



# **TUKS FM ANNUAL COMPLIANCE REPORT**

**MARCH 2018**

## **2016/2017 ANNUAL COMPLIANCE REPORT: TUKS FM**

**Licence Period: 27 October 2013 – 26 October 2018**

### **1. PREFACE**

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution<sup>1</sup>, the ICASA Act<sup>2</sup>, the Electronic Communications Act<sup>3</sup> (ECA) and the Broadcasting Act<sup>4</sup> to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or regulations.

The following report is intended to give an account of Tuks FM's compliance performance with the terms and conditions as set out in its licence for the 2016/2017 financial year. Aspects of compliance that are measured comprise of the Licence Area, Community Participation, Programming, South African Music Content Regulations, Regulations regarding Standard Terms and Conditions for Class Licensees and Regulations on the Code for People with Disabilities.

### **2. BACKGROUND**

Tuks FM is a class broadcasting community of interest radio station serving University of Pretoria students in the Greater Tshwane in the Gauteng Province and situated at the University of Pretoria's main campus. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 16 000<sup>5</sup>.

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Licensee Details**

Clause 1 of the schedule to the licence stipulates that:

##### **1.1 Name of entity: University of Pretoria**

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<sup>1</sup> The Constitution of the Republic of South Africa, No 108 of 1996

<sup>2</sup> Act No. 13 of 2000, as amended

<sup>3</sup> Act No. 36 of 2005

<sup>4</sup> Act No. 4 of 1999

<sup>5</sup> <http://www.brcsa.org.za/brc-ram-radio-listening-jul-16-dec-16-oct-16-mar-17/>

*1.2 Name of the Station: Tuks FM*

*1.3 Control of Licensee: Control shall vest in the University of Pretoria*

There were no changes reported by the Licensee regarding the name of the radio station. Furthermore, the radio station identifies itself at regular intervals, with frequency number and areas of coverage.

**The Licensee complies with clause 1 of schedule to the licence.**

### **3.2 Licence Period**

Clause 2 of the schedule to the licence stipulates that:

*2.1 The effective date of the Licence is 27 October 2013*

*2.2 The Licence shall expire on 26 October 2018*

Tuks FM is due for a licence renewal in 2018 according to its licence. At the time of compiling this report, the licensee has not submitted their notice for renewal.

**The Licensee complies with clause 2 of the schedule to the licence.**

### **3.3 Licence Area**

Clause 3 of the schedule to the licence provides that the Licensee's coverage area is as outlined below:

*"The Licensee shall provide services to the campus community of the University of Pretoria in the greater Tshwane area in Gauteng Province as set out in the Licensee's radio frequency spectrum licence."*

The Licensee confirms that it broadcasts in the geographic area as set out in its frequency spectrum licence. The Licensee submitted a report that it is experiencing signal interruptions on its frequency. The interruption is reported to be from Power FM on its 107.2 frequency in the East Rand. The Licensee reports that their Pretoria East and January Masilela regions are being affected by the gap filler from Power FM.

The Broadcasting Compliance Unit has reported the matter to the Broadcasting Frequency Coordination Office for further inspection.

**The Licensee complies with clause 3 of the schedule to the licence.**

### **3.4 Community**

Clause 4.1 of the schedule to the licence requires the radio station to:

*"provide services to a community of interest being students of tertiary institutions in the greater Pretoria area, staff, prospective students, their beneficiaries and alumni residing within the geographic coverage area specified herein".*

The Licensee provides broadcasting services to a community of students residing in the greater Tshwane municipality. In addition to its broadcasting services, the Licensee conducts various community outreach projects such as the High School Career Expo series where they go to different schools within the coverage area to raise awareness on different career paths each high school learner should consider. The events are broadcast live on air and the schools that they have assisted include Pretoria High School for Girls; Eduplex School and other schools in the Centurion area<sup>6</sup>.

