



Independent Communications Authority of South Africa

350 Witch-Hazel Avenue, Eco Point Office Park

Eco Park, Centurion

Private Bag X10, Highveld Park 0169

KOSMOS STEREO ANNUAL COMPLIANCE REPORT

MARCH 2023

2021/2022 ANNUAL COMPLIANCE REPORT

RADIO PLATORAND BROADCASTING AS KOSMOS STEREO

Licence Period: 24 October 2018 – 23 October 2023

1. PREFACE

The Independent Communications Authority of South Africa ("Authority") has a statutory mandate in terms of the Constitution¹, the Independent Communications Authority of South Africa Act (ICASA Act²), 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.

The purpose of the report is to give an account of Kosmos Stereo's compliance with the terms and conditions as set out in its licence, for the 2021/2022 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 28 August 2018, a renewed Class Broadcasting Service licence was issued to Radio Platorand broadcasting as Kosmos Stereo ("Licensee") with licence number Class/Re/Com/R58/Aug/18. As per the licence, Kosmos Stereo must provide services to Middelburg, Dullstroom, Belfast, Groblersdal, Machadodorp and surrounding areas in the Mpumalanga Province as set out in the Licensee's Radio Frequency Spectrum license.

3. COMPLIANCE ASSESSMENT

3.1 Licensee

1 The Constitution of the Republic of South Africa, 1996.

2 ICASA Act No 13, 2000 as amended.

3 Electronic Communications Act No 36, 2005.

4 Act No. 4 of 1999.

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

"The Licence⁵ is issued to:

1.1. Name of entity: Radio Platorand

1.2. Name of the Station: Kosmos Stereo

1.3. Control of the Licensee: Control of the station shall vest in the Board of Directors known as Radio Platorand trading as Kosmos Stereo."

The monitoring exercise confirmed that the information prescribed in clause 1 of the Schedule to Kosmos Stereo's licence did not change during the period under review.

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

3.2 Licence Period

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

"2.1 The effective date of the licence is 24 October 2018.

2.2 The licence shall expire on 23 October 2023."

The date of expiration of the licence of the Licensee is 23 October 2023. The Licensee will be eligible to lodge its renewal application from 23 October 2022 until 23 April 2023. At the time of writing this report, the Licensee was again reminded to lodge its renewal application.

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

3.3 Licence Area

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

"The Licensee shall provide services to Middelburg, Dullstroom, Belfast, Groblersdal, Machadodorp and surrounding areas in the Mpumalanga Province as set out in the Licensee's radio frequency spectrum license."

Kosmos 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 Kosmos Stereo has gone beyond its licenced area.

The Licensee complies with clause 3 of the Schedule to its service licence.

⁵ Kosmos Stereo's service licence.

3.4 Community

Clause 4.1 of the Schedule to Kosmos Stereo's licence provides that:

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

The monitoring exercise confirmed that the services provided by the Licensee is relevant to a Boere-Afrikaner community of interest. The broadcasting content is reflected through the talk and music programming as well as being captured within its founding documents.

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

Clause 4.2 of the Schedule to Kosmos 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 and listener's organisations focusing on programming and programme related matters for the selection and provision of programmes;

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 did not have any community meetings with its community and listener's organisations that focused on programming and programming-related

matters. The Licensee further did not hold an Annual General Meeting during the period under review.

The Licensee did not comply with clause 4.2 of the Schedule to its service licence.

3.5 Programming

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

"Local News and Information obligation: The Licensee shall broadcast a total of one hundred and twenty (120) minutes per day. The station will also broadcast community announcements."

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

- *"Die parlement oorweeg dit om teen onkoste van miljoene rande sittings van die Nasionale Vergadering in 'n reuse-markiestent te hou. Dit is een van verskeie moontlikhede wat oorweeg word na die brand wat in Januarie baie groot skade aangerig het aan die parlement. Volgens die nuusblad, Beeld, is die opsies verlede week aan die hoofswep van verskillende politieke partye voorgelê."*
- *"Die Minister van Vervoer, Fikile Mbalula, gaan vandag 'n oorsig besoek aan toetssentrums vir rybewyse in Gauteng bring. Hy word vergesel deur amptenare van die Pad-verkeer-bestuur-korporasie. Die Minister se woordvoerder, Lawrence Venkile, sê hy sal net vier sentras in die provinsie besoek en dat hy vandag by Acacia in Pretoria sal begin."*
- *"Twee vermeende ontvoerders sal waarsynlik more in die landdroshof in Pinetown in KZN verskyn. Die woordvoerder van die Polisie sê hulle het na bewering verlede Vrydag 'n sakeman by sy werk in Reservoir Hills in Durban ontvoer. Sy sê die verdagtes staar ook aanklagte van die onwettige besit van wapens en afpersing in die gesig nadat hulle 'n losprys van meer as 'n miljoen rand van die slagoffer se vrou geeis het."*

The monitoring exercise found that the Licensee broadcasts on average a total of thirty (30) minutes of news per day.

