



UNITRA COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2024

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UNITRA COMMUNITY RADIO

LICENCE PERIOD: 27 OCTOBER 2018 to 26 OCTOBER 2023

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 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 the report is to give an account of Unitra 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 will be measured comprise Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligation, Language(s), South African Music Content Regulations, and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Unitra Community Radio ("the Licensee") is a class broadcasting service Licensee providing services to Umtata in the Eastern 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: Unitra Community Radio.

1.2 Name of Station: Unitra Community Radio.

1.3 Control of the Licensee: Control shall vest in the Board of Directors of Unitra Community Radio".

There were no changes reported by the Licensee to its company name and control structure during the period under review.

The Licensee complies with clauses 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 27 October 2018.

2.2 The licence shall expire on 26 October 2023."

The Licensee applied for a licence renewal. The application was still being processed at the time of compiling this report.

3.3 Licence Area

Clause 3 of the schedule to the licence provides that Unitra Community Radio's coverage area is as follows:

"The Licensee shall provide services to Umtata in the Eastern Cape Province, as set out in the Licensee's radio frequency spectrum licence".

The Licensee confirmed that it provides a service to 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 submitted and 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".

During the period under review, the Licensee did not submit any information regarding meetings held with its community regarding programming and programming policies of the station. It was afforded an opportunity to submit the information but failed to do so.

The Licensee did not comply with clause 4.2 of the schedule to the 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 Annual General Meeting during the period under review. It was requested to provide reasons for this non-compliance and they did not.

The Licensee did not comply with sub-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 Local News and Information: The Licensee shall broadcast a total forty-five (45) minutes of news per day, of which 27 minutes shall be local, 13.5 minutes shall be national news and 4.5 minutes shall be international."

The Authority's monitoring exercise revealed that the Licensee broadcasts approximately fifty (50) minutes of news per day. The news bulletins are broadcast in all the languages of broadcast and they cover local, regional and national news. However, it broadcasts approximately twenty (20) minutes of regional news, fifteen (15) minutes national and ten (10) minutes local news. No international news was identified during the monitoring exercise.

Below are some of the news items that were identified:

- *"Umongameli wombutho wezopolitiko iUDM, uNjengele uBantu Holomisa uzikhalimele kanobomi izenzo zorhwaphilizo nobuqhopholo ezenzeka kooMasipala basekuhlaleni nakwelilizwe loMzantsi Afrika mbambozone. uHolomisa ebethetha nabantu baseMthatha neziphhaluga ngethuba*

lomngcelele ububanjwe kwidolophu yaseMthatha. Lomngcelele ubumalunga nokulwa ucimo-mbane nezenzo zorhwaphilizo eziqhubeka kuledolophu nelizwe loMzantsi Afrika jikelele.

- *The Citrus Growers Association of South Africa has requested Trade and Industry Minister, Ibrahim Patel to urgently convene a panel of the World Trade Organisation regarding restrictive and expensive measures imposed by the European Union to export oranges. This follows after an insect cloud in the Sub-Saharan Africa that the European Union deems potentially dangerous for the citrus growers. South African growers say they've implemented some of the best measures in the world to prevent this from happening. The European Union insists that South Africa must cool and store its oranges for 20 days before exports.*
- *MoPresidente Cyril Ramaphosa o tla etela Kapa-Botjhabela hosane ka Labobedi la mashome a mabedi a metso e robedi Hlakubele, selemong sena se hodimo, ho lekola ditlamorao tsa dikgohola tsa morao-rao tse bolaileng maphelo le ho senya thepa ya poraivete le meralo ya theo ya setjhaba. MoPresedinte o tla etela Port St. Johns ho tloha ka hora ya boraro phirimana.*
- *Masepala wa setereke wa OR Tambo provensing ya Kapa-Botjhabela, o amilwe ke dipula tse maatla bakeng se fetileng, tse bakileng dikgohola tse bakileng tlaleho ya maphelo, ho falla ha baahi le tshenyeho ya meralo le ditsela.*
- *Uqokwe nje ngeMayor entsha yedolobha laseBuffalo City uNkosazana Princess Faku, engen'esikhundleni sikaXola Phakathi owehliswe esikhundleni yisikhulu seANC esifundazweni saseMpumalanga-Kapa kulesisihlalo. uPhakathi ususwe ngemuva kokuthi ucwaningo lwezimali kuMaspala luveze ukuthi usebenzise ukusetshenziswa ngendlela engafanele. uFaku unqobe ngamavoti angamashumi ayisithupha-nambili, kwangamashumi amabili nambili eDA, nakuba EFF ingazange ibambe iqhaza kulolukhetho."*

