT

RADIO ULWAZI 88.9 T/A ULWAZI FM

LICENCE PERIOD: 12 NOVEMBER 2020 to 11 NOVEMBER 2027

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), the Electronic Communications Act³ (ECA) and the Broadcasting Act to regulate broadcasting activities in the public interest. The Authority has a mandate to ensure compliance by broadcasters with the terms and conditions of the licence, the ECA, the ICASA Act and any other relevant legislation and Regulations.

The purpose of this report is to give an account of Ulwazi FM's ("the Licensee") 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 Geographic Coverage, Community participation, and Programming Obligations.

Furthermore, the report will measure compliance with regulations that include South African Music Content, Standard Terms and Conditions, and the Compliance Procedure Manual Regulations.

2. BACKGROUND

Ulwazi FM is a class broadcasting service Licensee providing services to a geographic community residing in the Pixley ka Seme District Municipality in the Northern Cape Province. The radio station provides a programming format that is a mix of talk and music.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

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

² ICASA Act No 13 of 2000, as amended

³ Electronic Communications Act No 36 of 2005

Clause 1 of the schedule to the licence provides that:

"The Licence is issued to:

1.1 Name of company/entity: Radio Ulwazi 88.9.

1.2 Name of Station: Ulwazi FM.

1.3 Control of the Licensee: Control shall vest in the governing body of Radio Ulwazi 88.9."

The licence was transferred from Ulwazi Communications Trust to Radio Ulwazi 88.9 on 21 June 2021.

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

3.2 Licence Period

Clause 2 of the schedule to the licence provides that:

"2.1 The effective date of the licence is 12 November 2020.

2.2 The licence shall expire on 11 November 2027."

The licence is still valid.

3.3 Licence Area

Clause 3 of the schedule to the licence provides that Ulwazi FM's coverage area is as follows:

"The Licensee shall provide services in Pixley ka Seme District Municipality in the Northern Cape Province, as set out in the Licensee's radio frequency spectrum licence".

The Licensee confirmed that it provides a service to the licensed area as set out in the Licensee's radio frequency spectrum licence.

In the year under review, the Authority did not receive any reports or complaints indicating that the radio station has gone beyond its licenced area.

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

3.4 Community

Clause 4.1 of the schedule to the licence provides that:

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

The Licensee confirmed that it provides a sound broadcasting service as prescribed in its licence.

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

Clause 4.2 of the schedule to 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; and

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".

The Licensee did not hold programming meetings with community members during the period under review.

The Licensee does not comply with clause 4.2 of the schedule to its licence.

Further, clause 4.2.3 provides that:

"The Licensee shall hold an Annual General Meeting 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 any Special Annual General Meeting as and when required by the Constitution; 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 hold an AGM during the period under review.

The Licensee does not comply with clause 4.2.3 of the schedule to its licence.

3.5 Programming

Clause 5.1 of the schedule to the licence provides that:

"The Licensee shall provide programming as follows":

5.1.1 News and Information: The Licensee shall broadcast news to a total forty (40) minutes per day, of which sixty 50% shall be local, 20% provincial, 15% national and 15% international."

The Authority's monitoring exercise revealed that the Licensee broadcasts approximately twenty (25) minutes of news per day. The news bulletins are in isiXhosa, English and Afrikaans and they cover national news. The Licensee does not broadcast local, provincial and international news.

Below are some of the news items that were heard as reported.

- *"Inkokheli yeDemocratic Alliance uMnumzana uJohn Steenhuizen ithi izakumangalela urhulumente ngelifuna kupheliswe ukubekwa kwelilaseMzansi Afrika phantsi kwemeko yentlekele. NgoLwesibini uMphathiswa woBambiswano noLawulo neMicimbi yoMthonyama, uGqirha Nkosazana Dlamini-Zuma norhulumente ulongezelele de kube ngomhla weshumi elinesihlanu kuApril, ixesha lokubeka eli phantsi kwemeko yentlekele.*
- *Amapolisa asathe bhazalala ekukhangeleni umtyholwa ohlasele uGqirha Esther Mahlangu emzini wakhe kwenzintsuku ezidlulileyo. Lomakhwekhwetha-saziwayo kwezobugcisa uhlaselwe endlini yakhe waze wathathelwa umpu wakhe kunye nesixa semali esingachazwanga. Ibhunga lezoTyelelo loMzansi Afrika lisigxekile kabomu esisenzo.*
- *The patient who underwent the first robot-assisted surgery at Tygerberg Hospital in Cape Town says she is feeling fine and is in good spirits following the procedure. 62-year-old Lorraine Gys underwent a collateral procedure to remove a cancerous growth. It was a first robot assisted surgery that was performed at a public hospital in South Africa. Gys said she isn't in too much pain following her operation."*

