



TRU FM ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION 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.

The purpose of the report is to give an account of TRU FM's compliance with the terms and conditions as set out in its license⁵ for the 2019/2020 financial year. Aspects of compliance measured comprise of Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Regulations, Regulations Regarding Standard Terms and Conditions and Universal Service and Access Fund (USAF).

2. BACKGROUND

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

3. COMPLIANCE ASSESSMENT

3.1. Geographic Coverage Area

According to clause 3 of the schedule to Tru FM's license, the radio station must provide service to:

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

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 2000

4 Act No. 4 of 1999

5 Tru FM's Broadcasting Service Licence

Tru FM's frequency spectrum licence⁶ provides that the radio station 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 3 of the schedule to its licence.

3.2. Language(s)

Clause 4 of the schedule to the licence stipulates that Tru FM's language split is as follows: *"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 4 of the schedule to its licence.

3.3. Format

Clause [5].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 [5].2 of the schedule to the licence stipulates that:

"The licensed service shall provide a service with 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 [5].1 and [5].2 of its licence.

3.4. Local Content Obligations

Clause 6 of the schedule to the licence sets out the following obligation:

"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:

6.1 different genres; and

⁶ Tru FM's Frequency Spectrum Licence

6.2 *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".*

In the year under review, the SABC submitted its quarterly reports as necessitated by clause 6 of its licence and the Compliance Procedure Manual Regulations.

3.5. GENERAL PROGRAMMING OBLIGATIONS

The report will outline the compliance on TRU FM's performance, based on the monitored programme recordings for the period under review.

3.5.1. General

Clause 7.1.1 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 policy⁷ makes the following provision:

"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 which contained religious content that is suited for the isiXhosa speaking community.

- *"Hlalani Kum Nam ndihlale kuni"* broadcast between Monday and Friday between 19h00 until 22h00 and then again on Sunday between 18h00 and 21h00.
- *"Isingqi seZulu"* goes to air on Sundays between 06h00 and 09h00 and is a gospel music show which features local and international gospel musicians.

The Licensee complies with clause 7.1.1 of the schedule to its licence.

⁷ An Extract from the Licensee's Editorial Policy

Clause 7.1.2 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 Authority's 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.

The programme, *"The Nest"* was identified as having elements of cultural programming on Tru FM. *"The Nest"* is broadcast on Sundays between 09h00 and 12h00.

TRU FM complied with clause with clause 7.1.2 of the schedule to the licence.

Clause 7.1.3 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. The programmes that were identified catering for all sectors of the South African society and featured on health and gender related issues relevant to all age groups, were the following:

- *"Incoko"* – an everyday 30-minute insert between 18h30 and 19h00. This show tackles different lifestyle and everyday life issues. The topics offered caters for different sectors of society;
- *"Playroom"* – catering and carrying educational content for small children was identified between 09h00 and 10h00 on Saturdays. All aspects of childhood growth ranging from early childhood development to being a teenager were identified during this programme;
- *"Hlalani Kum, Nam ndihlale kuni"* – catering and carrying content that addresses the Christian believer of all ages and physical orientation;
- *"Reggae Tunes"* – catering and carrying content that speaks to the subscribers of the Rastafari movement/religion from all age groups; and
- *"TruHits"* – on Saturdays looking into teenage issues and offering a guide on how to navigate some everyday life troubles.

The Licensee complies with clause 7.1.3 of its licence.

3.5.2. News and Current Affairs

Clause 7.2.1 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 SABC's quarterly reports indicate that Tru FM broadcasts at least sixty (60) minutes of news each day, during the South African performance period.

The monitoring carried out on TRU FM's programming profile found that the Licensee broadcasts news bulletins every hour on the hour from 06h00 until 19h00 between Mondays and Fridays. Tru FM's news scheduling changed over the weekend with just two (2) less bulletins compared to their mid-week news schedule. On average, the Licensee schedules at least fourteen (14) news bulletins, with a duration of approximately 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.

