



TRU FM ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS TRU FM

Licence Period: 18 December 2018 - 17 December 2028

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 Act⁴ 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.

This report is intended to give account of the Tru FM’s compliance with the terms and conditions, as set out in its license, in the financial year that ended March 2019. Aspects of compliance that are measured comprise of Geographic Coverage, Licensed Languages, Licensed Format, Local Content Obligations, General Programming Obligations and compliance with all regulations applicable to the SABC.

2. BACKGROUND

Tru FM is in possession an Individual Sound Broadcasting Service licence which provides for an Urban Contemporary Music format to East London, King Williams Town and Queenstown.

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

² Act No. 13 of 2000, as amended

³ Act No. 36 of 200

⁴ Act No. 4 of 1999

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1 of Tru FM's licence provides that:

- "1.1 Name of Company/Entity: The South African Broadcasting Corporation*
- 1.2 Shareholders: The State 100%*
- 1.3 Ownership held by persons from historically disadvantaged groups:
N/A"*

Tru FM forms part of the commercial service of the SABC and is 100% owned by the State.

The Licensee complies with clause 1 of its licence.

3.2 Geographic Coverage Area

According to Clause 2 of the schedule to Tru FM's license, the radio station must provide service to a coverage area as defined in the frequency spectrum licence.

"The geographic coverage area is as defined in the map attached to the radio frequency spectrum licence".

Tru FM's frequency spectrum licence⁵ provides that the radio station shall covers the following areas: East London, King Williams Town and Queenstown. The SABC confirms that its coverage area is as defined in its frequency spectrum licence.

In the year under review, the Authority did not receive any complaints alleging that the Licensee is in contravention of its frequency spectrum licence.

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

3.2. Language(s)

Clause 3 of the schedule to the licence stipulates that Tru FM's language split is as follows:

⁵ Tru FM's Frequency Spectrum Licence

"Principal Language: 60% English and 40% isiXhosa".

A monitoring exercise carried out on the Licensee's programme recordings found that the main languages of broadcast on Tru FM are English and isiXhosa, with English dominating the schedule.

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

3.3 Format

Clause 4.1 of the schedule to the licence stipulates that:

"The service authorised by this licence forms part of the public service division of the Licensee".

Further, clause 4.2 of the schedule to the licence stipulates that:

"The licensed service shall provide a service within an Urban Contemporary Music Format".

A monitoring exercise on TRU FM's programming profile confirmed that the radio station is a public radio station of the SABC and offers a full-spectrum service with an Urban Contemporary Music format to its audience, as outlined in the licence.

The Licensee complies with clauses 4.1 and 4.2 of its licence.

3.4 Local Content Obligations

Clause 5 of the schedule to the licence provides as follows:

"In each licence year, the Licensee shall, within thirty (30) days of end of the quarter, submit to the Authority written records indicating the extent of:

5.1 different genres; and

5.2 South African Music Content, in programme material broadcast on the licensed service during that quarter, in each instance, distinguishing between genres, providing the relevant details in relation to prime time and the period between 05h00 and 23h00 daily ("the South African broadcast

period”), and expressing relevant details both as an aggregate in minutes and as a percentage of the total of all such programming material”.

The SABC submitted its quarterly written records indicating the different genres, the South African music content and programming material for the period under review. The information contained in the quarterly reports was compared to the findings of the monitoring exercise and the conclusions thereof are outlined below.

3.5 GENERAL PROGRAMMING OBLIGATIONS

3.5.1 General

Clause 6.1.1 of the schedule to the licence stipulates that:

“The Licensee shall ensure that its programming adequately reflects the diversity of South Africa’s religions”.

The SABC’s editorial policy⁶ stipulates that:

Religious programmes should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups.”

TRU FM’s religious programming was identified as reflecting the religions of the isiXhosa speaking community in the Eastern Cape and is mostly based on Christianity. While monitoring TRU FM’s programming profile, the Authority found the following programmes containing religious content that is suited for the isiXhosa speaking community.

