



RADIO ROSESTAD ANNUAL COMPLIANCE REPORT

MARCH 2023

2021/2022 ANNUAL COMPLIANCE REPORT

RADIO ROSESTAD

Licence Period: 24 October 2018 – 23 October 2023

1. PREFACE

The Independent Communications Authority of South Africa (the 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.

This report is intended to give an account of Radio Rosestad'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 15 June 2018, a renewed Class Broadcasting Service licence was issued to Radio Rosestad with licence number Class/Re/Com/R60/Jun/18. As per the licence, Radio Rosestad must provide services to Bloemfontein and surrounding areas in the Free State Province as set out in the Licensee's Radio Frequency Spectrum license.

3. COMPLIANCE ASSESSMENT

3.1 Licensee

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

"The Licence⁵ is issued to:

1.1. Name of entity: OVSUK TRUST

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 Radio Rosestad's service licence.

1.2. Name of the Station: Radio Rosestad

1.3. Control of the Licensee: Control of the station shall vest in the Board of Trustees of Radio Rosestad."

The monitoring exercise confirmed that the information prescribed in clause 1 of the Schedule to Radio Rosestad'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 Radio Rosestad'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 expiry of the licence is, 23 October 2023. The Licensee is required to lodge its renewal application from, 23 October 2022 until 23 April 2023. At the time of writing this report, the Licensee had submitted its renewal application, already.

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

3.3 Licence Area

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

"The Licensee shall provide services to Bloemfontein and surrounding areas in the Free State Province as set out in the Licensee's radio frequency spectrum license."

Radio Rosestad's coverage area remains as prescribed in the licence terms and conditions. Further, the Authority did not receive any reports or complaints indicating that Radio Rosestad 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 Radio Rosestad'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 talk and music programming content and as per the Licensee's founding documents, reflected the community the Licensee is serving.

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

Clause 4.2 of the Schedule to Radio Rosestad'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 information as submitted by the Licensee did not indicate that it had meetings with its community that focus on programming and programming policies of the station. The Licensee did utilise a survey that it distributed at some of its social events, however those cannot be considered as a primary source of community participation.

In terms of the requirement to hold an Annual General Meeting ("AGM"), the Licensee held its AGM on 7 June 2021 at the AGS Siloam Church Building and duly submitted the required documentation to the Authority.

The Licensee partially complies with clause 4.2 of the Schedule to its service licence.

3.5 Programming

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

"Local News and Information obligation: *The Licensee shall broadcast a total of sixty-seven (67) minutes per day. These shall include news from the community produced by the radio station on issues affecting the community."*

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

- *"Die Minister in die Presedensie, Mondli Gungubele, het Cyril Ramaphosa se besluit verdedig om adjunk hoofregter Raymond Zondo as die land se nuwe hoofregter aan te stel. Die besluit is geneem ondanks die feit dat die regterlike dienskommissie die president van die appelhof Mandisa Muriel Lindelwa Maya vir die pos aanbeveel het. Meeste politieke partye het Zondo se aanstelling verwelkom."*
- *"President Cyril Ramaphosa sê korrupsie moet uit alle sferes van regering uitgewis moet word sodat gemeenskappe behoorlike dienste kan ontvang. Ramaphosa het by 'n presidentiele imbizo in Mahikeng in die Noordwes gepraat. Die imbizo was 'n geleentheid vir gemeenskappe om met regeringsleiers in gesprek te tree oor diensleweringse kwessies in die provinsie."*
- *"Openbare beskermers, Busisiwe Mkhwebane, het vroeër 'n tweede herroepingsaansoek by die Grondwetlike Hof ingedien om die bevel wat die weg gebaan het vir haar vervolging om te keer. Twee dae nadat die hof haar aansoek vir terugtrekking van haar verdoemende uitspraak oor skenkings aan President Cyril Ramaphosa se 2017 veldtog vir die leierskap van die ANC van die hand gewys het. Mkhwebane sê dat die groenlig wat die hof aan die parlement se vervolgingsgesag gegee het, die moontlik oopgemaak om vir haar ongeskors te word."*
- *"Eskom het gisteraand aangekondig dat hy sy beurtkrag vir eers opskort want sy opwekkingsvermoe is tot so mate herstel dat hy die beurtkrag kan ophef. Dit volg dat beurtkrag ongeveer 'n week geled ingestel is. Hy waarsku egter dat sy netwerk steeds onder groot druk verkeer end at hy swaar op sy noodkrag reserwes sal staat maak om die ligte aan te hou."*

The monitoring exercise found that the Licensee broadcasts news from 06h00 until the last bulletin at 20h00 during weekdays.

