



TRU FM ANNUAL COMPLIANCE REPORT

MARCH 2023

2021/2022 ANNUAL COMPLIANCE REPORT

The SABC BROADCASTING AS TRU FM

Licence Period: 18 December 2018 - 17 December 2028

1. PREFACE

The Independent Communications Authority of South Africa ("Authority") has a statutory mandate in terms of the Constitution¹, the Independent Communications Authority of South Africa Act (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 2021/2022 financial year. In addition, this report will measure TRU FM's compliance with the following regulations: South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fee, Code of Conduct for Broadcasters, and the applicable sections of the ICT Covid-19 National Disaster Regulations first published in April 2020 as amended.

2. BACKGROUND

The SABC holds an Individual Sound Broadcasting Service licence which provides service as TRU FM 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 2000

⁴ Act No. 4 of 1999

⁵ TRU FM's Broadcasting Service Licence

3. COMPLIANCE ASSESSMENT

3.1. Geographic Coverage Area

Clause 3 of TRU FM's schedule to the licence provides that the licensee's coverage area is:

"The geographic coverage area is as defined in the map attached to the radio frequency spectrum 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 that is currently 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 TRU FM's 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 indeed 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:

⁶ TRU FM's Frequency Spectrum Licence

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

Clause 5.2 adds 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 the end of the quarter, submit to the Authority written records indicating the extent of:

6.1 different genres; and

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 instructed by clause 6 of its licence and the Compliance Procedure Manual Regulations.

3.5 GENERAL PROGRAMMING OBLIGATIONS

Hereon further, this report will outline the findings on TRU FM's performance, based on the monitored 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 in the three hours starting 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.

TRU FM complies with clause 7.1.1 of the schedule to its licence.

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.

⁷ An Extract from the Licensee's Editorial Policy

The programme, *"The Nest"* was identified as having elements of cultural programming on TRU FM. *"The Nest"* goes to air on Sundays between 09h00 and 12h00.

TRU FM complies 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 that this report seeks to 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 following programmes were identified to cater for all sectors of the South African society and featured programmes on health and gender related issues relevant to all age groups:

- *"Incoko"* – an everyday 30-minute insert between 18h30 and 19h00. This show tackles different lifestyle and everyday life issues. The topics offered would cater for different sectors in that the show is not focused on just one sector of the society.
- *"The Avenue"* – catering and carrying educational content for children was identified between 15h00 and 17h00 on Saturdays. All aspects of growing up from the classroom to being a teenager were identified as topical issues during this programme.
- *"Hlalani Kum, Nam ndihlale kuni"* – catering and carrying content that addresses the Christian believer of all ages and physical orientation;
- *"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 submits that TRU FM broadcasts at least sixty-five (65) minutes of news each day during the South African performance period.

The Authority's monitoring exercise found that the Licensee broadcasts at least fourteen (14) news bulletins between 06h00 and 19h00 every day during the week. Each news bulletin was observed to be around 5 minutes long including salutations, thus totalling 70 minutes of news per day during weekdays. TRU FM's news scheduling changes over the weekend with just 12 news bulletins at 5 minutes each. The Licensee's news output is 60 minutes of news per day over the weekend. All news bulletins were presented 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:

- *"Police investigations are underway following an incident in which a Grade 9 Learner died in hospital after being stabbed by a fellow learner at Pholoshosho Secondary School in Alexandra North of Johannesburg. The incident happened on Thursday night last week. Sixteen year old, Qhayiya Mgaye, was stabbed to death, allegedly by a fellow learner at the same school. The Gauteng Department of Education's Spokesperson, Steve Mabona, says they have dispatched a team from their Social-Psycho Unit to the school offer support and counselling.*
- *A longtime friend of the late NFP President, Zanele kaMagwaza Msibi, described her a leader who made the delivery of basic services for people in rural areas her priority. Bonisiwe Mtshali said she met KaMagwaza Msibi in the early days of the IFP in 1975. Ka Magwaza Msibi died in Umhlanga Hospital earlier this week at the age of fifty nine. She will be buried at the*

weekend at an Official Provincial Category Two Funeral at the Old Assembly Building in Ulundi. Mtshali said, Ka Magwaza Msibi worked easily with people of all ages.

- Eskom has confirmed that one of its Kendall One Units in Mpumalanga has tripped due a fire that has caused the failure of a generator transformer. Units two and three have been shut down under controlled conditions. The fire has damaged the cables to the main cooling water system and the west side of the power station. Eskom's Spokesperson, Sikhonathi Mantshantsha, says all personnel who were on site have been safely evacuated.*
- Residents awaiting houses in the Eastern Cape are continuing to suffer due to incomplete projects. Contractors have abandoned housing projects which are now being vandalized. Officials from the National Human Settlements Department have visited the projects to assess progress in the provision of houses. Some residents claim to have been on the waiting list for decades. The manipulation of the beneficiary's administration list is at the core of the problem. But the Housing Minister, Mmamoloko Kubayi says the Eastern Cape is now on the right path".*

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 72 minutes of Current Affairs Programming each day (on average), during the South African performance period.

The Authority's monitoring exercise found that TRU FM schedules at least 350 minutes of Current Affairs programming per week. This then translates to a daily (each day on average) output of 60 minutes of Current Affairs Programming.

The monitoring exercise found the following Current Affairs programming:

- 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 SABC's editorial policies echo the provisions of this clause. The Licensee's policies also prescribe that the Licensee shall exercise full editorial control in respect of contents of its programming. The editorial policies demonstrate that the SABC endeavours to meet the highest standards of journalistic professionalism.

During the period under review, the monitoring exercise found that TRU FM offers its overall news and current affairs programming in a fair and biased manner. The monitoring exercise could not detect any signs of undue influence on TRU FM's news and current affairs programming.