The Licensee complies with clause 7.2.1 of its licence.

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

- *"Inkampani yombane yeli, iEskom ithi izakufaka isigaba sokuqala sikacimi-cimi kumbne ukusukela ngentsimbi yesithoba ngale ntsasa ukuya kutsho kwintsasa yangoLwesine. Uthi oku kubangrila kukonakala kwezixhobo ezithile kwizikhululo zabo zokuphehla Amandla. Le Nkampani ithi umbane, kungoku nje, usemngciphekweni kwaye uphantsi konxinizelelo. Isithethi sakwa Eskom, uSikhonathi Mantshantsha sithi umbane ube phantsi konxinizelelo ukususela ngoJanuary emva kwemfuneko emandlayokusetyenziswa kombane. [Crossover to a live interview with Eskom Spokesperson].*
- *UMphathiswa wezeMpilo kweli, uZweli Mkhize, uthi ziza neziphumo ezincumisayo iinzamne zabo zokufumana abo bebathe banxibelelana nabantu abathathu abaye bafunyanwa beneNtsholongwane iCorona kweli.*
- *Isibini saseHoughton ePietermaritzburg kwiPhondo ikwaZulu Nata, nowasetyhini wePhondo laseGauteng bachazwe njengabanayo le Ntsholongwane. Bebonke bebeyinxalenye yabantu abalishumi, nabebeteyelele eItaly baze babuya ngomhla weshumi kuMarch. Abantwana besisibini bafunyaniswe bengenayo le Ntsholongwane, nangona bebekwe phantsi kweliso elibukhala de kudlule iintsuku*

nekulindeleke ukuba ingaqandusela ngokupheleleyo ngazo le ntsholongwane, iqarantine ngelamakhumsha. UMkhize uthi iinzame zabo ziza kakuhle.

- *[Crossover to a live interview with Dr Zweli Mkhize]. The number of infections worldwide has increased to over one hundred and seven thousand, with about three thousand six hundred deaths. The majority of infections and deaths has been reported in China where the outbreak was first reported in December, but cases are beginning to emerge around the globe. Iran, one of the worst hotspots outside China has now reported over six thousand five hundred cases and one hundred and ninety-four deaths. In Italy, the number of deaths has shot up to three hundred and fifty-six with a total number of infections leaping to over a seven thousand. At least twenty-one (21) people have died from the virus in the United States, with over four hundred and fifty cases reported. There are three confirmed cases of Covid-19 in South Africa, a couple from KwaZulu Natal and a woman from Gauteng but no deaths.*

Clause 7.2.2 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 SABC's quarterly submission suggests that the radio station broadcasts at least seventy-two (72) minutes of Current Affairs Programming each day, during the South African performance period.

The monitoring exercise found that TRU FM schedules at least three hundred and fifty (350) minutes of Current Affairs programming per week. That translates to a daily average output of sixty (60) minutes of Current Affairs Programming.

The following Current Affairs programming was identified:

- *TruNews Hour @11*: During weekdays between Monday and Friday at 11h00 until 12h00;
- *Tru News at Six*: During weekdays between Monday and Thursday at 18h00 until 18h30;
- *Interchange*: On Saturdays between 05h30 and 06h00;
- *News Review*: On Sundays between 17h00 and 18h00.

The Licensee complies with clause 7.2.2 of its licence.

Clause 7.2.3 of the licence stipulates that:

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

- i. Exercise full editorial control in respect of contents of such programming;*
- ii. Include matters of international, national, regional and where appropriate, local significance;*
- iii. Meet the highest standards of journalistic professionalism;*
- iv. Provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference; and*
- v. Provide a reasonable 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. Further, editorial policies seek to ensure 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 demonstrated compliance with clause 6.2.2 of its licence and the Charter as per the Broadcasting Act of 1999.

