



ARROWLINE CHINESE COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

ARROWLINE CHINESE COMMUNITY RADIO

Licence Period: 08 December 2013 to 08 December 2018

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 Act⁴ to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or regulations.

This report is intended to give account of Arrowline Chinese Community Radio in the 2017/2018 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, Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Arrowline Chinese Community Radio formerly Chinese Radio was issued with a renewed five-year licence in 2013. Its origins are found in the conception of Mandarin Chinese Radio which was established in 1995 and was founded by the Chinese community residing in Johannesburg.

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

² Act No. 13 of 2000, as amended

³ Act No. 36 of 2005

⁴ Act No. 4 of 1999

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of the licence provides that:

"The Licence⁵ is issued to:

- 1.1 Name of Entity: Chinese Community Radio Station.*
- 1.2 Name of the Station: Arrowline Chinese Community Radio Station.*
- 1.3 Control of the Licensee: Control shall vest in the Board of Directors of a Section 21 Company known as Arrowline Chinese Community Radio Station.*

In the year under review, the Authority received no notifications from the Licensee indicating a change in any of the above stated obligations. According to the submissions required from the Licensee, the Authority concludes that the Licensee retains its company name and that the control of the Licensee is still vested in the Board of Directors of the entity.

The Licensee complies with clauses 1.1, 1.2 and 1.3 of its licence.

3.3 Licence Area

In terms of Clause 3 of the service licence:

"The Licensee shall provide services to Greater Gauteng areas i.e. Edenvale, Midrand, and Pretoria in the Gauteng Province as set out in the Licensee's radio frequency spectrum licence⁶."

Arrowline Chinese Community Radio's coverage area remains as prescribed in the licence document. Minutes of meetings submitted by the Licensee indicate a desire by the Licensee to expand its footprint because of demand for the service. However, the Authority has not yet received any application to that effect.

⁵ Appendix A: Arrowline Chinese Community Radio's Broadcasting Service Licence

⁶ Appendix B: Arrowline Chinese Community Radio's Frequency Spectrum Licence

In the year under review, the Authority's technical inspections have not reported on any non-compliance by Arrowline Chinese Community Radio in terms of adherence to the prescribed footprint. Furthermore, the Authority received no reports or complaints indicating that the radio station has gone beyond its licence area.

The Licensee complies with clause 3 of its licence.

3.4 Community

Clause 4 of Arrowline Chinese Community Radio's licence provides as follows:

4.1 *"The Licensee shall provide services to a Chinese community of interest residing within the geographic coverage area specified herein."*

Arrowline Chinese Community Radio submits that it continues to provide service to a Chinese community of interest residing around Edenvale, Midrand and Pretoria in the Greater Gauteng Province. The Licensee is working tirelessly to expand its outreach and to improve the quality of radio transmission.

The Licensee complies with clause 3.1 of the Licence.

Clause 4.2 of the licence stipulates 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;*

While Clause 4.2.2 provides as follows:

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

Arrowline Chinese Community Radio submitted proof⁷ that the two meetings prescribed by this clause convened on Friday 15 December 2017 and Friday 19 January 2018, respectively. The minutes submitted by the Licensee show that the agenda items were centred around programming and programme related matters.

The Licensee complies with clauses 4.2.1 and 4.2.2 of its licence.

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".

Arrowline Chinese Community Radio could not produce proof that they convened their Annual General Meeting in the year under review. This, in the backdrop of the Authority's clear request for the Licensee to submit information pertinent to this meeting. On the basis that the Licensee could submit most of the information as requested by the letter⁸ but omitted to submit proof of an AGM being convened, the Authority concludes that the Licensee did not convene an AGM for the period under review.

Arrowline Chinese Community Radio failed to comply with clause 4.2.3 and the sub-clauses.

⁷ Appendix C: Arrowline Chinese Community Radio's Minutes of meetings and Attendance Registers

⁸ Appendix D: Letter to Arrowline requesting monitoring material

3.5 Programming

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

Clause 5.1.1 Local News and Information: *"The Licensee shall broadcast a total of one hundred (100) minutes of news per week, of which 60% shall be local news, 10% shall be national news and 30% shall be international news."*

Although the Licensee's programming log sheet and programme schedule indicate that the Licensee broadcasts between 1245 and 2105 minutes of news per week, the Authority's monitoring exercise could not confirm this assertion due to the fact that the Licensee's principal language of broadcast is Mandarin. In this regard, the Authority cannot confirm the veracity of the claims as per the log sheet and the programme schedule.

While clause 5.1.2 prescribes that the Licensee shall schedule South African Music content of: "40%".

In March 2016 the Authority introduced the ICASA South African Music Content Regulations which gave effect to a 20% increase to local music scheduled by Class Licensees by September 2018. This then meant that the new regulation gave an obligation to Community Sound Broadcasting Service Licensees to now schedule at least 60% South African Music in its programming.

The Licensee submits in its Programme Log sheets that it schedules at least 11% South African Music in its programming.

The Authority's monitoring exercise struggled to locate South African Music Content in the Licensee's programming profile. In measurement, the Authority could only locate at least 25% South African Music content in Arrowline Chinese Community Radio's Programming Profile.

The following music artists were found to enjoy airplay on Arrowline Chinese Community Radio: Johannes Kerkorrel, Bongo Muffin, DJ Mobster, the Shangaans, Karen Zoid, Koos Kombuis, Vusi Mahlasela, Juluka, Anton Goosen and Steve Kekana among others.