- *“Hlalani Kum Nam ndihlale kuni”* broadcast from Monday to Friday in the three hours between 19h00 and 21h00.
- *“Isingqi seZulu”* goes to air on Sundays between 06h00 and 08h00 and is a gospel music show which features local and international gospel musicians.
- *“Hlalani Kum Nam ndihlale kuni”* again on Sundays between 18h00 and 21h00. This show carries gospel music and thought-provoking religious content taken from the bible. *“Hlalani Kum Nam ndihlale kuni”* allows for listener interaction.

⁶ An Extract from the Licensee’s Editorial Policy.

The Licensee complies with clause 6.1.1 of the schedule to its licence.

Clause 6.1.2 of the schedule to the licence stipulates that:

"The Licensee shall take reasonable steps to provide programming that reflects the cultural and tradition needs of its audience".

The monitoring exercise found that, TRU FM's programming carries content that is reflective of the cultures and traditions of the people living in the Eastern Cape. TRU FM's overall programming has a youth vibe and topics on various youth cultures were found while monitoring the Licensee's programming profile.

Examples of which were in topics found in the following programmes:

- *"The Weekend Chill"* was identified as having elements of cultural programming on Tru FM. Different topics found during this programme were observed to be promoting good cultural conduct and responsible citizenry. *The Weekend Chill* goes on air between 15h00 and 17h00 on Sundays.
- *"Iintsatshana neLizwi"* while the content in this programme is mostly centred around the bible study, elements of culture learning were found during monitoring, especially around the conduct and responsibility of young people within a society. *Iintsatshana neLizwi* is a Sunday morning offering between 08h00 and 09h00.

The Licensee complies with clause 6.1.2 of the schedule to the licence.

Clause 6.1.3 of the schedule to the licence stipulates that:

"The Licensee shall, during the South African performance period, provide programme material that caters and has due regard for the interests of all sectors of South African society and shall provide programming on health related issues, gender issues relevant to all age groups".

In the year under review, the monitoring exercise found that the Licensee's programming profile caters for the interests of all sectors of the South African society within the Eastern Cape community.

There were programmes identified that cater for certain individual groups within the South African society which featured health and gender related matters and those include:

- "Ezentlalo" – is a Monday to Friday programme offering between 08h00 and 11h00, aimed at women. This talk show would discuss issues relating to women's health and lifestyles.
- "Tru Breakfast" – another Monday to Friday offering with topics that range from lifestyle issues and information on a series of challenges in the society.
- "The Weekend Chill" was identified as having elements of cultural programming on Tru FM. Different topics found during this programme were observed to be promoting good cultural conduct and responsible citizenry. *The Weekend Chill* goes on air between 15h00 and 17h00 on Sundays.
- "Iintsatshana neLizwi" while the content in this programme is mostly centred around the bible study, elements of culture learning were found during monitoring, especially around the conduct and responsibility of young people within a society. *Iintsatshana neLizwi* is a Sunday morning offering between 08h00 and 09h00.
- "Midday Frequency" – is mostly relevant to the young people and some topics found covered health issues among the youth.
- "Reggae Tunes" – catering and carrying content that speaks to the subscribers of the Rastafari movement/religion from all age groups.

The Licensee complies with clause 6.1.3 of its licence.

3.5.2 News and Current Affairs

Clause 6.2.1 of the schedule to the licence stipulates that:

"The Licensee shall broadcast at least sixty (60) minutes of news programming each day during the South African performance period".

The Licensee's quarterly reporting indicates that Tru FM broadcasts at least sixty-five (65) minutes of news each day during the South African performance period.

The monitoring exercise confirmed that Tru FM broadcasts news bulletins every hour on the hour from 06h00 until 19h00 between Mondays and Fridays.

