



RX RADIO ANNUAL COMPLIANCE REPORT

MARCH 2024

2022/2023 ANNUAL COMPLIANCE REPORT

RX RADIO

Licence Period: 16 November 2022 – 15 November 2029

1. PREFACE

The Independent Communications Authority of South Africa (Authority) has a statutory mandate in terms of the Constitution, the ICASA Act¹, the Electronic Communications Act² (ECA) and the Broadcasting Act³ 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 RX's compliance with the terms and conditions as set out in its license, for the 2022/2023 financial year. Aspects of compliance that are measured comprise 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 16 November 2022, a class broadcasting service licence was issued to RX Radio. As per the licence, RX Radio provides low power community broadcasting services to the Red Cross War Memorial Children's Hospital in the City of Cape Town Metropolitan Municipality in the Western Cape Province as set out in the Licensee's Radio Frequency Spectrum license.

¹ ICASA Act No 13, 2000 as amended.

² Electronic Communications Act No 36, 2005.

³ Act No. 4 of 1999.

3. COMPLIANCE ASSESSMENT

3.1 Licensee

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

"The Licence⁴ is issued to:

1.1. Name of entity: RX Radio SA

1.2. Name of the Station: RX Radio

1.3. Control of the Licensee: Control shall vest in the Board of Directors of a non-profit-company known as RX Radio SA."

The monitoring exercise confirms that the information contained in clause 1 of the Schedule of RX Radio'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 RX Radio's licence provides that:

"2.1 The effective date of the licence is 16 November 2022.

2.2 The licence shall expire on 15 November 2029."

No compliance finding is required due to the licence being valid until 15 November 2029. The Licensee will be eligible to renew its licensee from 15 November 2028.

3.3 Licence Area

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

"The Licensee shall provide low power community services to the Red Cross war Memorial Children's Hospital in the City of Cape Town Metropolitan Municipality in the Western Cape Province set out in the Licensee's radio frequency spectrum license."

RX Radio's coverage area remains as prescribed in the licence terms and conditions. Further, the Authority did not receive any reports or complaints indicating that RX Radio has gone beyond its licenced area.

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

⁴ RX Radio's Broadcasting Service Licence.

3.4 Community

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

"4.1 The Licensee shall provide low power community sound broadcasting services for children and their families at the Red Cross War Memorial Children's Hospital in the Western Cape Province."

RX Radio confirms that its services are offered to the children and their families Interest based community residing within the geographic coverage area as specified in the licence. The monitoring exercise confirmed that the programming of the Licensee caters for the children and their families at the Red Cross War Memorial Children's hospital. Children are actively involved in the Licensee's programming and host several of the Licensee's programming.

Further, the Authority received no complaints that the Licensee was not providing services to the children and their families at the Red Cross War Memorial Children's Hospital.

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

3.5 Programming

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

"South African Music Content: 80%."

The obligation carried by this clause is from the ICASA South African Music Content Regulations of 2016. Therefore, the details and findings regarding the Licensee's South African music content output are discussed in section 4.1 below.

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

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

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

Some of the talk programming that was found during the period under review include the children's educational programme "*Nali'bali*", various radio dramas from the Jungle Theatre Company and interviews with experts discussing matters such as mental health, vaccinations, and art therapy. Other programming includes "*Books & Breakfast*" which caters to book lovers, "*Science and Fiction*" which focus on science and movies and "*Tackling the Outdoors*" which focus on outdoor activities.

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

Clause 5.1.3 of the Schedule to Pretoria FM's licence states that:

"Language(s) of broadcast

5.1.3.1 English – 85%;

5.1.3.2 Afrikaans – 10%;

5.1.3.3 isiXhosa – 5%"

The monitoring exercise confirmed that the Licensee's broadcast is aligned to its language breakdown. Eighty-five percent of all the licensee's programming is broadcast in English, followed by ten percent of its programming being Afrikaans and five percent being isiXhosa.

The Licensee complies 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 Regulations⁵ 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".

⁵ ICASA South African Music Content Regulations, 2016 as published in Government Gazette No. 39844 dated, 23 March 2016.

Some of the South African music that was found during the period under review: *Shekhinah "Diamonds Do"; Jeremy Loops "Til I Found You"; Goldfish ft. Nate Highfield and Silver "Forever Free"; Amy Jones ft. Donvino "Imagine"; Jimmy Nevis "Magneta"; The Kiffness feat. Bilal Göregen "Ievan Polkka"; Black Coffee & Diplo ft. Elderbrook "Never Gonna Forget"; Master KG "Skeleton Move"; Prince Kaybee ft. Zanda "Yonkinto"; Majozi "Somebody"; DJ Lag & Shekhinah "Anywhere We Go".*

The monitoring exercise found that the Licensee does not broadcast eighty percent (80%) of South African music. The monitoring exercise found that on average only thirty percent (30%) of the Licensee's music output was South African. The Licensee was advised of the non-compliance on 21 August 2023 and required to submit a plan of action on how it will remedy the non-compliance. The Licensee on 31 August 2023 submitted its plan of action and committed to a phased-in approach where it will increase its South African music content output monthly and ultimately reach eighty percent (80%) in December 2023. The Broadcasting Compliance Department was satisfied with the plan submitted and will monitor the Licensee's compliance therewith.

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 Regulations⁶, to submit the relevant compliance forms throughout the year.

The Licensee has submitted all the required forms as per 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.

⁶ ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

The monitoring exercise did not find any contravention of the Standard Terms and Conditions for Class Licensees⁷ during the period under review.

5. CONCLUSION

The monitoring exercise found that the Licensee complied with all of its requirements except for the South African music content output as outlined in this report. However, the plan submitted by the licensee was satisfactory and engagements with the Licensee indicated that the licensee has a willingness to correct its non-compliance. The Authority will continue to monitor the Licensee's compliance with the plan during the 2023/24 financial year and make a determination on whether additional action will be required.

6. TERMS OF REFERENCE

- 6.1 Annexure A: RX Radio'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.

⁷ 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.