



VOICE OF WITS ANNUAL COMPLIANCE REPORT

MARCH 2017

2015/2016 ANNUAL COMPLIANCE REPORT

UNIVERSITY OF THE WITWATERSRAND BROADCASTING AS VOICE OF WITS

LICENCE PERIOD: 26 NOVEMBER 2014 TO 25 NOVEMBER 2019

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ (ECA) and the Broadcasting Act to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority is to ensure compliance by broadcasters with the terms and conditions of their licence, the ECA, the ICASA Act, any relevant legislation and regulations.

The following report is intended to give an account of Voice of Wits (VOW) compliance with the terms and conditions as set out in its licence for the 2015/2016 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 Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

VOW FM is a Class broadcasting service Licensee. The Licensee's language(s) of broadcast is English. The radio station's mandate is to provide a service to the students, academic community and support staff of the University of the Witwatersrand and surrounding areas of the City of Johannesburg Municipality in Gauteng.

VOW FM broadcasts from the studios situated at 9th Floor, University Corner 15-17 Jorissen, Braamfontein.

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

3. COMPLIANCE ASSESSMENT

3.1. Ownership and Control

Clause 1 of the schedule to the licence stipulates that:

"The Licence is issued to:

1.1 Name of Company/Entity: University of the Witwatersrand.

1.2 Name of the radio station: Voice of Wits.

1.3 Control of the Licensee: Control shall vest in the University Council under the Faculty of Humanities of the University of the Witwatersrand.

There were no changes reported by the licensee and the radio station is still controlled by the University Council under the Faculty of Humanities.

The Licensee complies with clauses 1.1 and 1.3 of the schedule to its licence.

Clause 1.2 of the schedule to the licence stipulates as follows:

"Name of the radio station: VOW".

The name of the Licensee's radio station is Voice of Wits (VOW) as stipulated in the licence.

The Licensee complies with clause 1.2 of the schedule to its licence.

3.2 Geographic Coverage Area

Clause 3 of the schedule to the licence stipulates the geographic coverage area as follows:

"University of the Witwatersrand and surrounding areas of the City of Johannesburg Municipality in the Gauteng Province as set out in Licensee's radio frequency spectrum licence."

The Licensee confirms that it covers academic vicinity of the University and its surrounds and these are the geographic areas specified in the spectrum licence.

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

3.3 Community Participation

Clause 4.1 of the schedule to the licence provides that:

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

VOW FM broadcast from the University of the Witwatersrand and provides its services to the geographic community residing within its coverage area.

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;

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's constitution has defined how the above objections regarding programming and programming related matters would be achieved.

Clause 9.2 of the Licensee's constitution sets out how the above should be achieved:

Voice of Wits shall establish Community partnerships and open forums from within the Wits Community. The purpose of the community partnerships/forums is for the station to engage with the Wits community regarding issues pertaining to the stations programming and community engagement. The partnerships/forums will be used as platforms to create meaningful debate between the station and its community. Voice of Wits will also use these to test new programming content and to receive feedback regarding current programming content. The station will use several methods of establishing and engaging with these partnerships/forums including: meetings, online, blogs/groups and telephone. All Members will be invited to partake in community forums.

Clause 6 of the Licensee's constitution defines membership of the Wits Community as follows:

- *Volunteers: The Volunteers are directly involved in the day-to-day operations of the station.*
- *Members: The Membership of VOW is comprised of all individuals from the Wits Community who wish to be involved with the station in a less active capacity or to join the station in the future as volunteers.*
- *Alumni: The VOW Alumni is comprised of Volunteers who have subsequently left the station.*
- *Board Members: The VOW Board is constituted by members of the WITS Community who have been elected onto the Board from within the Wits Community and/or for their specific expertise.*
- *Staff: Staff are paid personnel who work at the station in specific capacities. These positions are approved by the board and are subject to the Wits HR recruitment policy.*

However, the Licensee has not submitted proof that the above meetings have been held with the community forums. **The Licensee has failed to comply with clause 4.2.1 and 4.2.2 the schedule to its licence.**

Further Clause 4.2.3 stipulates that:

"The Licensee shall hold an Annual General Meeting (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 achieved the above obligations in a different manner which is by having stakeholder engagements with its community throughout the year. The purposes of these meetings are to give feedback to the Wits Community as defined

in the constitution, on operational and financial performance as well as report on Compliance matters.

The Board is constituted by members of the Wits Community who have been elected into the Board from within the Wits Community and/or for their specific expertise.

Clause 6.4.2 of the Constitution stipulates the procedures of the elections and how the board would be constituted.