The monitoring exercise found that TRU FM's news and current affairs programmes include 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 clauses 7.2.2 and 7.2.3 of the schedule to its licence.

3.5.1 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 SABC's quarterly submission suggests that TRU FM broadcasts at least 60 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 60 minutes of children's programming per week during the South African Performance period. A programme called the "Playroom" (an insert during the breakfast show) was identified between 08h00 and 09h00 on Saturdays and its contents were 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 initiatives.

TRU FM complied with clauses 7.3.1 and 7.3.2 of the schedule to its licence.

3.5.2 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 Authority’s monitoring exercise found that TRU FM broadcasts approximately 540 minutes – translating to 8 hours – of educational programming per week during the South African performance period.

The following programmes were identified to carry Educational Programming content:-

- *TRUMornings*: Broadcast every day during the week between 05h00 and 08h00. The show has a 60-minute insert that focuses on agricultural information and education;
- *After Hours*: An everyday – during the week offering which goes on air 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;
- *The Avenue*: Broadcast on Saturdays between 15h00 and 17h00.
- *UpSkill*: a Sundays offering that plays in the hour between 21h00 and 22h00.

The Licensee complies with clause 7.4 of its licence.

3.5.3 Informal Knowledge Building Programmes

Clause 7.6 of TRU FM ’s broadcasting service licence provides as follows:

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

TRU FM reports having aired an average weekly output of at least 22 hours of Informal Knowledge Building programming per week during the South African performance period.

The Authority's monitoring exercise found that TRU FM carries at least 30 hours of Informal Knowledge Building Programming during the South African performance period.

The following IKB programmes were found during monitoring:

- *"Ezolimo"*: broadcast daily during the TRUMornings show for 60 minutes. This feature airs from Monday to Friday.
- *"Drive326 EC"*: is a daily offering on which goes to air 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 also feature advice on lifestyle issues and remedies. The show goes on air between 13h00 and 15h00;
- *"The Nest"*: Broadcast Sundays between 09h00 and 12h00;
- *"The Sunday Cruise"*: 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 take 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 revised its Employment Equity and Transformation plan⁸ during the 2021/22 financial year and submitted the updated plan and its Training and Skills Development that provides a detailed breakdown of its compliance with the above requirements to the Authority for the period under review⁹ within 30 days of the end of the financial year.

These reports indicate that the Licensee has adopted and implemented equal opportunity employment Practices and showed that the Licensee has remained committed to diversity and inclusion in the workplace. The SABC employment equity profile remains healthy, and all groups are well represented in the organisation. The SABC`s employment practices and non-discriminatory environment promote reasonable progress towards a fair and equitable representation from both a gender and race perspective at all occupational levels and in decision-making positions. This is confirmed by the following statistics:

- Females represent 51.5% of the entire workforce and at Skilled level 53.18% of the workforce are females. At a Professional Qualified, Experience Specialist and Middle Management level females represent 50.33%; and

⁸ Appendix C: SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2021 – 31 March 2022.

⁹ Appendix D: Skills and Development Report.

- Employees living with disabilities represent 2.35% of the entire workforce. These employees are employed across the organisation on different occupational levels and in all SABC provinces.

Further, the SABC is well represented in the Black Executive Managers and Black Senior Managers as well as Female Black Middle Managers.

In terms of training and skills development, the SABC delivered 967 training interventions for 810 employees during the reporting period. This is despite challenges resulting from its section 189 process, procuring suitable service providers and COVID-19. Statistically, the 810 employees who received training were 84.44% African, 6.81% Coloured, 4.24% Indian and 4.51% were White employees. Further, 56% of the employees who were trained were women and 2% were employees living with disabilities.

The Licensee complies with the entirety of clause 8 of the Schedule of its Licence.

3.7 Provision 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 within the stipulated timeframe.

The Licensee complied 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.

According to the above-mentioned submission, there have been no complaints received against TRU FM in the year that ended March 2022.

4.3 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 playlist is dominated by works of South African musicians. TRU FM's music content is made up of approximately 70% South African Music (measured on an average 3-hour show). The following music artists enjoy airtime on TRU FM's music play list: Makhadzi, 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 of the South African Music Content Regulations.

4.4 Standard Terms and Conditions for individual broadcasting licences

The monitoring exercise as undertaken during the period under review, found that the Licensee satisfied the Authority regarding its compliance with the regulations

¹⁰ SABC Form 12A

¹¹ ICASA South African Music Content Regulations

regarding the Standard Terms and Conditions for Individual Broadcasting Licensees.

The Licensee complies with the Standard Terms and Conditions for Individual Broadcasting Licensees, 2010.

4.5 Universal Service and Access Fund Regulations, 2011

Regulation 3 of the USAF Regulations¹² 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 Licensee made the prescribed payment to USAF and submitted proof thereof to the Authority.

The Licensee complies with Regulation 3 of the USAF Regulations.

5. CONCLUSION

In the year under review, TRU FM complied with the licence terms and conditions and all regulations that are applicable to the Licensee.

6. TERMS OF REFERENCE

Appendix A : TRU FM's Broadcasting Service Licence

Appendix B : TRU FM's Frequency Spectrum Licence

¹² Universal Service and Access Fund Regulations, 2011, published in *Government Gazette* No. 34010 dated, 10 February 2011.

Appendix C : SABC Editorial Policy (An extract)

Appendix D : SABC's Employment Equity Report

Appendix E : SABC's Skills and Development Report

Appendix F : SABC's Form 7C

Appendix G : SABC's Form 12A

Appendix H : Local Content Regulations

Appendix I : Standard Terms and Conditions Regulations

Appendix J : Universal Service and Access Fund Regulations