



RADIO TYGERBERG ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

CHRISTELIKE RADIO DIENSTE BROADCASTING AS RADIO TYGERBERG

LICENCE PERIOD: 06 February 2018 to 07 February 2023

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ (ECA) and the Broadcasting Act to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the terms and conditions of their licence, the three Acts referenced above any relevant legislation and Regulations.

The purpose of the report is to give an account of Radio Tygerberg's compliance with the terms and conditions as set out in its licence for the 2017/18 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, Regulations Regarding Standard Terms and Code on People with Disabilities.

2. BACKGROUND

Radio Tygerberg is a class broadcasting Licensee providing service to the Christian community residing in the Greater Cape metropolis of the Western Cape Province, as specified in and required by its radio frequency spectrum licence. The radio station's mandate is to provide a service to the Christian community of interest in its area of broadcast⁴.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence provides that:

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² ICASA Act No 13 of 2000, as amended

³ Electronic Communications Act No 36 of 2005

⁴ Appendix A: Service and spectrum licence

"The Licence is issued to:

1.1 *Name of Company/Entity: Christellike Radio Dienste*

1.2 *Control of the Licensee: Control shall vest in the Board of Directors of a Section 21 Company known as Christellike Radio Dienste".*

There were no changes reported by the Licensee to its company name and control structure during the period under review.

The Licensee complies with clauses 1.1 and 1.2 of its licence.

Clause 1.3 of the licence provides as follows:

"Name of the radio station: Radio Tygerberg".

The radio station's name is Radio Tygerberg as provided in the licence.

The Licensee complies with clause 1.3 of its licence.

3.2 Licence Area

Clause 3 of the licence provides that Radio Tygerberg's coverage area is as follows:

" Greater Cape Metropolis in the Western Cape Province as set out in the Licensee's radio frequency licence".

The Licensee confirms that it provides a service to the Greater Cape Metropolis in the Western Cape Province as set out in the Licensee's radio frequency licence.

The Licensee complies with the clause 3 of its licence.

3.3 Community

Clause 4.1 of the licence provides that:

"The Licensee should provide services to a Christian community of interest residing within the geographic coverage area specified herein".

Radio Tygerberg provides a sound broadcasting service from Bellville and provides its services to a Christian community residing within its coverage area.

The Licensee complies with clause 4.1 of its licence.

Clause 4.2 of the licence provides 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 two (2) meetings annually with its community 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 as the attendance thereof by members of the community";

The Licensee held two (2) meetings with its community on programming and programme related matters for the selection and provision of programmes as required by the licence. The first meetings were held on 19 June 2018 and 20 September 2018, respectively. The Licensee submitted records of the meetings as well as the attendance registers⁵.

Further, clause 4.2.3 provides that:

"The Licensee shall hold an Annual General Meeting (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".

Radio Tygerberg held its elective Annual General Meeting on 23 January 2018⁶. The purpose of the AGM was to provide feedback on the Licensee's compliance with licence conditions, operational, financial performance and to elect a new Board of Directors. The reports

⁵ Appendix B: Minutes of Community Meetings and Attendance Registers

⁶ Appendix C: AGM Minutes

presented by the Chairperson of the Board included the Audited Financial Report and were duly adopted by the members present at the AGM.

The following is a list of the Board of Directors of Radio Tygerberg⁷:

1. Mr Gerhardus Zevenster;
2. Ms Esther Kruger;
3. Pastor Dawn Stephany Petersen;
4. Mr Daniel Jacobus Francis;
5. Ms Busisiwe Rosebud Tsobane;
6. Mr Henry Albert Botman;
7. Ms Wilhemina Elizabeth Wildschut; and
8. Dr Johannes Emmanuel Zevenster.

The Licensee holds regular board meeting to discuss the Licensee's compliance with licence conditions, operational, financial performance and programming and programme related matters.

The Licensee complies with clause 4.2 of its licence.

3.4 Programming⁸

Clause 5.1 of the licence provides that:

"The Licensee shall provide programming as follows:

4.1.1 Format:

56% talk and 44% music".

Radio Tygerberg submits that it broadcasts 56% talk and 44% music daily as required by its licence.

The monitoring exercise confirmed that the Licensee's format is 56% talk and 44% music.

The Licensee complies with clause 5.1.1 of its licence.

⁷ Appendix D: Board of Directors

⁸ Appendix E: Programme Schedule and Logsheets

Clause 5.1.2 of the licence provides that:

5.1.2.1 "The Licensee shall broadcast 60% local, 30% national and 10% international news per day. This shall include news from the community produced by the station on issues affecting the identified community".

The Licensee submits that it complies with the above clause.

The monitoring exercise conducted for the period under review indicated that Radio Tygerberg broadcasts news bulletins every hour on the hour and news headlines at the bottom of the hour. Approximately 65% of the news is local, 25% national and 10% is international.

