



BOSVELD STEREO

ANNUAL

COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

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Licence Period: 7 December 2018 – 6 December 2023

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 Bosveld Stereo's compliance with the terms and conditions as set out in its license, for the 2020/2021 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.

Further, the report will measure compliance with regulations that includes South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fees, Code of Conduct for Broadcasters, and the ICT Covid-19 Regulations first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.

The ICT Covid-19 Regulations as amended have introduced exemptions with specific service licence conditions and/or revised quotas and such will be reflected in the body of the report accordingly.

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.

2. BACKGROUND

On 2 July 2018, a renewed class broadcasting service licence was issued to Bosveld Stereo, to provide services in Brits and surrounding areas in the Northwest Province as set out in the Licensee's Radio Frequency Spectrum license.

3. COMPLIANCE ASSESSMENT

3.1 Licensee

Clause 1 of the Schedule of Bosveld Stereo's licence provides that:

"The Licence⁵ is issued to:

1.1. Name of Entity: Bosveld Stereo.

1.2. Name of the Station: Bosveld Stereo.

1.3. Control of the Licensee: Control shall vest in the Board of Directors of a section 21 known as Bosveld Stereo."

The monitoring exercise confirms that the information contained in clause 1 of the Schedule of Bosveld Stereo's licence did not change during the period under review.

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

3.2 Licence Period

Clause 2 of the Schedule of Bosveld Stereo's licence provides that:

"2.1 The effective date of the licence is 7 December 2018.

2.2 The licence shall expire on the 6 December 2023."

The licence is valid until 6 December 2023 and therefore there is no need to monitor the Licensee's compliance with this clause during this period under review.

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

⁵ Bosveld Stereo's Broadcasting Service Licence.

3.3 Licence Area

Clause 3 of the Schedule to Bosveld Stereo's licence provides that:

"The Licensee shall provide services in Brits and surrounding areas in the North West Province as set out in the Licensee's radio frequency spectrum license."

Bosveld Stereo's coverage area remains as prescribed in the licence terms and conditions. Further, the Authority did not receive any reports or complaints indicating that Bosveld Stereo 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 Bosveld Stereo's licence provides that:

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

Bosveld Stereo submitted that its services are offered to a general Afrikaans Cultural community residing within the geographic coverage area as specified in the licence. The Authority's monitoring exercised confirmed the submission and further received no complaints that the Licensee was not providing services to a general Afrikaans Cultural community.

The Licensee complies with clause 4.1 of the Schedule to its service licence.

Clause 4.2 of the Schedule to Bosveld Stereo'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."*

Sound broadcasting Licensees were exempt from compliance with the requirement to provide for the participation of community members in the affairs of the station through two community meetings and one AGM during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not determined.

3.5 Programming

Clause 5.1.1 of the Schedule of Bosveld Stereo's licence provides that:

"Local News and Information: *The Licensee shall broadcast a total of 24 minutes of news per day, of which 20 minutes shall be local and 4 minutes shall be national news."*

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

- *"Die onderwys-vakbond NAPTOSA het aan sy lede gesê dat dit is 'n positiewe stap dat geen vasgestelde datum vir die heropening van skole deur die Minister van Basiese Onderwys, Angie Motshekga, aangedui is nie. Die hoof van die Suid-Afrikaanse onderwysers unie, Chris Klopper, het volgens Netwerk24 die uitgestelde datum verwelkom.";*
- *"Vakbond verteenwoordigers sal vandag tydens internasionale werkersdag optog by die Chris Hani Baragwanath Hospitaal in Soweto en ander Kleiner opgtogte, aandag vestig op gesondheids personeel wat nie COVID-19 persoonlike beskermende drag en toerusting het nie. Die woordvoerder van die verskeie organisasies sê die groep eis dat beter beskermende drag ook aan gemeenskap gesondheidswerkers in die staatsdiens uitgereik word.";*

- *"The number of confirmed COVID-19 cases in South Africa yesterday rose by 297, taking the total number of cases above 5900.*
- *The Minister of Health, Zweli Mkhize, says more than 10 000 tests were done during the previous 24 hours, which takes the total number of tests over the 200 000 mark. The Western Cape now has 800 more cases than Gauteng. Mkhize in his statement did not indicate whether there were any additional deaths"; and*
- *"The hospital to be set up by the Western Cape government at the Cape Town International Convention Centre has 857 beds and 4 halls for COVID-19 patients and will be ready for use in June. This was stated by the Head of Emergency Medicine for the provincial health department, Dr. Lee Willis, during a digital conference."*

The Licensee on average broadcasts over an hours' worth of news per day.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not determined.

