



BOK RADIO ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/17 ANNUAL REPORT

PRICELESS HONOUR 116 BROADCASTING AS BOK RADIO

LICENCE PERIOD: 29 MARCH 2017 - 28 MARCH 2022

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act² and the Electronic Communications Act³ (ECA) to regulate broadcasting activities in South Africa in the public interest. One of the Authority's tasks is to ensure compliance by broadcasters with the terms and conditions of their licences⁴ and relevant legislation and regulations.

The following report is intended to give account of Bok Radio's compliance with the terms and conditions as set out in its licence for the 2016/17 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

Bok Radio is a class broadcasting licensee, broadcasting in the Cape Peninsula and surrounding areas in the Western Cape. The Licensee provides a service to an Afrikaans speaking community residing within the geographic coverage area specified in its frequency spectrum licence. Bok Radio's signal distribution is provided by Sattech.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the schedule to the licence provides that:

"The Licence is issued to:

1.1 Name of Company/Entity: Priceless Honour 116

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

⁴ Appendix A: Bok Radio's Broadcasting Service Licence

1.2 Control of the Licensee: Control shall vest in the Board of Directors of a non-profit organisation known as Priceless Honour 116"

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

The Licensee was found to be in compliance with clauses 1.1 and 1.2 of its licence.

3.2 Contact Details

Clause 2 of the licence provides that:

2.1 "The contact person for the Licensee shall be:

2.1.1 Name: Willem Adrian van der Sandt

2.1.2 Tel: 021 982 6300

2.1.3 Fax: 021 982 7079

2.1.4 Cell: N/A

2.1.5 Email: info@wimpie.co.za"

There were no changes reported by the Licensee to its contact details during the period under review.

3.3 Notices and Addresses

Clause 3 of the licence provides that:

3. "The Licensee chooses the following as its principal addresses:

3.1 Postal Address: PO Box 1826

Brackenfell

1610.

3.2 580 Frans Conradie Drive

Millenium Mall

Brackenfell

Cape Town

There were no changes reported by the Licensee to its principal addresses during the period under review.

3.4 Name of Station

Clause 1 of the schedule to the licence provides that:

"Name of Station: Bok Radio".

The name of the radio station is Bok Radio, and this was verified during the monitoring exercise. Further, correspondence which the Authority received is on the radio station's letterhead reflecting the name.

The Licensee was found to be in compliance with clause 1 of the schedule to its licence.

3.5 Geographic Coverage

Clause 2 of the schedule to the licence provides that the coverage area shall be:

"The Cape Peninsula and surrounding areas in the Western Cape Province as set out in the Licensee's radio frequency spectrum licence".

The Licensee confirmed that it covers the Cape Peninsula and other surrounding areas as stipulated in the licence. Bok Radio has been experiencing difficulty in covering the Tygerberg area due to insufficient signal and interference from Radio Kaapse Punt broadcasting on 99.0 FM which is very close to the Bok Radio Frequency of 98.9 FM. The Licensee provides a class sound broadcasting service from 580 Frans Conradie Drive, Millennium Mall, Brackenfell, Cape Town; and provides its services to the community residing within its coverage area.

The Licensee was found to be in compliance with clause 2 of its licence.

3.6 Community

Clause 3.1 of Bok Radio's licence provides that:

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

The Licensee confirms that it provides services to the Afrikaans community residing within its geographic coverage area. Further, the Authority did not receive reports suggesting deviance with the defined coverage area.

"The Licensee shall provide for the participation of community members in the affairs of the station in the following ways:

3.2.1 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;

3.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as the attendance thereof by members of the community";

Bok Radio submitted minutes of the Annual General Meeting⁵ during which its community discussed programming and programme related matter for the selection and provision of programmes. No proof was submitted of another meeting or other meetings as required. However the radio station reports to encourage participation through the use of a WhatsApp group which allows continuous community inputs and immediate feedback.

The Licensee was found not to be in compliance with clauses 3.2.1 and 3.2.2 of its licence.

Further, clause 3.2.3 provides that:

"The Licensee shall hold an Annual General Meeting (AGM) for the following purposes:

3.2.3.1 To provide feedback on the Licensee's compliance with licence conditions,

3.2.3.2 To provide feedback on the Licensee's operational and financial performance, and

3.2.3.3 To elect members of the controlling structure e.g. Board of Directors, Trustees etc. subject to the licensee's founding documents".

Bok Radio held its Annual General Meeting on 01 October 2017. The purpose of the AGM was to provide feedback on the Licensee's compliance with licence conditions, operational and financial performance and to elect a new Board of Directors. The reports were presented

⁵ Appendix B: AGM Minutes and Attendance Register

by the Chairperson of the Board and the Station Manager which included the appointment of Auditors, programming suggestions and allocation of airtime to non-profit organisations.

The following is a list of the Board of Directors of Bok Radio who were elected at the AGM:

1. Mr Neil Rossouw;
2. Mr Willem Adriaan van der Sandt;
3. Ms Rennert van Rensburg;
4. Mr Manual da Silva; and
5. Mrs. Success Lekabe.

The Licensee was found to be in compliance with clause 3.2.3 of its licence.

3.7 Programming

Clause 4.1 of Bok Radio's licence provides that:

"The Licensee shall provide programming as follows:

4.1.1 Format:

70% music and 30% talk".

Bok Radio submits that it broadcasts seventy percent (70%) music and thirty percent (30%) talk daily as required by its licence.⁶

The monitoring exercise confirmed that the Licensee's broadcasts seventy percent (70%) music and thirty percent (30%) talk daily as required by its licence.