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 complies with clause 7.3.1 and clause 7.3.2 of the schedule to its licence.

3.5.3. Programming targeted at Children

Clause 7.3.1 of the schedule to the licence stipulates that:

“The Licensee shall in the provision of the licensed service, broadcast at least 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”.

Clause 7.3.2 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".*

The Licensee's quarterly reporting suggests that TRU FM's broadcasts at least 60 minutes of children's programming per week during the South African performance period.

The 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 "*Playroom*" was identified between 08h00 and 09h00 on Saturdays and its content, was found to be speaking to children. The programme is part of SABC Education and features characters known to children from the Sanlam and SABC Education initiative.

The Licensee complies with clause 7.3.1 and clause 7.3.2 of the schedule to its licence.

3.5.4. Educational Programming

Clause 7.4 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 report that TRU FM provides eight (8) hours of educational programming, per week, during the South African performance period.

The monitoring exercise found that the radio station broadcasts approximately four hundred and eighty (480) minutes which translates to 8 hours of educational programming per week during the South African performance period.

The following programmes were identified to carry Educational Programming content as defined by the South African Television Content Regulations: -

- "*TruMornings*": Broadcast on weekdays between 05h00 and 08h00. The show has a sixty (60) minute insert that focuses on agricultural information and education;
- "*After Hours*": a weekday offering which broadcasts between 22h00 and 01h00. The first hour of this show focuses mostly on an SABC Education initiative which acts a platform for youngsters to share information on issues pertinent to their education;

- "Playroom": Broadcast on Saturdays between 08h00 and 09h00; and
- "The Avenue": Broadcast on Saturdays between 15h00 and 17h00.

The Licensee complies with clause 6.4 of its licence.

3.5.5. Informal Knowledge Building Programmes

Clause 7.6 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 aired an average weekly output of at least forty-nine (49) hours of Informal Knowledge Building (IKB) programming per week, during the South African performance period.

The monitoring found that TRU FM carries at least thirty (30) 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:

- "Ezolimo": broadcast daily during the TruMornings show for 60 minutes.
- "Drive326 EC": is a daily offering broadcast from 15h00 until 18h00 between Monday and Fridays;
- "Incoko": broadcast daily from Monday to Friday between 18h30 and 19h00;
- "The Urban Exchange": A Saturdays only Hip-hop based offering which does not shy away from lifestyle issues and remedies. The show goes on air between 13h00 and 15h00;
- "The Nest": Broadcast Sundays between 09h00 and 12h00;
- "The Weekend Chill": Sundays between 15h00 and 17h00.

The Licensee complies with clause 7.4 of the schedule to its licence.

3.6. Training and Skills Development Obligations

Clause 8 of schedule attached to the licence stipulates as follows:

- 8.1 *"The licensee must adopt and implement equal opportunity employment practices;*
- 8.2 *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;

8.3 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*

8.4 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 submitted its Employment Equity and Transformation report for the period under review (2019/2020) to the Authority. The report acknowledges the importance of diversity in the workplace and that employment equity is an imperative business driver. The Licensee implements various education and awareness campaigns with the intention to create and to maintain a respectful, inclusive and non-discriminatory workplace.

The report indicates that the management and staff of the Licensee are representative of South African demographics, including 83 employees living with disabilities. The Licensee further endeavours to ensure that females are well represented at all occupational roles and especially in decision making positions.

The Licensee through its Learning and Development department implements a workplace skills programme in alignment with the needs of the organisation. During the period under review, 87% of the people that were trained were from historically disadvantaged backgrounds, with females representing 54,5% of the overall total. The total amount spent on training for the period under review was R10 332 040.

The training included among others, customer service, effective presentation skills, stress management, office administration and time management.

The report shows the extent to which historically disadvantaged people are represented throughout the organisation. Further, the Licensee has a National employment equity forum that continues to monitor and evaluate the implementation of the Licensee's employment equity objectives.