The Licensee does not broadcast fifty (50) minutes of news per day and it does not adhere to the news split as prescribed in clause 5.1.1.

The Licensee does not comply with its news obligation.

Clause 5.1.2 of the licence provides that:

"South African Music Content: 80%"

The Authority's monitoring exercise confirmed that the radio station broadcasts approximately 80% South African Music Content

The Licensee's compliance with clause 5.1.2 above.

Clause 5.1.3 of the licence provides that the format is as follows:

"60% Talk and 40% Music"

The monitoring exercise revealed that the Licensee's shows are a mixed blend of music and talk, with more talk. The station has discussions throughout the day on issues that affect the community. Discussion on gender-based violence, alcohol abuse, finance, relationship and health matters were heard during the monitoring exercise.

The Licensee also caters for children by syndicating Nal'ibali from the SABC. The monitoring exercise confirmed that the Licensee's format is as prescribed in the licence.

The Licensee complies with its prescribed format.

Clause 5.1.4 of the licence provides that:

Language(s) of broadcast:

5.1.4.1 isiXhosa – 50%;

5.1.4.2 Afrikaans – 20%;

5.1.4.3 English– 20%; and

5.1.4.4 Setswana – 10%

The monitoring exercise revealed that the Licensee broadcasts its programmes mainly in isiXhosa. Afrikaans is the secondary language, the Licensee broadcasts about 35% of its programmes in Afrikaans and plays Afrikaans music too. The remaining 15% broadcasting should be in English and Setswana. However, no broadcasting in any of the two languages mentioned, could be heard during the monitoring period.

The Licensee does not with its languages of broadcast obligation.

Clause 5.2 of the schedule to 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 pro-forma of the log to be kept will be supplied by the Authority".

The Licensee does not submit programming logs on a monthly basis during the period under review, therefore it does not comply with clause 5.2 above.

4. REGULATIONS

4.1 ICASA Regulations on South African Music

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

"A holder of a community sound broadcasting licence must ensure that after eighteen (18) 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 reasonably evenly throughout the said period".

For the period under review, the obligation in accordance with the SA Music Regulations above, provides for at least eighty percent (80%) of South African music content to be played by community sound broadcasting Licensees.

The Authority's monitoring exercise revealed that the radio station broadcasts a significant amount of South African music content. Various genres were identified on the station's music line-up including Jazz, Amapiano, Hip-Hop, Maskandi, Gospel, Afro-Soul and Kwaito with artists such as *Nathi, Kurt Darren, Rethabile Khumalo, NolmaXhosa, Skweletu, Vusi Nova, Theuns Jordaan, Ringo, Big Zulu and The Soil.*

The Licensee complies with the South African Music Content obligation.

4.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

The monitoring exercise also revealed that the Treasurer of the Board occupies dual roles by also being a presenter on the station, which is in contravention of clause 10A (7) (d) of the Regulations on Amended Standard Terms and Conditions 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 does not comply with the Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

5 CONCLUSION

The Licensee is not compliant with some of its licence terms and conditions, the Compliance Procedure Manual Regulations and Standard Terms and Conditions for Class Licences Regulations.

The Licensing and Compliance Division will advise the Licensee of its non-compliance and endeavour to assist the Licensee to comply. However, should the Licensee not improve its performance it will be advised of the Authority's intention to refer it to the Complaints and Compliance Committee (CCC) and provided with the opportunity to respond to the non-compliance findings.

6 TERMS OF REFERENCE

Appendix A: Ulwazi Community Radio's Service Licence;

Appendix B: Standard Terms and Conditions for Broadcasting Services, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended;

Appendix C: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016, and

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

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