Tru FM's schedule was found to be different during weekends with the first bulletin at 07h00 and the last at 18h00. On average, the Licensee schedules at least thirteen (13) news bulletins, with a duration of five (5) minutes each per day.

The monitoring exercise found that TRU FM broadcasts at least sixty-five (65) minutes of news per day during the South African Performance Period.

Among the news stories covered for the period under review were excerpts from certain broadcasts, as follows:

- *"A nine-year-old girl from MhlaNkomo outside Ntabankulu in the Eastern Cape has missed two weeks of school because residents claim she was a witch. Residents marched to the school and removed her from the premises after claims that the little girl had said she could make learners fail by smearing muthi on their pants. The girl's mother is distraught: [insert of the child's mother relating what had happened]. The Provincial Department of Social Development has expressed shock at the incident. Spokesperson Gcobani Maswana, said the rights of the girl have been infringed: [insert of live interview with the spokesperson].*
- *ANC President, Cyril Ramaphosa, calls on Party members in the North West to unite amid threats of taking the party to Court over the disbanding of the Provincial Task Team, led by Premier Job Mokgoro. It was replaced with a new PTT with Obed Bapela as Convener. Ramaphosa was addressing ANC members at the Provincial manifesto launch of the governing party in Rustenberg. He called on warring factions to bury the hatchet and work towards [audio unclear]an overwhelming victory for the ANC in the May 8 National Elections: [Live insert of Cyril Ramaphosa].*
- *Jazz Legend, Dorothy Masuka, is to be laid to rest today at West Park Cemetery in Johannesburg. Masuka died last Saturday at the age of 83 after complications related to hypertension she also suffered a mild stroke last year. Masuka was born in Bulawayo, Zimbabwe and her family moved to South Africa when she was 12. Her passing has been described as a great loss for the Country and the music industry. Her funeral will be held at the University of Johannesburg 's Soweto Campus from 09am until 1pm.*

Masuka's granddaughter, Laconquer, said her grandmother inspired her to be a strong person: [cross over to live interview with the granddaughter].

- *Amapolisa akhangela abarhanelwa abathathu nababulele – ngaphandle kwebala lebhola phezolo – usoMashishini owaziwayo waseMonti. Kukwaphandwa ityala lokuzama ukubulala nanjengoko umqhubi walosomashishini nomntu obebukele nabob aye bonzakala kolodubulo. Kutyhola ngelokuba amadoda amathathu nabe xhobe ngemipu aye eza ngqo kwimoto yexhoba aze athulula iinmbumbulu neziye zachana yena nomqhubi wakhe kumzimba ongentla. Isithethi samaPolisa, uHazel Mqala, sithi okwangoku awukaziwa unobangela woku kwaye bengamapoliso abakho kwisimo sokubhengeza igama lelixhoba okwangoku. [live insert of the Police Spokesperson talking about the murder].*
- *UNobhala we ANC, uAce Magashule, ungqinile okokuba bafumene imbhalelwano esuka kumagqwetha amanye amalungu angaxolanga alo mbutho kwiPhondo loMntla-Ntshona. Lamalungu anyanzelisa okokuba iinkokheli zikaZwelonke ziguqule isigqibo sokuchitha iqela elisebenzayo lePhondo nelikhokelwa yiNkulu-Mbuso uJob Mokgoro. Oku kuza emveni kokuba lo mbutho, kwiveki ephelileyo, uchithe eliqela nelo likhokelwa lilungi leKomiti yesuGqeba sePhondo, uSupra Mahumapelo. Kuye ke emveni koko kwamiselwa elitsha nelikhokhelwa lilungu lesiGqeba sikaZwelonke, uObed Bapela. UMagashule uthi, iANC ayina kukhokelwa ngamagqwetha.”*

The Licensee complies with clause 6.2.1 of its licence.

Clause 6.2.2 of the schedule to the licence stipulates that:

"The Licensee shall broadcast at least thirty (30) minutes of current affairs programming each day during the South African performance period".