The news bulletins have an average duration of two (2) minutes and thirty (30) seconds. The total news broadcast per day averages, thirty (30) minutes.

On Saturdays and Sundays, news is broadcast at 07h00, 08h00, 11h00 and 13h00. The average duration of a bulletin is two (2) minutes and thirty (30) seconds. The total news broadcast on Saturday averages ten (10) minutes.

The Licensee broadcasts on average thirty (30) minutes of news per day on weekdays and ten (10) minutes per day during weekends. That is not in line with the news and information obligation contained in its licence, which requires a total of sixty-seven (67) minutes of news the licensee should broadcast.

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

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

"South African Music Content: 70%."

The obligation in 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 Radio Rosestad's licence provides that:

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

The monitoring exercise found that the licensee's programming is split between 70% talk and 30% music.

The Licensee did not comply with clause 5.1.3 of the Schedule to its service licence.

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

"Language(s) of broadcast

5.1.4.1 Afrikaans – 90%; and

5.1.4.2 English – 10%"

The monitoring exercise confirmed that the languages of broadcast as prescribed in the licence is predominantly 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 Radio Rosestad's licence provides that:

"The Licensee's Board of Trustees shall also consist of people from towns like Dewetsdorp, Reesburg and Dealesville."

The Licensee confirms that all board members reside within the coverage area. Further, one of the Trustees resides in Dealesville.

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

Clause 8.2 of the Schedule to Radio Rosestad's licence provides that:

"The Licensee shall involve local school's platform in terms of outside broadcast on school sport days as well as live broadcast (commentary) of rugby matches. The Licensee shall further ensure that there are active correspondents from various schools to source news and information. The licensee shall cover events like entrepreneurship days, fests and so forth."

The Licensee does not do outside broadcast on school sport days as well live broadcast of rugby matches. The Licensee submits that this is due a lack of a need for live broadcast. Further, the Licensee did not submit any information that shows that it ensures that there are live correspondents from various schools to source news and information.

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

Clause 8.3 of the Schedule to Radio Rosestad's licence provides that:

"The Licensee shall broadcast Christian religious programmes."

The monitoring exercise found that the Licensee broadcast daily Christian religious programmes. Two full services were found to be broadcast on Sundays. Further, the programming of the Licensee aligns to any Christian holidays throughout the year.

The Licensee complies 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 seventy percent (70%) of South African music content.

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

Demi Lee Moore and Riaan Benade "Kannie Sonder Jou Nie"; Gian Groen "Lonely Troebadoer"; Rian Benade "Lieg Vir My"; Gerduan Kemp "Sesde Sintuig"; William Wolf "Droom"; Wit Kasteel "Herinnering"; Kaleidoskoop "Fakkels"; Chris Chameleon "Eiland"; Posduif "Herinner My"; MD Greyling "Boer se Geloof"

The Licensee does 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.

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

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

4.4 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

The Licensee's compliance with its licence terms and conditions and underlying regulations, during the period under review, was not satisfactory. Several areas of non-compliance were identified such as the two meetings with its community with a focus on programming and programming related matters.

Further, the Licensee did not comply with its news obligation insofar as it broadcast an average of thirty (30) minutes per day during weekdays and ten (10) minutes per day during weekends, this falls short of the sixty-seven (67) minutes requirement as contained in the licence. The Licensee's format is further not aligned to its licence. The Licensee did not comply with the South African Music Content regulations as it failed to broadcast the required eighty percent (80%) South African music during the period under review. At the time of writing this report the Division had already engaged the Licensee on areas of non-compliance and the Licensee has expressed a willingness to address the areas of non-compliance. The Division will continue to monitor the progress of the Licensee to ensure that the Licensee implements the required remedial action.

6. TERMS OF REFERENCE

- 6.1 Annexure A: Radio Rosestad'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

END

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.