Arrowline Chinese Community Radio failed to comply with clause 5.1.2 and the ICASA South African Music Content Regulations.

Clause 5.1.4 prescribes the *Language(s) of broadcast as:*

5.1.4.1 Mandarin – 80%; and

5.1.4.2 English – 20%

The Authority licensed Arrowline Chinese Community Radio to use the 2 languages above as its languages of broadcast. In monitoring the Licensee's programming profile, the expectation is that all licensed languages would be featured in at least the percentage split prescribed during broadcasts and in the overall programming schedule.

The Authority's monitoring exercise did find some English during monitoring. The language was observed on programmes that tried to teach the English language to the Licensee's listeners. The presenter/programme facilitator would say a phrase in Mandarin and translate it to English and then try to make a statement using the translation from Mandarin to English. No news content was found in English and no other show was found in the language.

On the basis that the monitoring exercise could not locate any News in the English language, **the Authority concludes that Arrowline Chinese Community Radio failed to comply with clause 5.1.4 of the licence.**

Clause 5.2 of Arrowline Chinese Community Radio's Schedule to the licence makes the following recommendations:

"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 endeavours to keep to the "monthly basis" submission. However, it is not always the case that Arrowline Chinese Community Radio submits its monthly programming log sheets on a "monthly basis". In an event where the

Licensee was late in its submissions/did not submit for a certain month; the Licensee would always make up for the missed months in its next report.

3.5 Promise of Performance

According to clause 8.1 of the Licence...

"The Licensee shall broadcast 20% non-local origination to the total programming content."

Arrowline Chinese Community Radio's Global News a programme feature between 06h00 and 07h00 was observed as a programme that carries content that is not locally produced. While the Authority could not be certain in terms of its findings because of the language used by the Licensee, there is certainty that at least some programming at Arrowline Chinese Community Radio is syndicated content although we cannot establish the extent of the syndication.

The intention of this obligation is set out to make sure that the Licensee's bulk programming content is locally produced.

The Authority could not conclude on the Licensee's output in this regard due to the language barrier.

4. REGULATIONS

4.1 Code on People with Disabilities

Clause 3.1(a) of the Code on People with Disability of 2007 provides as follows:

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

Based on the Licensee's submission since programming is in Mandarin and could not be monitored, however the Authority can confirm that the Licensee's premises are accessible to people with disabilities.

The Licensee complies with the above mentioned regulation.

4.2 Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received in the course of each financial year. In the year that is currently under review, Arrowline Chinese Community Radio submitted its Form 12As indicating that the Licensee received no complaints.

The Licensee complies with the above-mentioned regulation.

4.3 ICASA South African Music Content Regulations

Regulation 3 of the ICASA South African Music Content Regulations 2016⁹ stipulates that:

"A holder of a community sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of these regulation, 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 evenly throughout the performance period."

The Authority's monitoring exercise struggled to locate South African Music Content in the Licensee's programming profile. In measurement, the Authority could only locate at least 25% South African Music content in Arrowline Chinese Community Radio's Programming Profile.

The following music artists were found to enjoy airplay on Arrowline Chinese Community Radio: Johannes Kerkorrel, Bongo Muffin, DJ Mobster, the Shangaans, Karen Zoid, Koos Kombuis, Vusi Mahlasela, Juluka, Anton Goosen and Steve Kekana among others.

⁹ Appendix G: ICASA South African Music Content Regulations

Arrowline Chinese Community Radio failed to comply with clause 5.1.2 and the ICASA South African Music Content Regulations.

4.4 Regulations regarding Standard Terms and Conditions for Class Licensees

Regulation 2 (1) (d) of the Regulations Regarding Standard Terms and Conditions for Class Licensees¹⁰ provides two fundamental regulations that are constantly and continuously used to measure a Licensee's compliance. The two regulations are Regulation 2(1) and the sub clauses, along with Regulation 9 in its entirety.

Arrowline Chinese Community Radio has had no changes to its contact information and the Licensee

The Licensee complied with the regulations regarding the Standard Terms and Conditions for Class Licensees.

5. CONCLUSION

The Authority's monitoring could not ascertain the Licensee's compliance with most of the programming related obligations on the licence. This is mostly attributed to the fact that Arrowline Chinese Community Radio is a community of interest Licensee and their programming is licensed to use 80% Mandarin.

The Authority's findings are that the Licensee failed to comply with most of the administrative obligations in its licence. Arrowline Chinese Community Radio could not prove that an annual general meeting was convened in the year under review. The second transgression is that the Authority could not locate any programming in English except for very little English during the Learn Chinese programme. Lastly, Arrowline Chinese Community Radio's log sheet confirms the Authority's finding where the Licensee failed to play the required amount of South African Music.

¹⁰ Appendix H: Regulations regarding the Standard Terms and Conditions

A meeting with the Licensee is necessary so that Arrowline Chinese Community Radio could put things into perspective as far as the Authority's findings are concerned.

6. TERMS OF REFERENCE

Appendix A: Arrowline Chinese Community Radio's Broadcasting Service Licence

Appendix B: Arrowline Chinese Community Radio's Frequency Spectrum Licence

Appendix C: Minutes of Arrowline Chinese Community Radio's Meeting with Community

Appendix D: Authority's letter dated 20 February 2018

Appendix E: Arrowline Chinese Community Radio's Log Sheets

Appendix F: Arrowline Chinese Community Radio's Programme Schedule

Appendix G: ICASA South African Music Content Regulations

Appendix H: Regulations regarding the Standard Terms and Conditions for Class Licensees