**The Licensee complies with clause 4.1 of the schedule to the licence.**

Clause 4.2 of the schedule to the licence stipulates that:

*"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 2 (two) meetings annually with its community focusing on programming and programming policies of the station"; and*

*"4.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as the attendance thereof by the members of the community.*

The Licensee held a meeting on 20 October 2017 where various issues were discussed such as strengthening relationships with the Student Representative Council; raising concerns with the Broadcast Research Council of South Africa on how they carry out their listenership samples and other marketing related issues affecting the station<sup>7</sup>. The Licensee used the same meeting to address programming matters engaging with

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<sup>6</sup> Tuks FM Outreach Programmes (High School Tours)

<sup>7</sup> AGM – Advisory Board Meeting

reports from the Listeners' Forum and as an AGM. The obligation is for two meetings and Tuks FM only had one meeting.

**The Licensee does not fully comply with clause 4.2.1 and 4.2.2 of schedule to the licence.**

*Clause 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 held a meeting on 20 October 2017 to amongst others give feedback on the station's overall performance on operations; finances; governance; programming and appointment of auditors for the station. Reports were presented and adopted at the meeting and minutes and attendance register were submitted to the Authority. The meeting was attended by the Board of Trustees, stakeholders and Station Management<sup>8</sup>

**The Licensee complies with clause 4.2.3 of the schedule to its licence.**

### **3.5 Programming**

Clause 5.1 of the schedule to the licence provides for the radio station's programming as follows:

#### **3.5.1 News and Information**

Clause 5.1.1 of the schedule to the license provides that:

*"The Licensee shall broadcast news to a total of sixty (60) minutes of news per day. This shall include news from the community produced by the radio station on issues affecting the community"*

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<sup>8</sup> AGM – Advisory Board Meeting



The news department was badly affected by campus restrictions during the 2016 Fees Must Fall campaigns. The Licensee submitted a notice to the Authority on 03 November 2016 pertaining to the challenges due to the stricter access controls and emergency broadcasting strategy that would impact on their ability to meet their licence terms and conditions obligations.

The Licensee broadcast news reports on weekdays between 06H00 – 18H00 and headlines at the bottom of the hour. However, this excludes weekends where there are only a few bulletins during the programming schedule. The average duration of news is approximately 4-5 minutes for a total of sixty-five (65) minutes.

The following news items were identified:

- *"Gauteng Premier David Makhura says while public transport legislation is important, government is not in the business of making it difficult for public transport operators. Makhura was speaking alongside Transport MEC Ismail Vadi and Community Safety MEC Sizakele Nkosi-Malobane."*
- *"Members of the national trio crimes task team, comprised of various units within the South African Police Service (SAPS), have arrested four people and recovered vehicles and vehicle parts worth millions of rand in Pretoria, the SAPS said on Sunday. Brigadier Vishnu Naidoo said during an intelligence-driven operation the team went to a house surrounded by high walls in Ledwaba Street in Mamelodi."*
- *"Some South African natural hair enthusiasts say it's become more acceptable to wear their hair chemical-free more than it's ever been before. Hair experts from around the world, along with celebrities and popular social media personalities, attended one of the biggest hair events on the social calendar, just outside Stellenbosch yesterday. Although India Arie sang "I am not my hair", some naturals say deciding to wear their hair chemical-free has changed their perception of who they are."*

The news reflects a mixture of local stories, national and international stories. This is also topped with sports headlines, weather and market updates.

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

Clause 5.1.2 of the schedule to the licence provides that the Local Content should be:

*"The Licensee shall broadcast a South African music content of 40%."*

According to their submission and the Authority's monitoring exercise, the radio station broadcasts an average of forty percent (40%) of South African music content. Various genres were identified on the station's music line-up including Alternative Rock; Pop; Afrikaans Rock and Metal music with artists such as Dustland Express; The Parlotones; Die Heuwels Fantasies and Heroes Wear Red being played<sup>9</sup>.

**The Licensee complies with 5.1.2 of the schedule to its licence.**

### **3.6 Language(s) of broadcast**

Clause 5.1.4 of the schedule to the licence provides that the language (s) of broadcast are as follows:

*English – 60% and Afrikaans – 40%*

The monitoring exercise revealed that the Licensee has a balanced mixture of programming in English and Afrikaans in accordance with its language requirements. A program called "Darkside", an Afrikaans show that's deals with light topical issues and plays trending music can be heard between 19h00 – 22H00.

