



TUBATSE COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

TUBATSE PROGRESSIVE COMMUNITY RADIO STATION BROADCASTING TUBATSE COMMUNITY RADIO

LICENCE PERIOD: 27 OCTOBER 2018 to 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 Act to regulate broadcasting activities in the public interest. The Authority has a mandate to ensure compliance by broadcasters with the terms and conditions of the licence, the ECA, the ICASA Act and any other relevant legislation and Regulations.

The purpose of the report is to give account of Tubatse Community Radio's compliance with the terms and conditions as set out in its licence for the 2019/2020 financial year. Aspects of compliance that will be measured comprise Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligation, Language(s), South African Music Content Regulations and Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Tubatse Community Radio is a class broadcasting service Licensee providing services to the Tubatse Local Municipality and surrounding areas in the Limpopo Province as set out in the Licensee's radio frequency spectrum licence. The radio station provides a programming format that is a mix of talk radio and music.

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the schedule to the licence provides that:

"The Licence is issued to:

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

- 1.1 *Name of company/entity: Tubatse Progressive Community Radio Station*
- 1.2 *Name of Station: Tubatse Progressive Community Radio*
- 1.3 *Control of the Licensee: Control shall vest in the Board of Directors of an association known as Tubatse Progressive Community Radio Station”.*

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 of the schedule to its licence.

3.2 Licence Period

Clause 2 of the schedule to the licence provides that:

"2.1 The effective date of the licence is 27 October 2018.

2.2 The licence shall expire on 26 October 2023”.

The licence is currently up to date and only expires on 26 October 2023.

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

3.3 Licence Area

Clause 3 of the schedule to the licence provides that Tubatse Community Radio’s coverage area is as follows:

"The Licensee shall provide services to Tubatse Local Municipality and surrounding areas in the Limpopo Province as set out in the Licensee’s radio frequency spectrum licence”.

The Licensee confirms that it provides a service to Tubatse Local Municipality and surrounding areas as set out in the Licensee’s radio frequency spectrum licence.

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

3.4 Community

Clause 4.1 of the schedule to the licence provides that:

"The Licensee shall provide services to a geographic community residing within the geographic coverage area specified herein”.

The Licensee submits that they provide a sound broadcasting service as prescribed by the licence document.

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

Clause 4.2 of the schedule to 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 confirmed that it did not hold programming meetings during the period under review.

The Licensee did not comply with sub-clauses 4.2.1 and 4.2.2 of the schedule to the licence.

Further, sub-clause 4.2.3 provides that:

"The Licensee shall hold an Annual General Meeting 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 any Special Annual General Meeting as and when required by the Constitution; 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 submitted registers and minutes of a reporting AGM that was held on 28 September 2019.

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

3.5 Programming

Clause 5.1 of the schedule to the licence provides that:

"The Licensee shall provide programming as follows:

5.1.1 Local News and Information: The Licensee shall broadcast a total of 80 minutes of news per day, of which 60% percent shall be local, 25% national news and 15% international news per day".

The Authority's monitoring exercise confirmed that the Licensee broadcasts an average of fifty (50) minutes of news per day. It has one news bulletin in English and all the other bulletins are in Sepedi. The station covers mostly local news, followed by national and it only broadcasts five percent (5%) of international news.

The following news items were identified:

- *"Maphodisa a golegile batho ba bahlano bao ba gonogelwang e le bashumishi ba diokobatsi ka Tshwane jwalo ka karolo ya letsholo leo le bitswago "O kae molao?" Bagononelwa ba gweditse ba tshwere diokobatsi. Ba gononelwa ba banngwe ba mashome-senyane-supu ba golegilwe malebana le melato eo e fapanego ka Pretoria. Maphodisa a hlohleeditse maloko a setjhaba go tjwela pele go shumishana le mafapha a mmusho go phethagatsa molao.*
- *The Democratic Alliance in Mpumalanga says that the police in Nelspruit, Mbombela ignored the Sexual Offences Act which protects employees and non-employees, in the sex for jobs case and it is demanding that they re-open the case. This comes after two women have opened a case against an official at Rob Ferreira hospital for soliciting sex for jobs in July 2018.*
- *The DA's Mpumalanga Premier candidate, Jane Sithole says the women were told that their case has been closed after the court decided that it was consensual sex, without calling the victims or the witnesses to the court. She says they handed over a memorandum to Brigadier Ngobeni, who promised to get back to them within 14 days.*
- *Go begwa gore go tsogile lerole ko motsaneng wa Drisdien, kantlenyana ga toropo ya Burgersfort mo badudi ba ipelaetsago mabapi le rakgwebo-potlana yo a tlilego le bashomedi ba bane ba batwang kante go tla go shoma go aga letamo la meetse ko motseng wa Drisdien. Re sa le mo, badudi ba lla ka taba ya gore le bona ga ba shome. Seo se latela morago ga gore rakgwebo-potlana a re moshomo oo ba tjwa sehlabele ba o shomago o nyaka batho bao ba nago*

le maitemogelo goba bokgone ba wona. Ga bjale badudi ba ya go swara kopano gore toka e tle e phethege.”

A quick reading of the above news excerpts and comparing all that to the requirements of the licence conditions, clearly shows Tubatse Radio, falls short of compliance with its obligations.

The Licensee did not comply with its news obligation.