The Licensee did not comply with clause 5.1.1 of the Schedule to its service licence.

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

"South African Music Content: 70%."

The obligation carried by this clause has been repealed and placed with the provisions made in the ICASA South African Music Content Regulations of 2016. As such, the details and finding regarding the Licensee's South African music content output is discussed under section 4.1 below.

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

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

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

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

Clause 5.1.4 of the Schedule to Kosmos Stereo's licence states that:

"Language(s) of broadcast

5.1.4.1 Afrikaans – 100%"

The monitoring exercise confirmed that the language of broadcast is Afrikaans.

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

3.6 Promise of Performance

Clause 8.1 of the Schedule to Kosmos Stereo's licence provides that:

"60% of the Licensee's talk programming content shall be aimed at the promotion of literacy, education, community upliftment and informative programming. This will include informal education such as skills development and health issues."

The monitoring exercise found the following programming: *"Kits Ontbyt"*; *"Inkleurboek en Klank"*; *"Die Kosmos Allegaartjie"*; and *"Jou Kosmos Middae"*. These programmes when viewed collectively provide content that promotes literacy, education, community upliftment and informal education. The Licensee regularly features discussions with experts on current affairs and promotes literacy and education through its book readings. The monitoring exercise further found inserts relating to sports, cooking, finance, health and religion.

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

Clause 8.2 of the Schedule to Kosmos Stereo's licence provides that:

"The Licensee shall broadcast programmes related to children, scholars, students, adults, the aged and the youth."

The monitoring exercise confirms that the programming outlined under clause 8.1 above is related to children, scholars, students, adults, the aged and youth.

The Licensee complies with clause 8.2 of the Schedule to its service licence.

Clause 8.3 of the Schedule to Kosmos Stereo's licence provides that:

"The Licensee shall broadcast independently from Radio Pretoria and shall not be allowed to relay programming directly from Radio Pretoria."

The monitoring exercise found that the Licensee broadcasts *"Klank-Koerant"* during weekdays. *"Klank-Koerant"* is affiliated to Radio Pretoria.

The Licensee did not comply with clause 8.3 of the Schedule to its service 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".

The Licensee on average broadcast over sixty percent (60%) of South African music during the performance period. Further, the Licensee on Mondays has

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

interviews with South African artists such as *Gerduan Kemp* and *Ariose*, among others, for an average duration of twenty (20) minutes. The total South African music content broadcast by the Licensee averages seventy percent (70%).

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

Freddie Mong "Soen My, Druk My"; Snotkop "Dis 'n Land"; Appel "Kom En Lê My Neer"; Kurt Darren, Leah & Snotkop "Selfie Song"; Vernon Barnard "Daai Liedjie"; Karlien van Jaarsveld "Maybe Baby Vanaand"; Juan Boucher "Ons Word Een"; Pieter Naude "Honderd Jaar"; Elizma Theron "Hoekom"; Demi Lee Moore "Neon Moon"; Lianie May & Jay "Dors"; Bok van Blerk "Koue Voete Warm Liefde".

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

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 Regulations, as stated above.

4.3 Standard Terms and Conditions for Class, 2010.

The Authority is satisfied that during the period under review the Licensee did not contravene the Regulations in respect of the Standard Terms and Conditions for Class Licences.⁸

5. CONCLUSION

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

⁸ Standard Terms and Conditions for Class Broadcasting & Electronic Communications Network Services, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended.

The Compliance Officer assigned to the Licensee has engaged the Licensee to discuss the areas of non-compliance as reflected in this Annual Compliance Report. The Licensee has committed to remedy the areas of non-compliance. At the time of writing this report, progress has already been made in terms of the broadcasting of programming from Radio Pretoria, the Licensee has terminated its agreement with Radio Pretoria to broadcast the programme "Klank-Koerant". The Licensee further has committed to increasing its South African music content. The Authority will continue to monitor the progress by the Licensee.

6. TERMS OF REFERENCE

- 6.1 Annexure A: Kosmos 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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