Clause 5.1.2 of the Schedule to Bosveld Stereo's licence provides that:

"South African Music Content: 60%."

The finding in terms of the Licensee's South African music content output will be discussed under section 4.1 below.

Clause 5.1.3 of the Schedule to Bosveld Stereo's licence provides that:

"Talk vs Music: 40% Talk and 60% Music."

The monitoring exercise confirmed that the licensee's programming is split between sixty (60%) percent music and forty (40%) percent music.

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

Clause 5.1.4 of the Schedule to Pretoria FM's licence states that:

"Language(s) of broadcast

5.1.4.1 Afrikaans – 90%;

5.1.4.2 English – 5%; and

5.1.4.3 Other – 5%."

The monitoring exercise found that the languages of broadcast are English and Afrikaans. No other language was found during the monitoring exercise. Afrikaans was the dominate language of broadcast with ninety (90%) percent and English was secondary with ten (10%) percent.

The Licensee does not comply with clause 5.1.4 of the Schedule to its licence.

4. REGULATIONS

4.1 ICASA South African Music Content Regulations, 2016.

Regulation 3 of the South African Music Content Regulations⁶ 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".

Some of the South African music that was found during the period under review include:

Demi Lee Moore & Bobby van Jaarsveld "Ek Weet Al Lankal"; Elandre "Vuur Op Die Water"; Kerry Lee "What I Love About Your Love"; Pierre Rossouw "So Het Ek Jou Ma Ontmoet"; Desmond Wells "Dans My Verlief"; Hugo Nieuwoudt "Bietjie Meer Liefde"; Deon Groot "Hemelpoorte"; Blackbyrd "Better In The Morning"; Nicholas Louw "I'm Coming Home"; Ricus Nel "Spyt Kom Te Laat"; Leah "Girls Night".

⁶ ICASA South African Music Content Regulations, 2016 as published in Government Gazette No. 39844 dated, 23 March 2016.

The Licensee broadcasts an average of sixty (60%) percent South African music content. The monitoring exercise found that the Licensee promotes new music from and conducts interviews with South African artists, however despite the format factors contribution, the Licensee's total South African music content output remains under sixty-five (65%) percent and therefore falls short of the requirement to broadcast eighty (80%) percent South African music content.

The Licensee did not comply with the Regulations on South African Music Content.

4.2 ICASA Compliance Procedure Manual Regulations, 2011.

The Licensee is required, in terms of the Compliance Procedure Manual Regulations⁷, to submit a Form 12A which reports on all complaints received during each financial year.

The Licensee has submitted form 12 A in accordance with the Compliance Procedure Manual Regulations.

The Licensee complies with the Compliance Procedure Manual as stated above.

4.4 Standard Terms and Conditions for Class, 2010.

During the period under review, the Licensee was non-compliant with Regulation 10A of the Standard Terms and Conditions Regulations in as far as its programming manager occupied dual roles. The matter was corrected after the Authority brought the matter to the attention of the Licensee.

The Licensee complies with the Standard Terms and Conditions for class Broadcasting Service Licensees.

5. CONCLUSION

The monitoring exercise found that the Licensee generally did comply with most of its licence conditions and relevant Regulations. The Licensee however did not comply with the specific prescribed percentages of the languages of broadcast and

⁷ ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

the South African Music Content Regulations. The Authority will advise the Licensee of the non-compliance areas and will decide on a way forward in terms of the remedial action as may be required.

6. TERMS OF REFERENCE

- 6.1 Annexure A: Bosveld Stereo's Class broadcasting service and spectrum licence
- 6.2 Annexure B: Regulations on South African Music Content
- 6.3 Annexure C: Compliance Procedure Manual Regulations
- 6.3 Annexure D: Regulations on Standard Terms and Conditions for Class Licences

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