The Licensee submitted both its Employment Equity and Transformation plan⁸ report as well as its Training and Skills Development report, that respectively provide a detailed breakdown of its compliance with the above requirements to the Authority for the period under review.⁹

The Licensee complies with its training and skills developments obligations.

3.7. Submission of Audited Financial statements to the Authority

Clause 9 of the licence stipulates that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within six (6) 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 submitted its audited annual financial statements. However, due to the Covid-19 pandemic, the submission of the Licensee's audited financial statements was delayed and could not be submitted within six (6) months of the end of the Licensee's financial year.

The Authority was duly informed of the delay by the Licensee and considers the covid-19 pandemic good cause for an extension of the submission deadline.

The Licensee complies with clause 9 of the schedule to its licence.

4. REGULATIONS

4.1. Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A¹⁰ which reports on all complaints received in the course of each financial year. The SABC submitted its complaints report in accordance with the Compliance Procedure Manual Regulations, 2011.

The Licensee is a member of the National Association of Broadcasters ("NAB") and complaints in relation to the Code of Conduct by Broadcasters are administered by the Broadcasting Complaints Commission of South Africa ("BCCSA"). According to the above-mentioned submission, there were no complaints received against TRU FM in the year that ended March 2020.

⁸ SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2019 – end March 2020.

⁹ Appendix C: Skills and Training Report

¹⁰ SABC Form 12A

4.2. ICASA South African Music Content Regulations

Regulation 3 of the ICASA South African Music Content Regulations 2016¹¹ 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."*

The Licensee's music play list is dominated by works of South African musicians. TRU FM's music content is made up of approximately 75% South African Music. The following music artists enjoy airtime on TRU FM's music play list: Prince KB, Nomcebo Zikode, Sjava, Master KG, Nandi Mngoma, Casper Nyovest, Proverb, AKA, Ricky Rick, Thandiswa Mazwai, Busiswa, Big Zulu, Mafikizolo, Something Soweto, Micasa, Lebo Sekgobela, Malibongwe Gcwabe, Kelly Khumalo, Hlengiwe Mhlaba, Amadodana aseWesile, Sifiso Ncwane and many other artists whose music ticks the "South African Music" box requirements.

TRU FM complies with regulation 3.2 of the South African Music Content Regulations.

4.3. Standard Terms and Conditions for individual broadcasting licences

Regulation 11 (3) of the standard terms and conditions¹² stipulates that:

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

The Licensee's jingle/announcement was identified frequently during the period under review and those were at intervals of not more than ten (10) minutes apart. The jingle/announcement always carried the name and frequency location of the Licensee. Further, no non-compliance with the Regulations on 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 Regulations¹³ stipulates that:

¹¹ ICASA South African Music Content Regulations

¹² Regulations regarding the Standard Terms and Conditions for Individual Licensee's

¹³ Universal Service and Access Fund Regulations

- (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 Licensee made the prescribed payment and submitted proof thereof to the Authority.

The Licensee complies with Regulation 3 of the USAF Regulations.

5. CONCLUSION

In the year that ended March 2020, TRU FM was found to have complied with the licence terms and conditions and the Regulations.

6. TERMS OF REFERENCE

- 6.1.** Appendix A: TRU FM's Broadcasting Service Licence;
- 6.2.** Appendix B: TRU FM's Frequency Spectrum Licence;
- 6.3.** Appendix C: SABC Editorial Policy (An extract);
- 6.4.** Appendix D: SABC's Employment Equity Report;
- 6.5.** Appendix E: SABC's Skills and Development Report;
- 6.6.** Appendix F: SABC's Form 7C;
- 6.7.** Appendix G: SABC's Form 12A;
- 6.8.** Appendix H: Local Content Regulations;
- 6.9.** Appendix I: Standard Terms and Conditions Regulations; and
- 6.10.** Appendix J: Universal Service and Access Fund Regulations

END

March 2021