The Board shall consist of:

- i. Two (2) members nominated by the SRC, who are executive members of the SRC;*
- ii. Two (2) members nominated by the Dean of Students. The persons so nominated shall be from different units that fall under the DOS division (CCDU, SDLU, Campus Health, etc). It is critical that these two positions are filled by individuals whose positions directly relate to community development, students and services.*
- iii. One (1) member nominated by the executive management of the University. The person so nominated must occupy a senior management position at the university;*
- iv. One (1) member nominated by the Head of the Law School. The person so nominated shall have knowledge of the regulatory framework relating to broadcasting;*
- v. One (1) member nominated by the Head of the School for Electrical and Information Technology. The person so nominated must possess technical knowledge relating to broadcasting;*
- vi. One (1) member nominated by Head of the Journalism Department;*
- vii. The Director of the Wits Radio Academy, serving ex officio;*
- viii. The station manager of the VOW, serving ex officio;*
- ix. One (1) member nominated by the Volunteers of Voice of Wits to represent the volunteers at Board level. This person cannot be on the management*

committee or a paid by the station. Refer to role & responsibilities document on server;

x. *Additional members may be co-opted by the Board from time to time.*

THE FOLLOWING MEMBERS WERE ELECTED AS BOARD MEMBERS OF VOW FM:

Prof Tawana Kupe	Chairperson
Prof Franz Kruger	Deputy Chairperson Strategic partner form Wits Radio Academy
Prof Anton Harper	Deputy Chairperson Strategic Partner Wits Journalism
Benmore Kgosimore	Staff Representative
Adrien Carter	Student Affairs
Lamese Abrahams	Student Development Unit
Prof Alan Clark	Technical Representative
Dakalo Singo	Legal Representative
Mike Smurthwaite	Station Manager

The station manager is responsible for convening annual meetings with the members. The station manager reported the following with regards to operational and financial performance.

In terms of financial performance, the following was reported:

- The station has a surplus of R 975 974.21 of which R 6 801 is committed to various expenses and R 58 034 allocated to salary commitments, telephone provision and printing cost. So far R 851 364 has been received in revenue in the bank account with about R 400 000 still outstanding. No Assets were purchased in the last quarter of 2016 as we decided to take a precautionary measure due to fees must fall and the possible effect on advertising. This proved to be a good decision and details are outlined below.
- Total sales for 2016 currently site at R 1,207,690.09 which is short of the 2 million target set at the start of 2016. The disruptions experienced on campus due to fees protests in February as well as September to October resulted in the direct cancelling of R 112,529.50 in signed contracts as well

as R 251,300.00 in confirmed deals. None of these campaigns were rebooked. Clients/agencies adopted a wait and see approach with regards to the stability of campus. The net result is that directly we lost over R 350 000 in revenue from confirmed contracts and we cannot estimate the possible loss of contracts that agencies lost. The loss of revenue will have a serious impact on the station's operational budget for 2017 and reduce the capacity of the station to invest in its facilities, infrastructure, community and staff. The radio station has had one bad debt of R 14 000.

In terms of operational performance, the following was reported:

- The upgrade to the main broadcasting studio, recording booth and backup studio has been completed. The new installations has not only improved the aesthetic but also made a huge difference to the functionality of the studios particularly. The talk shows are now able to use the talkback function to communicate with their on-air personality. The presenters/guests can each independently control their microphone, headphones as well as talkback.
- New systems were developed to better manage the technical department. These systems include a new production request system, imaging tracker, Outside Broadcasts (OB's) roster and tech team progress report. These individual items have improved the transparency and productivity of the technical department as they enable tracking of work and producer output. Additionally, there is a maintenance checklist and equipment sign-out system that aids in the control and maintenance of our facilities and equipment. We will be looking to digitise the process long term through the development of software application.
- The technical team recruited new technical team members. With 32 shows and only 5 producers (including the technical manager), this meant each producer would be responsible for at least 5 shows. In addition to the workload of advertising, other station productions, equipment/systems maintenance and OBs; the shortage of producers had a huge impact on turnover times. During the month of October, we ran an urgent recruitment campaign for technical producers. The technical manager aimed to speed up the production cycle in order to increase his team in order to achieve this.

The Licensee demonstrated that it involves its community in operational, financial performance as well as compliance matters by giving regular feedback in various annual meetings.

It is important to note that Campus radios have a unique model and approach in dealing with community participation considering that the community is that of the University. It is further important to note that campus radios receive support from the universities and therefore control vests with the University Councils.

The Licensee has, during the period in review, complied with the obligations of clause 4.2.3 of the schedule to its licence.

3.4 Programming

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

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5.1.1 News and Information:

The Licensee shall broadcast a total of forty five (45) minutes of news on week days and eight (8) minutes on Saturdays and Sundays respectively of which 50% shall be local, 30% national and 20% international.

