



TSHWANE UNIVERSITY OF TECHNOLOGY ANNUAL COMPLIANCE REPORT

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2021/2022 ANNUAL COMPLIANCE REPORT

TSHWANE UNIVERSITY OF TECHNOLOGY T/A COMMUNITY RADIO

TSHWANE UNIVERSITY OF TECHNOLOGY

LICENCE PERIOD: 29 October 2018 to 28 October 2023

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the Independent Communications Authority of South Africa Act (ICASA Act²), the Electronic Communications Act (ECA)³ and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority is to monitor compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The purpose of this report is to give an account of Community Radio Tshwane University of Technology's compliance with terms and conditions as set out in its licence for the 2021/2022 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community participation, and Programming Obligations.

Further, the report will measure compliance with regulations that include South African Music Content, Compliance Procedure Manual Regulations and Standard Terms and Conditions.

2. BACKGROUND

Tshwane University of Technology ("the Licensee") holds a Class Sound Broadcasting Service Licence and it broadcasts as Community Radio Tshwane University of Technology. The radio station's mandate is to provide a sound broadcasting service to the campus community of Tshwane University of Technology, as set out in the Licensee's radio frequency spectrum licence.

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

² Independent Communications Authority of South Africa Act, Act No. 13 of 2000, as amended

³ Electronic Communications Act No. 36 of 2005

⁴ Broadcasting Act No. 4 of 1999

3. COMPLIANCE ASSESSMENT

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

1.1 Name of Company/Entity: Tshwane University of Technology.

1.2 Name of the Station: Community Radio Tshwane University of Technology.

1.3 Control of the licensee: Control shall vest in the Council of Tshwane University of Technology."

There were no changes reported by the Licensee to its control structure during the period under review.

The Licensee complies with clauses 1.1 to 1.3 of the licence.

3.2 Licence Period

Clause 2 of the licence states that:

"2.1. The effective date of the licence: 29 October 2018.

2.2. The licence shall expire on 28 October 2023."

The Licence is still valid.

The Licensee complies with clause 2 of the licence.

3.3 Geographic Coverage Area

Clause 3 of the licence stipulates that:

"The Licensee shall provide services to the campus community of Tshwane University of Technology and people residing within 50km radius of the campus in the Gauteng Province as set out in the Licensee's radio frequency spectrum."

The Licensee provides services to the areas stipulated in its licence.

The Licensee complies with clause 3 of the licence.

3.4 Community

Clause 4.1 of the licence states that:

"The licensee shall provide services to a community of interest, being the Campus community of Tshwane University of Technology and people residing

within 50km radius of the campus within the geographic coverage area specified herein”.

The Licensee provides sound broadcasting services to the campus community of interest and people residing within 50km radius of the campus, as specified in its licence.

The Licensee complies with clause 4.1 of the licence.

Clause 4.2 of 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; and

The Licensee did not hold programming meetings during the period under review.

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

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 licence 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.”

The Licensee did not hold an AGM during the period under the review.

The Licensee did not comply with sub-clause 4.2.3 of the schedule to its licence.

3.5 Programming

Clause 5.1 of 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 two hundred and five (205) minutes of news per day. This shall include news from the community produced by the station on issues affecting the community.

The monitoring exercise found that the Licensee broadcasts approximately fifty (50) minutes of news daily. The news bulletins are mostly in English, with some bulletins in isiZulu and Xitsonga. It broadcasts national and international news. No news from the community was identified during the monitoring exercise.

The following are some of the news items that were identified during the monitoring exercise:

- *"South Africans will suffer food shortages due to Russia's invasion of Ukraine; this assurance comes from the Minister of Agriculture, Land Reform and Rural Development, Thoko Didiza. She met with stakeholders in the food and agriculture industry, and farmers' association to discuss food safety. This forms part of the Inter-Ministerial Task Team's assessment of the effect of the Ukraine conflict on the local economy. Reports have emerged of panic buying in South Africa in recent weeks, due to the conflict which brought global economic uncertainty.*
- *"Kushaqeke abaniningi kuvela imibiko yokudlula emhlabeni kuka DJ Dimplez, ogama lakhe lange langempela inguTumi Mooi. Imibiko yokudlula emhlabeni kwalo DJ iqinisekiswa ngumndeni wakubo. Lomndeni ukhipe isitadimende uthi babhlongu kakhulu bengumndeni ngokulahlekelwa lilungu lawo bengalindele. Lomndeni uthi uDJ Dimplez ubenesimo sokophela ngaphakathi emqondweni. Ucele ukunikwa isikhathi sokuthi bakwazi ukubhekana nalesisimo esibehlele ngokukhulu ukuzuma.*
- *"As the country commemorates Human Rights Day, the role of governing laws in accommodating and servicing the needs of foreign nationals has again come under the spotlight. Many foreigners have questioned their place in democratic South Africa as they continue to experience system failures where the violation of their rights are concerned. Andile Maphosa of the social change organisation, Heartlines SA, believes that the country*

still has a long way to go but it has far better laws than most African countries.”