The Licensee complies with the prescribed minutes of news however, it is not compliant with its news split as prescribed in the licence and it does not

broadcast international news. The Licensee was made aware of the non-compliance and was advised to remedy the non-compliance.

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 eighty (80%) of South African music content.

The Licensee complies with its South African Music Content obligations.

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 more talk than music. The evening programming is dominated by talk shows where important topics regarding politics, religion, entrepreneurship, culture and many others, are discussed. There are discussions throughout the day, interviews and listener interaction on issues that affect the community such as service delivery concerns, crime, religion, health and relationships, among others. 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 – 60%;

5.1.4.2 English – 20%

5.1.4.3 Sesotho – 10%; and

5.1.4.4 isiZulu– 10%.

The monitoring exercise revealed that the Licensee broadcasts its programmes mainly in isiXhosa, with English being used interchangeably during some programmes, especially on Sundays. The other languages are used during news bulletins and listener interactions.

The Licensee complies 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 did not submit programming logs as required by this clause.

The Licensee does not comply with clause 5.2 of the schedule to its licence.

4. SPECIAL CONDITIONS

Clause 8.1 of the schedule to the licence provides that:

"The Licensee shall register as an entity in terms of section 50(a) of the Electronic Communications Act and furnish the Authority with such proof and all its founding documents by end of October 2019".

The Licensee did not provide any information to demonstrate compliance with this clause of the licence. Through licence renewal application submissions made to the Authority, it was discovered that the Licensee registered a non-profit entity in 2021 however, this entity has not been operational as the Licensee continued to operate under a private company called UCR Airtime Sales (Pty) Ltd. This matter is still under review by the Licensing department.

Clause 8.2 of the schedule to the licence provides that:

"The Licensee shall ensure that all its AGMs are held within its licensed area in line with sections 50(b), 50(c) and 50(d) of the Electronic Communications Act.

The Licensee did not submit AGM reports, therefore there is no proof that it complied with clause 8.2 of the schedule to the licence.

The Licensee has not complied with the special conditions as provided for in clause 8 of its licence.

5. COMPLAINTS

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review.

The Licensee has not submitted a Form 12A (Complaints Report) as required by the Compliance Procedure Manual Regulations, 2011.

The Licensee did not comply with the relevant clause of the Compliance Procedure Manual Regulations.

6. REGULATIONS

6.1 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 approximately eighty percent (80%) of South African music content. Various genres were identified on the station’s music line-up including R&B, House, Hip-Hop, Maskandi, Gospel, Afro-Soul and Kwaito. Some of the artists that were played include *iFani, Jabu Khanyile, Trompies, Elaine, Lwa Ndlunkulu, Joyous Celebration, Jaziel Borthers, Freddie Gwala, GoldFish, Kholeka, Hugh Masekela* and many more.

The Licensee complies with the ICASA Regulations on South African Music.

6.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

The Licensee did not adhere to the Standard Terms and Conditions for class licences as it did not submit all the information required by the Authority.

The Licensee did not comply with the Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

7 CONCLUSION

The Licensee did not comply with most clauses of its licence conditions and applicable Regulations. The Licensee also identifies itself as UCR FM, which is not the licensed name according to the Authority’s records. The Licensee will be

informed of the non-compliance and a possible referral to the Complaints and Compliance Committee (CCC).

8 TERMS OF REFERENCE

8.1 Appendix A: Unitra Community Radio's Service Licence;

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

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

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

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