The Licensee was found to be in compliance with clause 4.1.1 of its licence.

Clause 4.1.2 of Bok Radio's licence provides that:

"News and Information Obligation:

The Licensee shall broadcast a total of 115 minutes of news per day, of which 42 minutes shall be local news, 31 minutes shall be regional news, 26 minutes shall be national news and 16 minutes shall be international news".

⁶ Appendix C: Programme Log sheets

The monitoring exercise conducted for the period under review indicated that Bok Radio broadcasts news bulletins every hour on the hour between 06h00 and 18h00. The Licensee broadcasts less than the required hundred and fifteen (115) minutes of news per day.

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

1. *"Die DA in Mpumalanga hou vandag 'n betoging by die hof in Middelburg waar die twee beskuldigdes in die doodskis aanrandings saak aan die gang is. Theo Jackson en Willem Oosthuizen word aangekla van onder meer aanranding, nadat hulle na bewering vir Victor Mlotshwa in 'n doodskis gedruk het en gedreig het om dit aan die brand te steek. Die DA vra alle Suid-Afrikaners om op te staan teen rasse haat;*
2. *"Die Minister van Openbare Ondernemings, Lynne Brown, het haar persoonlike assistent gevra om te bedank nadat sy betrek is by die Guptas. Kim Davids se naam word genoem in 'n geheimsinnige hotel rekening van twee-en-dertig duisend rand in Dubai en 'n chauffeur rit na die Guptas se luukse villa in die stad in die Verenigde Arabiese Emirate";*
3. *"Die speaker van die Nasionale Vergadering, Baleka Mbete, het besluit dat die uitslag van die mosie van wantroue teen President Jacob Zuma more deur 'n geheime stem proses bepaal sal word. Die mosie van wantroue teen President Zuma is verlede maand uitgestel omdat opposisie partye hof toe is omdat Mbete geweier het dat die stemmery in die geheim plaasvind"; and*
4. *"Lid lande van die Verenigde Nasies se veiligheidsraad het eenparig gestem om streng nuwe sanksies teen Noord Korea in te stel weens sy misiel program. Dit sluit in dat die kommunistiese land verbied word om sy steenkool, ystererts en ander rou material na Sjina uit te voer, wat een van sy min kontant bronne is."*

The Licensee was found not to be in compliance with clause 4.1.2 of its licence.

Clause 4.1.3 of Bok Radio's licence provides that:

"The Licensee shall broadcast South African music content of 50%".

The Licensee submits that it broadcasts a minimum of seventy nine percent (79%) of South African music.

The monitoring exercise confirmed that the Licensee broadcast more than the required fifty percent (50%) South African music content, excluding format factors. The local music played by the radio station includes among others: Kurt Darren, Jako Meyer, Bok Van Blerk en Appel, Steve Hofmeyer, Elvis Blue, Refentse, and many others.

The Licensee was found to be in compliance with clause 4.1.3 of its licence.

4.1.4 *"Language(s) of broadcast:*

- a) Afrikaans – 80%; and*
- b) English – 20%"*

The Licensee submitted that it broadcast its programmes as required by the licence.

The monitoring exercise confirmed that Bok Radio broadcasts its programmes predominantly in Afrikaans and a bit of English.

The Licensee was found to be in compliance with clause 4.1.4 of its licence.

4. REGULATIONS

4.1 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 did not submit its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

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

4.2 South African Music Content Regulations

The Regulations on South African Music Content as published on 31 January 2006 provide 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”.⁷

The Licensee submits that it broadcasts approximately seventy nine percent (79%) South African music.

Monitoring exercise confirmed that the Licensee broadcast more than forty percent (40%) South African music content, excluding format factors. The local music played by the radio station includes among others: Kurt Darren, Jako Meyer, Bok Van Blerk en Appel, Steve Hofmeyer, Elvis Blue, Refentse, and many other.

The Licensee complies with the South African Music Content Regulations.

4.2 Standard Terms and Conditions for Class Regulations for Class Licences

During the year under review, the Authority did not identify instances of non-compliance by the Licensee with the Standard Terms and Conditions regulations for class licensees⁸.

4.3 Code for Persons With Disabilities

Clause 3.1 (a) of the Code on People with Disabilities as published in the *Government Gazette, no 30441*, 7 November 2007, states that:

“Broadcasting service licensees must ensure that their services are made available and are accessible to people with disabilities”.⁹

During the radio station visit, it was confirmed that the Licensee’s studios are easily accessible to the community and community persons with disabilities.

5. CONCLUSION

Bok Radio has substantially complied with its licence terms and conditions and regulations, for the period under review. However, the Licensee failed to comply with clause 3.2.1 and 4.1.2 of its licence terms and conditions, as well as submission of Form 12A of the

⁷ Appendix D: SA Music Content Regulations

⁸ Appendix E: Standard Terms and Conditions for Class Licences

⁹ Appendix E: Code of People with Disabilities

Compliance Procedure Manual Regulations, a matter that needs to be corrected as a matter of urgency.

6. APPENDICES

Appendix A: Bok Radio's broadcasting service licence;

Appendix B: AGM Minutes and Attendance Register;

Appendix C: Programme Log sheets;

Appendix D: SA Music Content Regulations;

Appendix E: Standard Terms and Conditions Regulations; and

Appendix F: Code of People with Disabilities.