



TUKS FM ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

UNIVERSITY OF PRETORIA BROADCASTING AS TUKS FM

Licence Period: 27 October 2018 – 26 October 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 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 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 2019/2020 financial year. Aspects of compliance that are measured comprise of the Licence Area, Community, Programming, South African Music Content Regulations and the Regulations regarding Standard Terms and Conditions for Class Licensees.

2. BACKGROUND

Tuks FM is a community of interest based, class broadcasting licensee serving University of Pretoria students in the Greater Tshwane in the Gauteng Province and is 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 is 6 000⁵.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the schedule to the licence stipulates that:

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 2005

⁴ Act No. 4 of 1999

⁵ <https://brcsa.org.za/brc-ram-listenership-report-jan19-dec19/>

1.1 *Name of entity: University of Pretoria*

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 its name and ownership.

The Licensee complies with clause 1 of schedule to its 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 2018*

2.2 *The Licence shall expire on 26 October 2023*

Tuks FM's licence was renewed in 2018, therefore the station is in possession of a valid and renewed broadcasting licence.

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

3.3 Licence Area

Clause 3 of the schedule to the license 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."

Tuks FM has a footprint on its campuses as well as the greater Tshwane area. The Licensee confirms that its footprint remains unchanged.

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

3.4 Community

Clause 4.1 of the schedule to the licence states that:

"The Licensee shall 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."

Tuks FM has a footprint in the greater Tshwane Metropolitan Municipality and its surrounds. The Licensee confirms that its footprint remains unchanged.

The Licensee complies with clause 4.1 of the schedule to its 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".

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 did not submit information related to its compliance with clause 4.2 above.

The Licensee did not 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 license 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".

During the period under review, the licensee did not submit any details related to its compliance with clause 4.2.3 of its licence.

The Licensee did not comply 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"

The Authority's monitoring exercise found that the station broadcasts news bulletins throughout the day at certain intervals. The duration of the news reports is on average, three (3) minutes per bulletin with headlines at the bottom of each hour. In total, the Licensee provides at least forty-five (45) minutes of news per day.

The following news items were found during the monitoring exercise, were :

- *"The family of little Charl Baartman are reeling after the three-year-old was attacked and killed by pitbulls in a neighbour's yard in Kirkwood in the Eastern Cape. Charl Baartman, 3, died after being attacked by two pitbulls. His dad was at work when the tragedy unfolded in Kirkwood. Police have opened an inquest. His heartbroken dad, Vernon, told News24 that he had been at work in Addo on Wednesday when the tragedy played out around noon in Aqua Park. "I wasn't there but my smaller daughter, who is nine, moved with the laaitie [Charl] into the neighbour's yard. When they closed the gate, the dogs approached them," he said.*
- *Three bills, in favour of combating Gender-Based Violence (GBV) in South Africa, have been passed to Parliament following approval from Cabinet. Minister of Justice and Correctional Services, Ronald Lamola said Cabinet had approved the submission to Parliament of the Criminal Law (Sexual Offences and Related Matters) Amendment Bill of 2020; and the Domestic Violence Amendment Bill. Lamola said this Women's Month, they are affirmed by the approval of Cabinet on the submission of the three GBVF Bills which aim to address a number of issues in the Criminal Justice System.*

- *The amendments provide a victim-centred response in the criminal justice system in respect of sexual offences. It tightens bail conditions for perpetrators of sexual offences. Warrants of arrest will also no longer be a requirement prior to law-enforcement agencies responding to reported sexual crimes under the Criminal and Related Matters Amendment Bill”.*

The news items have a mixture of local news, national news and some international news items.

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

Clause 5.1.2 of the schedule to the license states that:

“Format: *35% talk and 60% music.”*

The monitoring exercise found that the licensee is consistent in its format of urban contemporary music station appealing to a youthful audience.

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 – 80% and Afrikaans – 20%

The monitoring exercise found that the station broadcasts in both English and Afrikaans, with the majority of content being provided in English.

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. “The Licensee shall establish and maintain 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 did not provide any evidence on its compliance with clause 8.1 above.

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

For the period under review, the licensee did not provide any evidence in compliance with the above clause.

8.3. "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"

According to the Licensee's submission, there is diversity in employment although the equal representation is not reflected in management positions. This is an area that needs improvement so as to ensure that the Licensee is compliant fully with clause 8.3 above.

8.4. "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 programming is of an informative nature, appealing with its target market.

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

The monitoring exercise found that the station's music selection is youthful, urban and trendy. The station makes use of social media trends to engage listeners with topical issues that affect them.

The Licensee does not comply with clauses 8.1 and 8.2, partially complies with clause 8.3 relating to equal representation in its activities. However, fully complies with clauses 8.4 and 8.5 of its licence.

5. REGULATIONS

5.1 South African Music Content

Regulation 3 (3) of the Regulations on South African Music Content as published on 23 March 2016 stipulates that:

"A holder of a community sound broadcasting licence must ensure that after eighteen (18) 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 reasonably evenly throughout the said period".

The monitoring exercise found that the licensee plays at least 80% of SA Music Content. Artists featured on Tuks FM's music selection include *KARMA xx; Kabza De Small; Riky Rick; Mlindo The Vocalist; Wandile Mbambeni; DJ Cosher; Van Pletzen; Jack Parow; Sketchy Bongo* and many others.

The Licensee complies with the South African Music Content Regulations.

5.2 Regulations regarding Standard Terms and Conditions for Class Licences

There were no incidents of non-compliance with the Standard Terms and Conditions for Class Licences Regulations that were found against the licensee during the period under review.

6. CONCLUSION

Tuks FM did not comply with certain provisions of its licence conditions and applicable regulations. Compliance will follow up with the Licensee, to ensure full compliance. However, should the Licensee not comply in full, Tuks FM will be advised of the decision to refer them to the Complaints and Compliance Committee (CCC), for a hearing for noncompliance.

7. TERMS OF REFERENCE

- 7.1 Appendix A: Tuks FM Class broadcasting service and spectrum license
- 7.2 Appendix B: Regulations on South African Music Content
- 7.3 Appendix C: Regulations on Standard Terms and Conditions for Class Licences
- 7.4 Appendix D: Regulations on the Code for People with disabilities

End

March 2021