The Licensee does not broadcast 205 minutes of news per day and it does not broadcast news from the community on issues affecting the community as stated in the licence.

The Licensee does not comply with its news obligation as per clause 5.1.1 of the Schedule to its licence.

Clause 5.1.2 of the licence states that:

"South African Music Content: 70%"

The Authority's monitoring exercise confirmed that the radio station broadcasts approximately 80% of South African music content.

The Licensee's complies with clause 5.1.2 of its licence.

Clause 5.1.3 of the licence provides that the format is as follows:

"40% talk and 60% Music"

The monitoring exercise found that the Licensee broadcasts more music than talk. It offers shows that are informative, educational and entertaining. The monitoring exercise identified interviews with experts on mental health matters, human rights, career guidance and interviews with celebrities. There were also segments on crime prevention and safety tips from the South African Police Services. However, it keeps the talk to a minimum and broadcasts at least 60% music.

The Licensee complies with clause 5.1.3 of the Schedule to its licence.

Clause 5.1.4 of the licence provides that:

"Language(s) of broadcast:

5.1.4.1 English – 30%;

5.1.4.2 Sepedi – 14%

5.1.4.3 Tshivenda – 14%

5.1.4.4 Xitsonga – 14%

5.1.4.5 isiXhosa – 14%

5.1.4.6 Setswana – 14%

5.1.4.7 isiZulu – 14%”

Compliance previously identified that the Licensee’s language split amounted to 114%. The Licensee confirmed that this was an error on the Authority’s part as it does not have isiXhosa as a language of broadcast.

The error was brought to the Service Broadcasting Department’s attention, and the Department confirmed that the error will be rectified during the licence renewal process.

The monitoring exercise confirmed that the Licensee broadcasts in all its languages of broadcast, with English as the main language of broadcast. However, the other languages are not equally split as provided for in the licence. Setswana is used more than the other languages, with very minimal use of Xitsonga and Tshivenda.

The Licensee does not comply with its language split as provided for in clause 5.1.4 of the Schedule of its licence.

Clause 5.2 of the licence provides that:

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

The Licensee did not submit programming logs on a monthly basis to the Authority during the period under review.

The Licensee does not comply with clause 5.2 of the Schedule to its licence.

4 REGULATIONS

4.1 ICASA Regulations on South African Music Content

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

"A holder of a community sound broadcasting service licence must ensure that after eighteen months of the gazetting of these regulations, a minimum of 60%,

increased by 10% annually to reach 80% of the musical work in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period”.

The monitoring conducted by the Authority confirmed that the Licensee broadcasts 80% South African music during the performance period.

Various genres were identified on the station’s music line-up including Reggae, Amapiano, House, Afro Pop, Hip Hop, Gospel and Jazz with artists such as *Boom Shaka, Freshly Ground, Jonas Gwangwa, DJ Maphorisa, Langa Mavuso, Lucky Dube, Nomfundo Moh, Rhythmic Elements, Dumi Mkokstad* and many more, being played.

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

4.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences

During the period under review, there was no non-compliance by the Licensee with the Standard Terms and Conditions for Class Broadcasting Services Licensees.

The Licensee complied with the Regulations regarding Standard Terms and Conditions for Class Broadcasting Licences.

5 CONCLUSION

The Licensee does not comply with some of its licence terms and conditions. The news obligation may need to be amended as it would be impossible for the Licensee to broadcast 205 minutes of news in one day. Another issue that the monitoring exercise identified was that the Licensee refers to itself primarily as *TUT FM* on air, more than as *Community Radio Tshwane University of Technology* as it was licensed. TUT FM is not provided for in the licence.

The Licensing and Compliance Division 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 advised of the Authority’s intention to refer it to Complaints and Compliance Committee (CCC), for hearing and adjudication.

5. TERMS OF REFERENCE

Appendix A: Tshwane University of Technology's Service Licence

Appendix B: Standard Terms and Conditions for Broadcasting Services, 2010 as published in *Government Gazette* No. 33296 dated, 14 June 2010, as amended;

Appendix C: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016;

Appendix D: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

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