



# **MUSINA COMMUNITY RADIO ANNUAL COMPLIANCE REPORT**

**MARCH 2024**

# **2022/2023 ANNUAL COMPLIANCE REPORT**

## **MUSINA COMMUNITY RADIO**

**LICENCE PERIOD: 24 August 2019 to 23 August 2024**

### **1. PREFACE**

The Independent Communications Authority of South Africa ("Authority") has a statutory mandate in terms of the Constitution, the ICASA Act<sup>1</sup>, 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. One of the main tasks of the Authority is to ensure compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The following report is intended to give an account of Musina Community Radio's compliance with the terms and conditions as set out in its licence for the 2022/2023 financial year. Aspects of compliance that are measured comprise of Licence Area, Programming, Promise of Performance, Local Content Regulations, and Regulations Regarding Standard Terms and Conditions.

### **2. BACKGROUND**

Musina Community Radio is a class sound broadcasting service licensee broadcasting to Musina, Nancefield, Malale Village, Domboni Village, Madimbo Village, and surrounding areas in the Limpopo Province as set out in the Licensee's radio frequency spectrum licence. The listenership figures according to the Broadcasting Research Council of South Africa for the year under review was, 5 000 albeit having a small base for indicative purposes only<sup>4</sup>.

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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

<sup>4</sup> <https://2023/09/RAMS-Amplify-Radio-Listenership-Report-Jul22-Jun23-.pdf>

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Licence Area<sup>5</sup>**

Clause 3 of the service licence stipulates that:

*The Licensee shall provide services to Musina, Nancefield, Malale Village, Domboni Village, Madimbo Village, and surrounding areas in the Limpopo Province as set out in the Licensee's radio frequency spectrum licence. University of Venda and surrounding communities in Limpopo Province as set out in the Licensee's radio frequency spectrum licence".*

The Licensee provides community broadcasting services as per their spectrum licence.

**The Licensee complies with its licence area.**

#### **3.2 Community**

Clause 4.2 of the schedule to the service licence of Musina FM 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 focusing on programming and programming-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 only had one engagement with the community, which was held on, 09 March 2023<sup>6</sup> where part of the engagements related to the programming. This was the first engagement with the community after the suspension of the National State of Disaster by the radio station and part of the submission from

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<sup>5</sup> Appendix A

<sup>6</sup> State of Radio Report

the community was a call for constant engagement and consideration of amendments with regard to programming.

*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 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 current management of the Licensee had been in an acting capacity in the third and fourth quarters of the financial year and part of the compliance focus was to invite members of the community to register as members of the radio station. The membership drive was done for most of the first and second quarter of 2023 and there was an attempt to convene an AGM<sup>7</sup>, but there were not enough members in attendance to form the required quorum. The AGM has currently been deferred to the third quarter of 2023 and thus will happen after the current report has been compiled.

The Licensee did not meet the community programming obligations as it only convened one meeting with the community and had to defer the AGM due to lack of attendance and advise that it will convene another AGM no later than December 2023.

### **3.3 Programming**

Clause 5.1 of the service licence stipulates that:

"The Licensee shall provide programming as follows:

Clause 5.1.1 Local News and Information:

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<sup>7</sup> AGM 2023

*"The Licensee shall broadcast news to a total of forty (40) minutes of news per day, of which 60% shall be news from the community produced by the station on issues affecting the community".*

The monitoring exercise conducted for the period under review indicated that Musina Community Radio broadcasts news bulletins from 07H00 until 18H00 and on Saturday until 15H00, with no news bulletins on Sundays. The news bulletins are an average of four (4) minutes long, which equates to an average of forty-eight (48) minutes on weekdays and thirty-six (36) minutes on Saturdays. The Licensee read their news bulletins in English, Tshivenda, Sepedi and Xitsonga at different times daily.

Among the news stories covered for the period under review were excerpts from certain broadcasts, as follows:

- *"Vhalangi vha khamphani ya Eskom vha ri zwazwino a vha nga do kona u nea datumu ya uri zwa u khaulwa ha mudagasi zwi do guma lini. Vho vha vha tshi khou netshedza muvhigo phanda ha komiti ya phalamenndeni I sedzanaho na zwa kushumisele kwa masheleni a muvhudso SCOPA.*
- *Vhadzulapo vhuponi ha Muledane na vhunwe vhupo ha tsini vha kha migwalabo zwi tshitevhela thahelelo ya madi. Vhalihoro la DA vho nwalela nedorobo masipalani wa tshitiriki tsha Vhembe vho Dowelani Nenguda na mulandi wa tshumelo ya zwa tekini zwa uri vha khou kundelwa u disa ndisedzo ya madi kha vhadzulapo.*
- *The Limpopo Province dispatched its own rescue team of five dedicated EMS search and rescue members to assist following two devastating earthquakes in southern Turkey and northern Syria. It is said the team flew from OR Tambo Airport on Tuesday 07 February to join Gift of the Givers and other team from across the globe.*

**The Licensee meets its weekday news obligations but does not meet its news obligation over the weekend.**

Clause 5.1.3 of the service licence stipulates that the format should be as follows:

*"60 % Talk and 40% music".*

The monitoring exercise confirms that the radio station is predominantly talk-based with music being complimentary. Their morning and afternoon drive-time shows have an even split between music and talk-related content, with their mid-afternoon show on current affairs being talk-dominated and shows from 18H00 until 21H00 being talk-dominated as well.

