



JOU RADIO ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

JOU RADIO VOLUNTARY ASSOCIATION BROADCASTING AS JOU RADIO

Licence Period: 16 August 2016 – 15 August 2021

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) and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority, is to monitor compliance by broadcasters with the terms and conditions of their licence, the three Acts mentioned already and any relevant legislation and Regulations.

This report is intended to give account of Jou Radio Voluntary Association broadcasting as Jou Radio (the Licensee) compliance with the terms and conditions as set out in its license, for the 2019/2020 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 Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

On 26 August 2016, a renewed class broadcasting service licence was issued to the Licensee with licence number Class/Com/R292/Aug/16. As per the license, the Licensee provides services in the Capricorn District Municipality in the Limpopo Province as set out in the Licensee's Radio Frequency Spectrum license.

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of the Schedule to Jou Radio's licence provides that:

"The Licence⁵ is issued to:

1.1. Name of entity: Jou Radio Voluntary Association

1.2. Name of the Station: Jou Radio

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

² ICASA Act No 13, 2000 as amended.

³ Electronic Communications Act No 36, 2005.

⁴ Act No. 4 of 1999.

⁵ Annexure A: Jou Radio's Broadcasting Service Licence.

1.3. Control of the Licensee: Control shall vest in the governing body of Jou Radio Non-Profit Organisation."

No changes regarding clause 1 by the Licensee.

The Licensee complies with clause 1 of the Schedule to its service license.

3.2 Licence Period

Clause 2 of the Schedule of Jou Radio's licence provides that:

"This Licence is valid for a period of five (5) years from the signature date."

The licence is currently up to date and valid until 15 August 2021 at which time the Licensee shall be reminded of its pending renewal.

The Licensee complies with clause 2 of the Schedule to its service license.

3.3 Licence Area

Clause 3 of the Schedule to Jou Radio's licence provides that:

"The Licensee shall provide services in the Capricorn District Municipality in the Limpopo Province as set out in the Licensee's Radio Frequency Spectrum license."

Jou Radio's coverage area remains as prescribed in the licence terms and conditions. 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 service licence.

3.4 Community

Clause 4.1 of the Schedule to Jou Radio's licence provides that:

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

The Licensee confirms that its services are offered to the community residing within its coverage area. Further, the Authority has received no complaints indicating that the services provided by the Licensee is not catering for the community residing within the coverage area of the Licensee.

The Licensee complies with clause 4.1 of its service licence.

Clause 4.2 of the Schedule to Jou Radio's licence provides that:

- "4.2 *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 policies of the station;*
- 4.2.2 *The Licensee shall furnish the Authority with proof of such meetings as well the attendance thereof by members of the community.*
- 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*
- 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 furnished the Authority with minutes for only one (1) meeting with the community, as held on 12 August 2019. This meeting could not be verified as the attendance register was not submitted to the Authority.

The Licensee advised the Authority that it held its Annual General Meeting in November 2019. Once again, the Authority was not furnished with the attendance register and the minutes as submitted indicate that the AGM was only attended by three (3) members and no evidence was provided that the AGM was open to members of the public.

The Licensee did not comply with clause 4.2.1, 4.2.2 and 4.2.3 of the schedule to its License.

3.5 Programming

Clause 5.1.1 of the Schedule to Jou Radio's licence provides that:

Local News and Information: *The Licensee shall broadcast news to a total of 24 minutes per day of which 20% shall be local news, 70% shall be national news and 10% shall be international news."*

Some of the news that was broadcast during the period of review, include:

- *"President Cyril Ramaphosa het erken dat korrupsie, staatskaping en omkoperie die ANC en sy tweekantalliansie vennote, die Suid-Afrikaanse Kommunistiese Party en COSATU, verswak het. Hy het die hoofrede gelewer by die Raymond Mhlaba gedenkdiens. Ramaphosa sê dat korrupsie keer dat die land se ekonomie groei werk skep en armoede verlig word. Hy het ook belowe dat onteiening sonder vergoeding in ooreenstemming met die wet sal plaasvind."*
- *"Afriforum sê dit blyk uit bevindings van 'n meningspeiling wat hulle gedoen het dat mediese dienslewering in 'n inheemse taal 'n noodsaaklike faktor in die bedryf is. Altesaam 85% van die deelnemers het gesê dat indien hulle 'n keuse het, taal sal bepaal watter praktisyn hulle sal besoek. Alana Bailey van Afriforum sê internasionale studies toon dat mense wat trauma ervaar of onder emosionele spanning verkeer, hulle swakker uitdruk in 'n tweede taal."*
- *"Die gesin van 'n Britse tiener wat dood is in 'n padongeluk waarby 'n Amerikaanse diplomaat se vrou betrokke was, het die Britse regering gevra om nie die WikiLeaks stigter Julian Assange aan Amerika uit te lewer nie. Harry Dunn se ouers beskuldig Amerika van skynheiligheid nadat die land se Minister van Buitelandse Sake die versoek dat Anne Sacoolas aan Britjane uitgelewer word, geweier het."*
- *"The DA wants the Department of Sports, Arts and Culture to investigate assets worth millions of rands it says are missing at Freedom Park in Pretoria. The party says it was revealed in a parliamentary question that more than 9.8 million rands worth of assets cannot be accounted for. However, it has letters that show that the site cannot account for almost 20 million rands worth of furniture."*

The monitoring exercise as undertaken during the period under review found that news is broadcast from 07h00 until 17h00, with eleven (11) bulletins broadcast during this period. The average duration of a news bulletin is four (4) minutes. The total news broadcast per day is an average of forty-four (44) minutes.

