



TUBATSE FM ANNUAL COMPLIANCE REPORT

MARCH 2017

2015/2016 ANNUAL COMPLIANCE REPORT

TUBATSE FM 93.4 MHz

LICENCE PERIOD: 22 OCTOBER 2013 – 22 OCTOBER 2018

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act of 2000², the Electronic Communications Act of 2005³ (ECA) and the Broadcasting Act of 1999⁴ to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority is to ensure compliance by broadcasters with the terms and conditions of their licence and any relevant legislation and regulations.

The purpose of the report is to give an account of Tubatse FM's compliance with licence terms and conditions, the Regulations as well as the applicable legislation for the 2015/16 financial year. Aspects of compliance that are measured comprise of Community, Annual General Meeting, Programming, Format, News and Information, Current Affairs, Local Content and Languages .

2. BACKGROUND

Tubatse FM was issued a licence by ICASA on 10 April 2007. The radio station is a community of interest serving the community of Tubatse in the Limpopo Province.

3. COMPLIANCE ASSESSMENT

3.1. Control Structure

Clause 1 of schedule of the licence stipulates that:

1.1 "Name of entity: Tubatse Progressive Community Radio Station.

1.2 "Name of the Station: Tubatse Progressive Community Radio.

¹ The Constitution of the Republic no: 108, 1996

² Act no: 13 of 2000 as amended

³ Act no: 36 of 2005

⁴ Act no: 4 of 1999

1.3 "Control of the Licensee: Control shall vest in the Board of Directors of an association known as Tubatse Progressive Community Radio Station.

The Licensee has confirmed that the station is still under the control of the Board and the name of the station has not changed.

The Licensee has complied with clause 1 of the schedule of its licence.

3.2. COMMUNITY

Clause 4.2 of the schedule of the licence stipulates that:

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

4.2.1 The Licensee shall hold at least two (2) general 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 is not involving the community in programming as stipulated in the licence , as a result, no community meetings were held. The Authority has conducted workshops with the Licensee on more than one occasion, the Licensee is fully aware of their obligations in this regard.

The Licensee did not comply with clause 4.2.1 and 4.2.2 of the schedule of its licence.

Clause 4.2.3 of the schedule to the licence stipulates that:

4.2.3 The Licensee shall hold Annual General Meetings (AGMs) 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 held an AGM on 16 December 2016 and it was a reporting AGM. The Licensee reported on finances and how it affects the radio station. The Licensee also reported on the radio stations' compliance with licence terms and conditions.

The Licensee has complied with clause 4.2.3 of the schedule of its licence.

4. PROGRAMMING

Section 53 of the ECA stipulates that:

"A broadcasting service licensee must on demand by the Authority, produce to the Authority any recording of every programme broadcast in the course of his or her broadcasting service for examination or reproduction, within 60 days from the date of broadcast;

On demand of the Complaints and Compliance Committee, produce to the Complaints and Compliance Committee any script or transcript of a programme after the broadcast of the programme."

During the station visit, the Authority indicated to the Licensee that the programme recordings should be labelled accordingly, that is the exact date and time of the programming. This is to enable ease of reference in case the programme recordings are demanded by the Authority for reporting purposes.

During the period under review, the Licensee submitted programme recordings that were labelled correctly.

The Licensee has, during the period under review, complied with Section 53 of the ECA.

Clause 5 of schedule of the licence stipulates 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% shall be local, 25% national and 15% international news per day. "

The Licensee submitted that it broadcast 12 news bulletin per day at 5 minutes each. The Authority's monitoring exercise revealed that as true, however the minutes of news broadcast vary from 2 minutes to 5 minutes to be exact.

The following are some of the news extracts that were identified:

- *"It is expected that residents of Pelogeng, Bothas' Hoek in Tubatse will be built a bridge in a matter of time. Chairperson of Rural Development BonganI Ngele has made sure that the Greater Tubatse Municipality attended to that matter. The news has made the residents of Pelogeng very happy, as they say they will no longer struggle after heavy rains to run their errands and the school kids will not suffer crossing to get to school";*
- *"Residents of Praktiseer in Tubatse who are staying not far from a newly built church said that they are happy that eventually they are able to drink water*

like other people. Residents say that they have not been having water since their neighbouring residents of Danger under the Chieftancy of Ramaoueng broke the water pipe that was supplying water to them. The residents say that action caused a lot of mess for them, especially those that have toilets inside their houses”;