### **The Licensee complies with their format.**

Clause 5.1.4 of the service licence stipulates that the languages of broadcast are as follows:

- (a) 10% - Afrikaans*
- (b) 30% Tshivenda*
- (c) 25% - Sepedi*
- (d) 10% Xitsonga; and*
- (e) 25% English*

The Licensee broadcasts its content predominantly in Tshivenda with English and Sepedi being used to supplement the programming. Further, most of the presenters are able to present the programming in one or more of the languages of broadcast and they're also able to engage with listeners accordingly. Sepedi is used in the broadcast is a dialect of the language which is indigenous to the area. The content broadcast in Xitsonga is mainly the news bulletins and utilised randomly.

No content is broadcast in Afrikaans.

### **The Licensee does not comply with its language obligations.**

### **3.4 Promise of Performance**

Clause 8.1. of the schedule to the service licence of Musina FM provides that:

*"60% of the Licensee's talk programming content shall be aimed at the promotion of literacy, education, community upliftment and informational programming. This will include informal education such as skills development.*

The Licensee broadcasts programming for children on Saturday mornings with a focus on literacy and informal education for the age group, with *Youth to the Future* broadcast on weekdays between 20H00 – 21H00 which focuses on informal programming focused on topical issues with subject matters experts to assist with information sharing. However, the Licensee doesn't have programming that specifically focuses on education of a formal nature.

Clause 8.2. of the schedule to the service licence of Musina FM provides that:

*The Licensee shall broadcast a broad based-based programming that will involve the whole community.*

The Licensee's programming has an interactive segment where listeners can call in and engage on the point of discussions for the day. Furthermore, they would invite pastors, and leaders within the community to address specific topics that are being addressed in different programmes.

**The Licensee partially complies with its promise of performance.**

## **4. REGULATIONS**

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

Regulation 3.3 of the Regulations on South African Music Content as published on 23 March 2016 provides that:

*"A holder of a community sound broadcasting service licence must ensure that after eighteen (18) months from the date 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”<sup>8</sup>.*

The Licensee submitted their Form 8A and their local music content is an average of seventy (70%) which is lower than the regulated music obligation. The Authority’s monitoring exercise found that the Licensee plays different percentages of local music on different programmes and they still play more international music than the regulated percentage which affects their local music output. Some of the music artists that were monitored include *Mathikos – Ri Shume Rothe, David Mmbi – Nese la Tshilidzini, Tshepiso Motaung – Sihlangene, Mbongeni Ngema – Stimela SaseZola* amongst others.

#### **The Licensee does not comply with the Regulations on South African Music Content.**

#### **4.2 Code on People with Disabilities**

Clause 3.1 (a) of the Code on People with Disabilities stipulates that:

*"Broadcasting service Licensees must ensure that their services are made available and accessible to people with disability."*

The radio station’s premises are accessible by public transport amenities and are accessible to people with disabilities.

#### **The Licensee complies with the Code on People with Disabilities.**

#### **4.3 Regulations regarding Standard Terms and Conditions for Class Licensees**

Regulation 14 A Amendment Standard Terms and Conditions for Class Licences, 2021 stipulates that:

*"The Board of Directors/Trustees and Station Management must not occupy a dual role with regard to being members of the Board, Trustees, Managers and simultaneously being presenters at the radio station".*



The Licensee's weekday breakfast show in the year under review was being hosted by one of the managers of the radio station, it is through the radio station's attendance of the compliance workshop and compliance submission that the radio station was made aware of the contravention and addressed the challenge to ensure that they comply with the above-mentioned regulation.

## **5. CONCLUSION**

Musina FM has during the year under review been undergoing major changes in their management and governance structure. The challenges during the National State of Disaster also affected personnel changes which affected their sustainability to a point where the radio station was off-air due to transmission challenges. The financial year of 2022/23 has seen the station working to bring about stability in terms of management and governance structure which has also included engagement with their community.

Further, the radio station has been attending the compliance workshops that have been hosted by the Broadcasting Compliance Unit and that has assisted the current personnel in being aware of the compliance challenges that they are faced with and have already addressed some of the challenges thus far. The radio station will be engaged about the non-compliance findings to ensure that they are being addressed accordingly.

## **6. APPENDICES**

Appendix A: Musina FM service licence.

Appendix B: State of Radio Report and Attendance Register

Appendix C: Annual General Meeting and Attendance Register

**End**