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

## **4. PROMISE OF PERFORMANCE**

Clause 8 of the schedule to the licence states as follows:

Clause 8.1 of the schedule to the licence provides that:

*"The Licensee shall establish and maintain a coordinating body that consists of representatives of student-based organisations, cultural organisations and individual members from its coverage area in the promotion of tertiary education and culture."*

The Licensee is involved in a High Schools Tour Campaign in conjunction with the Parents Association of Pretoria High School for Girls. This partnership is meant to raise

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funds for the upgrading and maintenance of school premises as well as to help subsidize parents who struggle to pay school fees. This contributes to its mission of the promotion of tertiary education and culture.

Clause 8.2 of the schedule to the licence provides that:

*"The Licensee shall hold regular meetings through Representative Council and its affiliated institutions".*

The Licensee sits on meetings with the SRC periodically to ensure that student issues are highlighted on radio. There is also a memorandum of understanding between the radio station and the SRC when it comes to marketing and other branding activation campaigns in order to reach a wider audience.

Clause 8.3 of the schedule to the licence provides that:

*"The Licensee shall ensure equal representation in relation to Whites, Blacks, Coloureds and Indians in organisations and/or portfolios pertaining to the radio station's activities"*

The operational make-up of the licensee's staff is a balanced mixture of South Africans of all races and genders. The current management structure consists of three (3) white people two (2) male and one (1) female and two (2) black people being male and female.

Clause 8.4 of the schedule to the licence provides that:

*"60% of the Licensee's talk content shall be aimed at education, promotion of literacy and information. This shall include informal education such as skills development".*

The Licensee's talk offering was found to be educational and informative to the listeners. On the show "Lunch Break", the topic of taxi violence was discussed where safety and awareness issues were brought to light and the listeners were able to share their experiences using taxis to commute to campus. This topic was in light of recent reports of taxi violence in the Tshwane area.

Clause 8.5 of the schedule to the licence provides that:



*"The Licensee shall broadcast programmes related to members of the community, children, students and the youth between 18-26 age group".*

The programming provision is in line with the target market of Tuks FM. This was witnessed on shows such as *"The Wakeup"*, *"The Driveway"* and *"Darkside"*. These shows are entertaining and appeal to a young audience which is the core of Tuks FM's target market. The shows use different platforms to interact with their listeners including an SMS line, WhatsApp messaging and other social media platforms. This is technology that is familiar to the youth and students in the coverage area of Tuks FM.

**The Licensee complies with its promise of performance.**

## **5. REGULATIONS**

### **5.1 South African Music Content**

Regulation 3.3 of the Regulations on South African Music Content as published on 31 January 2006 stipulates that:

*"Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period".*

According to their submission and the Authority's monitoring exercise, the radio station broadcasts an average of forty percent (40%) of South African music content.

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

### **5.2 Regulations regarding Standard Terms and Conditions for Class Licences**

During the period under review, the Authority did not find any area of non-compliance with the Standard Terms and Conditions for Class Licences.

### **5.3 Regulations on the Code for People with Disabilities**

The Licensee did not report on any matters that relate to the Code for People with disabilities. In the absence of a detailed report to this effect, **the radio station did not comply with the Regulations on the Code for People with Disabilities.**

## **6. CONCLUSION**

During the period under review, the Licensee has complied with most of its licence conditions. The Licensee continues to be consistent with its licence requirements and unearthing talent for commercial and public radio. Furthermore, they are doing community service to uplift the communities that they serve.

## **7. TERMS OF REFERENCE**

- 7.1 Tuks FM Class broadcasting service and spectrum license;
- 7.2 Tuks FM Outreach Programmes (High School Tours);
- 7.3 AGM – Advisory Board Meeting;
- 7.4 Tuks FM Submission: Music Logs (Local Content Report);
- 7.5 Regulations on South African Music Content;
- 7.6 Regulations on Standard Terms and Conditions for Class Licences; and
- 7.7 Regulations on the Code for People with disabilities.