- *“Student Leaders in Limpopo said that students who come from afar will be given temporary accommodation during the registration period. The registration process has commenced at Turfloop University. Student Leader of the Economic Freedom Front, Samuel Tladi said that they made arrangements for temporary accommodation with the University Authorities”;*
- *“ANC Youth League in Limpopo reported that they want Head of Education Department, Ishmael Getshepe to investigate the tendering of food programmes in schools. The ANC Youth League said that 40 companies that were tendering are associated to Economic Freedom Front (EFF) Leader Julius Malema”;*
- *“Paralympian Oscar Pretorius has written a letter of plea regarding the murder case he is accused of. One of his Lawyers Brian Ngwena did not want to comment on this matter. Oscar Pretorius is on a bail of R10 000 and he is awaiting to appear in Court at the Pretoria High Court on 19 April.”*

In total, 85 minutes of news was monitored. No international news was identified. **Accordingly, even though the Licensee complied with the overall output for news, the station news was nevertheless dominated by local news followed by national news. The Licensee did not broadcast 15% international news.**

5.1.2 Local content

"South African Music Content: 60%."

The monitoring exercise revealed that the radio station plays a significance amount of South African music.

Approximately 65% of South African music was monitored. The following artists were identified:

Bhudaza – 'Ithatha thwena'; Hugh Masekela – 'Thuma mina'; Ladysmith Black Mambazo – 'Mbube'; Ntando – 'Nguwe'; Tshepo Tshola – 'stop the war'; Lira – 'Xesha'; Jabu Khanyile – 'Mkhaya lo'; Mbongeni Ngema – 'Stimela sami sase Zola', Jaziel Brothers – 'Angeke ngiphinde'; Umanji – 'Moloi'; Ringo Madlingozi and Judith Sephuma – 'Gotseba mang'.

The Licensee has complied with clause 5.1.2 of the schedule of its licence.

5.1.3 Format

"Talk vs Music: 60% Talk and 40% Music."

The monitoring exercise revealed that the radio station has a variety of programmes on talk and in accordance with the above clause.

The Licensee has complied with clause 5.1.3 of the schedule of its licence.

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%; and

5.1.4.5 Afrikaans – 1%

The monitoring exercise revealed that Sepedi is the most dominant language of broadcast. English is also broadcast on a small scale- approximately 2%. The other languages, Xitsonga, isiSwati and Afrikaans were not broadcast at all.

The Licensee did not fully comply with clause 5.1.4 of the schedule of its licence.

According to clause 5.1.5 in terms of broadcast hours:

"The Licensee shall broadcast eighteen (18) hours a day."

The Licensee confirmed that they broadcast for 24 hours as stipulated in Regulation 6 (1) of the Standard Terms and Conditions which reads as follows:

"A Licensee must provide broadcast services for twenty four (24) hours per day unless the Authority has been notified of a shorter schedule of daily broadcast operations."

The Licensee mentioned that they did notify the Authority accordingly when they submitted application for renewal of the licence.

They said that it could be that the Authority did not update the licence as per their submission.

The Licensee has complied with Regulations 6(1) of the Standard Terms and Conditions.

6. REGULATIONS AND LEGISLATION

Regulation 3.3 of the Regulations on South African Music Content as published on 31 January 2006 stipulates that:

"Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% 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 revealed that the radio station plays a significance amount of South African music. Approximately 65% of South African music was monitored. The following artists were identified:

Bhudaza – ‘Ithatha thwena’; Hugh Masekela – ‘Thuma mina’; Ladysmith Black Mambazo – ‘Mbube’; Ntando – ‘Nguwe’; Tshepo Tshola – ‘stop the war’; Lira – ‘Xesha’; Jabu Khanyile – ‘Mkhaya lo’; Mbongeni Ngema – ‘Stimela sami sase Zola’, Jaziel Brothers – ‘Angeke ngiphinde’; Umanji – ‘Moloi’; Ringo Madlingozi and Judith Sephuma – ‘Gotseba mang’.

7. CONCLUSION

The Licensee has complied with most of the licence terms and conditions except for the following clauses:

- *Clause 4 – no Community participation in programming;*
- *CClause 5.1.1 – no international News and;*
- *Clause 5.1.4.3, 5.1.4.4 & 5.1.4.5 – Languages are not broadcast at all.*

The Authority will endeavour to bring the clauses of non-compliance to the attention of the Licensee to ensure consistent compliance.

8. APPENDICES

Appendix A: Sound Broadcasting Service and Frequency spectrum licence

Appendix B: AGM minutes and attendance register