The news breakdown as found by the monitoring exercise during the period under review was that seventy percent (70%) of news was national news, twenty percent (20%) of news was local news and ten percent (10%) of news was international news.

The Licensee complies with clause 5.1.1 of the Schedule to its licence.

Clause 5.1.2 of the Schedule to Jou Radio's licence provides that:

"South African Music Content: 55%."

A detailed outline regarding the Licensee's performance regarding compliance with the South African Music Content regulation can be found under section 4.1 of this report. The monitoring exercise however confirmed that the Licensee broadcast more than fifty-five percent (55%) of South African music content.

The Licensee complies with clause 5.1.2 of the Schedule to its licence.

Clause 5.1.3 of the Schedule to Jou Radio's licence provides that:

"Talk vs. Music: 20% Talk and 80% Music."

The monitoring exercise as undertaken during the period under review found that the format of the Licensee was twenty percent (20%) talk content and eighty percent (80%) music content.

The Licensee complies with clause 5.1.3 of the Schedule to its licence.

Clause 5.1.4 of the Schedule to Jou Radio's licence states that:

"Language(s) of broadcast

5.1.4.1 Afrikaans – 80%; and

5.1.4.2 English – 20%."

The monitoring exercise as undertaken during the period under review found that the principal language of broadcast of the Licensee was Afrikaans and English was the secondary language. News is mainly broadcast in Afrikaans, with two English bulletins per day. The Licensee broadcasts content that is relevant to both its Afrikaans and its English audience.

The Licensee complies with clause 5.1.4 of the Schedule to its licence.

3.6 Promise of Performance

Clause 8.1 of the Schedule to Jou Radio's licence states:

"The Licensee shall establish a Community Information Centre to ensure that members of its community have access to information".

The Licensee has established a Community Information Centre by means of its official website. The Licensee has advised that this is an interim solution and that it will establish a physical Community Information Centre once its financial positions allows.

The Licensee complies with clause 8.1 of the Schedule to its licence.

Clause 8.2 of the Schedule to Jou Radio's licence states that:

"The Licensee shall ensure participation from members of its community in the production of its programming by means of monthly programming meetings."

The Licensee did not submit evidence that it has monthly programming meetings with members of its community.

The Licensee did not comply with clause of 8.2 of the Schedule to its licence.

Clause 8.3 of the Schedule to Jou Radio's licence states that:

"The Licensee shall ensure that it assists its community by providing monthly campaigns to aid disadvantaged members of the community."

The Licensee has advised the Authority that it provides a free platform to members of Non-Profit Organisations (NPOs) within its community. The platform is used by the NPOs to inform the listenership about the services available to disadvantaged members of the community as well as to market any fundraising initiatives of the NPOs. Some of the NPOs include various churches, schools, the SPCA and Boys Scouts, among others.

The Licensee complies with Clause 8.3 of the Schedule to its licence.

4. REGULATIONS

4.1 South African Music Content Regulations

Regulation 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 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 evenly throughout the performance period"⁶.

Some of the South African tracks that were found during the period under review include:

⁶ Appendix B: South African Music Content Regulations.

Demi Lee More "Mis, eet, slap, herhaal"; Hanco "Hou Vas"; Fatman "SOS"; Taryn Lamb "Mal oor jou"; Migaël en Muller "Platteland"; Stella "Skree"; Serenade "Nooit te laat"; Niqi Nix "Verlore net in jou"; Suzzi Swanepoel "Als vir niks".

Some of the interviews that were held with South African musicians during the period under review include:

Juba, Petrich, Kaylon, Anneke, Roan Ash and Bok van Blerk.

The Licensee submitted that it broadcasts on average over seventy percent (70%) of South African music tracks. This was confirmed during the monitoring exercise as undertaken during the period under review. Further, the format factors as explained in the regulations such as the promotion of new artists and songs, coverage of live music and interviews with South African musicians contribute to the overall South African Music content. The total percentage of South African music content as broadcast by the Licensee is above eighty percent (80%).

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

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 during each financial year.

The Licensee did not submit form 12 A in accordance with the Compliance Procedure Manual Regulations.

The Licensee is non-compliant with the Compliance Procedure Manual as stated above.

4.3 Regulations regarding Standard Terms and Conditions for Class Licensees

The Authority is satisfied that during the period under review the Licensee did not contravene the regulation in respect of the Standard Terms and Conditions for Class Licences⁷.

The Licensee complies with the Standard Terms and Conditions for Class Broadcasting Service Licence.

⁷ Appendix C: Regulations regarding Standard Terms and Conditions for Class Licensees.

5. CONCLUSION

The monitoring exercise as undertaken during the period under review found that the Licensee did comply with most of its obligations. The Licensee however did not furnish the Authority with all the documentation related to its Community Meetings and Annual General Meeting and therefore, it was found to be non-compliant. Further, the licensee did not submit form 12A of the Compliance Procedure Manual Regulations.

The Licensee will be informed of the areas of non-compliance and a possible referral to the Complaints and Compliance Committee (CCC).

6. TERMS OF REFERENCE

6.1 Annexure A: Jou Radio's Class broadcasting service and spectrum licence;

6.2 Annexure B: Regulations on South African Music; and

6.3 Annexure C: Regulations on Standard Terms and Conditions for Class Licences.

END

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