The Licensee's quarterly submission suggest that the radio station broadcasts an average of seventy two (72) minutes of current affairs programming each day (Monday to Sunday), during the South African performance period.

The monitoring exercise found that TRU FM schedules at least five hundred and forty (540) minutes of Current Affairs programming per week and that averages out to seventy seven (77) minutes of Current Affairs programming on each day during the South African performance period. Tru FM schedules Current Affairs programming throughout the week.

The following Current Affairs programming was identified:

- *Tru News at 11*: Monday to Friday between 11h00 and 12h00;
- *Tru News at 6*: Monday to Friday between 18h00 and 18h30;
- *Interchange*: On Saturdays between 06h00 and 06h30;
- *News Review*: On Sundays between 17h00 and 18h00.

The Licensee complies with clause 6.2.2 of its licence.

Clause 6.2.3 of the licence stipulates that:

"The Licensee shall in the production of its news and current affairs programming:

- Exercise full editorial control in respect of contents of such programming;*
- Include matters of international, national, regional and where appropriate, local significance;*
- Meet the highest standards of journalistic professionalism;*
- Provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference; and*
- Provide a reasonable opportunity for the public to receive a variety of points of view on matters of public concern".*

The monitoring exercise found that TRU FM's news and current affairs programmes includes matters relating to the whole world including the Licensee's coverage area. In its broadcast of current affairs programming, the Licensee provides an opportunity for the public to receive a variety of points of view on matters of public concern.

The Licensee's editorial policies indicate that the Licensee exercises full editorial control in respect of contents of its programming. The editorial policies further indicate that the Licensee endeavours to meet the highest standards of journalistic

professionalism. Furthermore, it provides fair, unbiased and impartial coverage independent from government, commercial or other interference.

The Licensee's Editorial Policies form part of the SABC's Charter. Monitoring of TRU FM's news and current affairs programmes not only demonstrated compliance with clause 6.2.2 of its licence but the Charter as contained in the Broadcasting Act of 1999.

3.5.1 Programming targeted at Children

Clause 6.3.1 of the schedule to the licence stipulates that:

"The Licensee shall in the provision of the licensed service, broadcast at thirty (30) minutes of programming targeted at children (as contemplated in section 10 (1) (g) of the Broadcasting Act) per week during the South African performance period".

While clause 6.3.2 of the schedule to the licence stipulates that:

"In the production and presentation of its children's programming, the Licensee shall ensure that such children's programming is:

- (i) broadcast at times of the day when children are available to listen;*
- (ii) targeted at and appropriate for children between the ages of nought (0) to six (6) years and seven (7) to twelve (12) years respectively;*
- (iii) educational and is made from children's point of view".*

TRU FM's quarterly submissions suggests that TRU FM broadcasts at least one hundred and twenty (120) minutes of children's programming per week during the South African performance period.

A monitoring exercise carried out on the Licensee's programming profile found that the Licensee broadcasts at least sixty (60) minutes of children's programming per week during the South African Performance period. A programme called the *"Intsatshana neLizwi"* was identified between 08h00 and 09h00 on Sundays its contents were found to be speaking to children through the Bible.

The Licensee provides another programme called "Incoko" for thirty (30) minutes from Monday to Friday which is an initiative of SABC Education. However, the content on "Incoko" failed to meet the guidelines as provided clause 6.3.2 of the Licence and no other programme was observed to cater for children while monitoring. Nevertheless, by offering "Iintsatshana neLizwi" for one (1) hour every Sunday, the Licensee met its quota.

The Licensee complies with clause 6.3.1 and clause 6.3.2 of the schedule to its licence.

3.5.2 Educational Programming

Clause 6.4 of the schedule to the licence stipulates that:

"The Licensee shall broadcast at least two (2) hours of educational programming (as contemplated in section 10 (1) (e) of the Broadcasting Act) per week within the South African performance period".