Among the news stories covered were excerpts from certain broadcasts, as follows:

1. *"Atul Gupta se aansoek om tien miljoen Rand in sy private bankrekening te laat ontvries is deur die Hooggeregshof in Bloemfontein aanvaar. Atul se regsman het aangevoer dat die tien miljoen rand wat hy na bewering uit die Estina-suiwelprojek ontvang het, nie die enigste fondse in die rekening is nie en dat daar in elk geval geen bewyse van plundery is nie";*
2. *"Die polisie in Gugulethu bly op 'n hoë gereedheidsgrondslag na onlangse geweldadige protesoptogte wat gelei het tot ondermeer beskadiging aan eiendom van die Suid-Afrikaanse agentskap vir maatskaplike sekerheid in die gebied. 'n Polisie woordvoerder, Noloyiso Rwexana sê die polisie is op verskeie areas ontplooi om spanning onder die inwoners te monitor.";*
3. *"Donald Trump het ingestem om Kim Jong-oen teen die einde van Mei te ontmoet, nadat die Noord-Koreaanse leier 'n ontmoeting met die Amerikaanse president versoek het. Noord-Koreaanse leiers het verskeie kere, sonder sukses, probeer om aangesig tot aangesig samesprekings met agtereenvolgende Amerikaanse presidente te hou."; and*
4. *"'n Aanklagte van geldwassery en korrupsie teen die Bank van Baroda gaan vandag deur die DA-parlements lid, Natasha Mazzone by die Kaapstadse-polisiestasie ingedien word. Dit volg na 'n ondersoek bevind het dat die bank se Suid-Afrikaanse tak bewus was dat die Gupta-broers hulle bankrekeninge misbruik het en dat die bank se bestuurders verhoed het dat reguleerders uitvind van verdagte transaksies."*

The Licensee complies with clause 5.1.2 of its licence.

5.1.2.2. "The Licensee's proportion of local news output shall be equal to or greater than its international news".

The Licensee submits that a larger proportion of its news is made up of local news and only 10% is international.

The monitoring exercise confirmed that Radio Tygerberg's local news makes a larger proportion of its daily news broadcast.

The Licensee complies with clause 5.1.2.2.

Clause 5.1.3.1 of the licence provides that:

"The Licensee shall broadcast South African music content of 60%".

The Licensee submits that it broadcasts a minimum of 65% of South African music.

The monitoring exercise confirmed that the Licensee broadcast approximately 65% local content music, excluding interviews with local musicians and music by new local musicians.

The Licensee complies with clause 5.1.3.1 of its licence.

Clause 5.1.3.2 of the licence provides that:

"The majority of the Licensee's programming shall be locally produced".

The Licensee submits that all its programmes are produced in South Africa, and this was confirmed during the Authority's monitoring exercise.

The Licensee complies with clause 5.1.3.2 of its licence.

Clause 5.1.3.3 of the licence provides that:

"30% of the Licensee's programming shall be provided in isiXhosa, measured weekly".

The Licensee submits that it complies with the above requirement.

The monitoring exercise revealed that Radio Tygerberg broadcasts isiXhosa programmes on a daily basis. It was confirmed that the Licensee broadcasts 30% of isiXhosa programming on a weekly basis.

The Licensee complies with clause 5.1.3.3 of its licence.

Clause 5.1.4 of the licence provides that the languages of broadcast are as follows:

- a) *English;*
- b) *Afrikaans; and*
- c) *isiXhosa*

The Licensee submits that it complies with the above requirement.

The monitoring exercise confirmed that programmes are broadcast in English, Afrikaans and isiXhosa as outlined in the licence.

The Licensee complies with clause 5.1.4 of its licence.

Clause 4.1.5 of the licence provides that:

"The Licensee shall broadcast for 24 hours a day"

The Licensee submits that it broadcasts for 24 hours a day.

The monitoring exercise confirmed that the Licensee broadcasts its programmes for 24 hours a day.

The Licensee complies with clause 5.1.5 of its licence.

4. REGULATIONS

4.1 Complaints

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

The Licensee is a member of the National Association of Broadcasters (NAB) and complaints relating to Code of Conduct are directed and adjudicated by the Broadcasting Complaints Commission of South Africa. However, the Licensee reported to have not received complaints for the period under review.

The Licensee complies with the Compliance Procedure Manual Regulations.

4.2 South African Music Content Regulations⁹

The ICASA Regulations on South African Music Content provides that:

"A holder of a community sound broadcasting service licence must ensure that a minimum of 60%, increasing by 10% annually to reach 80% of the musical works broadcast, consist of South African music and that South African music is spread evenly throughout its performance period".

Radio Tygerberg broadcasts a significant amount of South African music. The radio station broadcasts a variety of gospel music. The local music played by the radio station includes among others, the following South African artists: Die Antwoord, The Parlatones, Robbie Wessels, Loyd Cele, Retief Burger, Joe Niemand, Juanita du Plessis, amongst others.

The monitoring exercise confirmed that the Licensee plays an average of 65% local music.

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

4.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licensees¹⁰

During the year under review, the Authority did not find any instance of non-compliance by the Licensee with the standard terms and conditions for class Licensees.

4.4 Code on People with Disabilities

Clause 3.1 (a) of the Code on People with Disabilities as published in the Government Gazette, no 30441, 7 November 2007, states that:

⁹ Appendix F: SA Music Content Regulations

¹⁰ Appendix G: Regulation regarding Standard Terms and Conditions for Class Broadcasting Licences

"Broadcasting Service Licensees must ensure that their services are made available and are accessible to people with disabilities".¹¹

During the radio station visit, it was confirmed that the Licensee's studios are easily accessible to the community and community persons with disabilities.

5. CONCLUSION

Radio Tygerberg complies with its licence terms and conditions and Regulations.

6. TERMS OF REFERENCE

Appendix A: Radio Tygerberg's broadcasting service licence and frequency spectrum licence

Appendix B: Minutes and Attendance Registers of Community Meetings

Appendix C: AGM minutes and Attendance Register

Appendix D: List of Board of Directors

Appendix E: Programme Schedule and Log sheets

Appendix F: SA Music Content Regulations

Appendix G: ICASA Regulations on South African Music

Appendix G: Standard Terms and Conditions Regulations

Appendix H: Code of People with Disabilities

¹¹ Appendix H: Code of People with Disabilities