The Licensee reported that it does not comply with the above clause.

The monitoring exercise indicated that VOW FM broadcasts news bulletins every hour on the hour and news headlines at the bottom of the hour, of which the duration of the news bulletins is 2 to 3 minutes. The Licensee also has a BBC news insert, to give an account of international news on weekday mornings. The insert is for a duration 2 minutes.

The following were among the news bulletins covered for the period under review:

- *"Wits Management has released a statement announcing that academic activities will resume and has said that the presence of security forces will be minimized with Police to remain on the parameters of campus unless there is threat to life or property.";*

- *"The Democratic Alliance and COPE leaders are expected to march to the SABC offices in Auckland Park against the Chief Operating Officer, Hlaudi Motsoeneng.";*
- *"Lee Ann Naidoo is amongst female activists en route to Gaza has a made a plea for help to South Africans to apply pressure on Government to secure her release. Lee Ann and other activists have allegedly been held hostage and kidnapped by Israel Authorities while traveling on a women's boat to Gaza."; and*
- *"Hurricane Matthew, the fiercest Caribbean storm in almost a decade has hit Cuba and Haiti forcing hundreds of people to take cover. According to the U.N this is the worst humanitarian crisis to hit Haiti since the devastating earthquake in 2010."*

The Licensee submits that it broadcast 60% of local news, as stipulated in the licence.

Monitoring detected that the Licensee broadcasts at least 60% of local news, 35% of national and 5% national news.

For the period under review, the Licensee was found not to comply with the requirements of the above clause.

5.1.2 South African Music Content:

The Licensee shall broadcast 60% South African music content.

The licensee submits that it broadcast 60% of South African music, which includes interviews with local musicians.

Monitoring revealed that the Licensee broadcasts at least 60% South African local music.

The Licensee was found to be in compliance with clause 5.1.2 the schedule to its licence.

5.1.3 Talk vs Music:

50% talk and 50% music.

The Licensee reported that its format is as defined in the licence.

The monitoring exercise revealed that the Licensee does not broadcast a 50% talk and 50% music split as stipulated. The Licensee broadcasts an average of 60% music and its talk content is 40%.

The Licensee does not comply with its format as stipulated in the licence.

5.1.4 Language(s) of broadcast:

(a) 100% English

The monitoring exercise revealed that the Licensee broadcasts in English. **Therefore the Licensee complies with clause 5.1.4 of the schedule of the licence above.**

3.5 Promise of Performance

Clause 8.1 of the schedule of the licence requires that:

"The Licensee shall broadcast current affairs programming relating to student activities on Wednesdays between 19h00 -20h00".

The Licensee broadcasts a show called "breaking-ground" on Wednesday evenings. The discussion was about the #feesmustfall movement and further discussed issues regarding the involvement of excessive force by the police. The show engaged with spokesperson's from all stakeholders involved, this including government particularly the Ministry of Higher Education. The above activities are related to student activities. **Therefore the Licensee was found to be in compliance with the clause 8.1 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 31 January 2006 stipulates that:

"Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% 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”.

VOW FM plays a significant amount of South African music. The music genres range from Kwaito, RnB, pop to Hip Hop and house. The local music played by the radio station includes amongst others: *Thebe, Mandoza, Cassper Nyovest, Emtee, Kwesta, Fifi Cooper, Jimmy Navis, DJ Tira, AKA and Khumbuzile.*

On average VOW FM plays 60% South African music weekly.

The Licensee complies with the required local music content quota, as prescribed by the South African Music Content Regulations.

4.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

During the year under review, the Authority did not identify instances of non-compliance by the Licensee with the standard terms and conditions for class licences.

The Licensee was found to be in compliance with the above Regulation.

4.3 Information in accordance with Compliance Procedure Manual Regulation (CPMR)

The Licensee is required to submit the following information to the Authority in following manner:

- a) Form 1 & 7C: These forms are annual submissions and are to be submitted each year by end of March;
- b) Form 6B and 12A: These forms are bi –annual submissions and are to be submitted second week of October and second week of April each year; and
- c) Form 8A-E: These are monthly reports pertaining to general programing logs, they are to be submitted at the beginning of every month to report on the previous month.

During the period under review, the Licensee submitted the above information to the Authority as set out in the Regulations.

The Licensee was found to be in compliance with the Regulation above.

5. CONCLUSION

VOW FM, for the period under review, has generally complied with the requirements as set out in its licence and relevant legislation. However, the Licensee did not comply with clause 4.2.1 and 4.2.2 as well as news and information output and format obligations as set out in the licence terms and conditions.

6. TERMS OF REFERENCE

6.1 Appendix A: VOW FM's broadcasting service and frequency spectrum licence.