The Licensee's quarterly submission indicate that the TRU FM provided at least six (6) hours of educational programming, per week, during the South African performance period.

A monitoring exercise carried out by the Authority on TRU FM's programming profile found that the Licensee broadcasts approximately nineteen (19) hours of educational programming per week during the South African performance period.

During the period under review, the monitoring exercise identified the following Informal Knowledge Building (IKB), programmes:

- "Midday Frequency": broadcast from Monday to Friday on the 12h00 until 15h00 slot;
- "Incoko": broadcast from Monday to Thursday between 18h30 and 19h00;
- "After Hours": The Sunday between 21h00 and 23h00 feature.

The Licensee complies with clause 6.4 of its licence.

3.5.3 Informal Knowledge Building Programmes

Clause 6.5 of the schedule attached to the licence stipulates that:

"The Licensee shall broadcast at one (1) hour of informal knowledge building programming per week within the South African performance period".

TRU FM reports to have carried an average weekly output of at least forty five (45) hours of Informal Knowledge Building programming per week during the South African performance period.

The Authority's monitoring exercise found that TRU FM carries an average weekly offering of thirty five (35) hours of Informal Knowledge Building Programming during the South African performance period. In the year under review, the monitoring exercise found the following IKB programmes:

- *"Midday Frequency"*: Broadcast from Monday to Friday on the 12h00 until 15h00 slot;
- *"After Hours"*: Broadcast from Monday to Thursday between 21h00 and 22h00. Another offering of *"After Hours"* features on Sundays in the same time slot;
- *"The Weekend Chill"*: Broadcast on Saturdays between 15h00 and 17h00;
- *"Hlalani Kum Nam ndihlale kuni"*: is a daily offering on which goes to air from 19h00 until 21h00 between Monday and Thursday and then again on Sundays in the same time slot;

The Licensee complies with clause 6.4 of the schedule to its licence.

3.6 Training and Skills Development Obligations

Clause 7 of schedule attached to the licence stipulates as follows:

7.1 "The licensee must adopt and implement equal opportunity employment practices;

7.2 The licensee must ensure that its management and staff are representative of South African society and that its human resource policies takes into account the development of managerial, production,

technical and other skills and expertise, particularly with regard to the historically disadvantaged persons;

7.3 The licensee shall endeavour to achieve fair and reasonable participation by historically disadvantaged persons with respect to:

(a) its management and control structures;

(b) skills development;

(c) enterprise development; and

(d) procurement

7.4 The licensee must, within thirty (30) days of the end of each financial year, provide the Authority with written information regarding its compliance with the above requirements”.

The Licensee is in its third year of its three (3) year employment equity plan. During the period under review, the Licensee submits that it successfully implemented its employment equity and transformation objectives in line with the relevant legislation which ensured that diversity and inclusion is managed in a non-discriminatory environment. The Licensee implemented various initiatives that was aligned to its employment equity plan and was intended to create awareness, to educate and to challenge employees understanding on different topics relating to diversity and inclusion.

The Licensee submitted its Employment Equity and Transformation report for the period under review. The report indicated that the Licensee made significant progress against its employment equity targets and goals as set out in the employment equity plan.

The SABC achieved a level two (2) BBBEE status and received a total score of 19,61 out of 20 for its Management Control/Employment equity element.

With regards to its training obligations, the Licensee reports to have delivered 2534 training interventions to 1567 employees during the period under review. Of the 1567 employees, 1088 was trained in accordance with the Workplace Skills Programme and 479 where trained based on operational requirements. The Licensee submitted that 88% of employees that were trained were from the

designated groups (Black, Coloured, Indian). 54,56% were females and 2,55% were employees with disabilities.

The Licensee submitted its Training and Skills Development report which provided a detailed breakdown of its compliance with the above requirements for the period under review.

The Licensee complies with its training and skills developments obligations.

3.7 Provision of Audited Financial statements to the Authority

Clause 8 of the licence stipulates that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within four (4) months of the end of the licensee's financial year, provided that the licensee may on good cause apply to the Authority for extension".