5.1.2 South African Music Content: 70%

The monthly programme logs submitted by the Licensee show that it plays an average of seventy percent (70%) of South African music content. The Authority's monitoring exercise confirmed that the radio station broadcasts approximately eighty percent (80%) South African music content.

The Licensee complies with its South African Music Content obligations.

5.1.3 Format: 60% Talk and 40% Music

The monitoring exercise revealed that the Licensee follows the format as per the licence. The Licensee broadcasts talk shows throughout the day with a mixture of music. The shows also include listener interaction, interviews, discussions during current affairs and sports shows.

The Licensee complies with its format.

5.1.4 Language(s) of broadcast:

5.1.4.1 Sepedi – 90%

5.1.4.2 English – 5%

5.1.4.3 Xitsonga – 2%

5.1.4.4 isiSwati – 2%

5.1.4.5 Afrikaans – 1%”

The monitoring exercise revealed that the Licensee broadcasts all its shows in Sepedi with a little mixture of English in some programmes, there are also news bulletins in English. The other languages could be heard during listener interactions.

The Licensee complies with its languages of broadcast obligation.

The Licensee substantially complies with clause 5.1 of the schedule to its licence.

Clause 5.2 of the schedule to the licence provides that:

"The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A pro-forma of the log to be kept will be supplied by the Authority".

The Licensee submitted programme logs to the Authority monthly during the period under review.

The Licensee complies with clause 5.2 of the schedule to its licence.

3.6 Contact Details

Clause 6.1 of the schedule to the licence provides that:

"The contact person for the Licensee shall be"

6.1.1 Name: Ntheng Marobane

6.1.2 6.1.2 Tel: N/A

6.1.3 6.1.3 Fax: (086) 585 8865

6.1.4 6.1.4 Cell: 082 049 9652/072 295 6354

6.1.5 6.1.5 Email: tubatseradio@yahoo.com/Nthengm12@yahoo.com

There were no changes reported by the Licensee to its contact details during the period under review.

The Licensee complies with clause 6.1 of the schedule to its licence.

Clause 6.2 of the schedule to the licence provides that:

"Should the Licensee propose to replace the person so designated, the Licensee shall notify the Authority in writing within seven (7) days after appointing the new designate person".

There were no changes reported by the Licensee to its designated contact person during the period under review.

The Licensee complies with clause 6.2 of the schedule to its licence.

3.7 Notices and Addresses

Clause 7.1 of the schedule to the licence provides that:

"The Licensee chooses the following as its principal addresses:

7.1.1 Postal Address: P.O. Box 3178

Burgersfort

1150

7.1.2 Physical Address: Cnr R37 & Bothashoek Road (WEM School)

Burgersfort

1150

There were no changes reported by the Licensee to its principal addresses during the period under review.

The Licensee complies with clause 7 of the schedule to 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 has not submitted a Form 12A (Complaints Report) as required by the Compliance Procedure Manual Regulations.

The Licensee did not comply with the relevant clause of the Compliance Procedure Manual Regulations.

4.2 ICASA Regulations on 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".

For the period under review, the obligation in accordance with the SA Music regulations above, requires that at least eighty percent (80%) of South African music content, be played by community sound broadcasting Licensees.

The monthly programme logs submitted by the Licensee show that it plays an average of seventy percent (70%) of South African music content.

The Authority's monitoring exercise revealed that the radio station broadcasts approximately eighty percent (80%) South African music content. Various genres were identified on the station's music line-up including House, Afro Pop, Hip Hop, Gospel and Jazz with artists such as *Sho Madjozi, DJ Ganyani, Vuyo Mokoena, Johny Mokgadi, Freshly Ground, Cassper Nyovest, Jonas Gwangwa, Nathi* and many others being played.

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

4.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

The monitoring exercise revealed that Tubatse Community Radio's station manager occupies dual roles by also being a presenter on the station, which is in contravention of clause 10A (7) (d) of the Regulations on Amended Standard Terms and Conditions for Class Licences, 2015 which provides that:

"The Board of Directors/Trustees and station management must not occupy dual roles with regard to being managers/presenters at the station".

The Licensee did not comply with the relevant clause of the Standard Terms and Conditions for class licences.

5. CONCLUSION

The Licensee did comply with most of its licence terms and conditions and with other clauses of the Regulations on Compliance Procedure Manual Regulations and Standard Terms and Conditions for Class Licences Regulations.

Compliance will advise the Licensee of its non-compliance and endeavour to assist the Licensee to comply. However, should the Licensee not improve its performance it will be referred to the Complaints and Compliance Committee (CCC) and be given an opportunity to respond to the non-compliance findings.

6. TERMS OF REFERENCE

- 6.1** Annexure A : Tubatse Community Radio Compliance Submission;
- 6.2** Annexure B : Tubatse Community Radio Service and Spectrum Licences;
- 6.3** Annexure C : Regulations on Standard Terms and Conditions for Class Broadcasting and Electronic Communications Network Services, 2010 published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended;
- 6.3** Annexure D : Standard Terms and Conditions for Class Licences, 2016 published in *Government Gazette* No. 39872 dated, 30 March 2016;
- 6.4** Annexure E : ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016, and
- 6.5** Annexure F : ICASA Compliance Procedure Manual Regulations, 2011 published in *Government Gazette* No. 34863 dated, 15 December 2011.

END

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