The Licensee's Audited Financial Statements, for the 2018/19 financial year, were received within the stipulated timeframe.

The Licensee complies with clause 8 of its licence.

4. REGULATIONS

4.1 Compliance Procedure Manual – Form 12A

TRU FM is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A⁷ which reports on all complaints received in the course of each financial year. In April 2019, the SABC submitted its complaints report in accordance with the Compliance Procedure Manual Regulations.

⁷ SABC Form 12A

4.2 ICASA South African Music Content Regulations

Regulation 3(2) of the ICASA South African Music Content Regulations 2016⁸ stipulates that:

"A holder of a public sound broadcasting licence must ensure that after eighteen (18) months from the date of gazetting of these Regulations, a minimum of 60%, increasing to 70% in the following year, 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."

TRU FM's quarterly submission indicate that the Licensee plays at least eighty percent (80%) South African Music content.

The Authority's monitoring exercise found that Tru FM's music play list is dominated by South African music. At least an average total of 77% in the overall playlist was observed to be South African music. The following music artists enjoy airtime on TRU FM: DJ Zintle, Kwesta, King Monada, Prince Kaybee, Busiswa, L-Tido, Mobi Dixon, Samthing Soweto, Mapaputsi, Moneoa, DJ Kent, Sjava, Zahara, Lira, The Soweto Gospel Group, Brothers of Peace, Brenda Fassie, Mshoza, Bongie Dube, DJ Cleo, Zonke Dikana, Jezeil Brothers, Amanda Black, Musa Sukwene, Ntando Bangani, Ringo Madlingozi, Emtee, Amanda Mankayi, Nathi Mankayi, Vusi Nova, K.O and Nandi Mngoma, Proverb, AKA, Veliswa Skeyi, Ricky Rick, The Soil, Naaq Music, Simphiwe Dana, Heavy K, Thandiswa Mazwai, Sifiso Ncwane, Nomuzi Mabhena, Bucie, Lira, Teargas and many others.

The Licensee complies with regulation 3.2 of the South African Music Content Regulations.

4.3 Regulations regarding Standard Terms and Conditions for individual broadcasting licences

Regulation 11 (3) of the standard terms and conditions⁹ stipulates that:

⁸ ICASA South African Music Content Regulations

⁹ Regulations regarding the Standard Terms and Conditions for Individual Licensee's

"A station must clearly identify itself at intervals of not more than thirty (30) minutes."

The Licensee's jingles/announcement were identified frequently during the period under review and these broadcasts were at intervals of not more than ten (10) minutes apart. The jingles/announcement always carried the name and frequency location of the Licensee. Furthermore, no non-compliance was detected by the Authority with the standard terms and conditions for individual licences.

The Licensee complies with the regulations on standard terms and conditions for individual licensees.

4.4 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations¹⁰ stipulates that:

- (1) "Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund".*
- (2) "A BS licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF Contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year".*

The SABC paid its annual contribution to the USAF and received confirmation of payment from the MDDA. The Licensee submitted proof of payment to the Authority within the timeframes as prescribed by the Regulation regarding the Universal Service and Access Fund of 2015.

The Licensee complies with the regulations in respect of Universal Service and Access Fund.

¹⁰ Universal Service and Access Fund Regulations, 2011.

5. CONCLUSION

In the year under review TRU FM sufficiently complied with the licence terms and conditions and all regulations.

6. TERMS OF REFERENCE

Appendix A: TRUFM's Frequency Spectrum Licence;

Appendix B: Extract from the Licensee's Editorial Policy;

Appendix C: SABC Complaints Report – Form 12A;

Appendix D: South African Music Content Regulations;

Appendix E: Regulations regarding the standard terms and condition;

Appendix F: Universal Service and Access Fund Regulations; and

Appendix G: Proof of SABC's Contribution to USAF.