



TUBATSE COMMUNITY RADIO ANNUAL COMPLIANCE REPORT

MARCH 2025

2023/2024 ANNUAL COMPLIANCE REPORT

TUBATSE COMMUNITY RADIO

LICENCE PERIOD: 27 OCTOBER 2023 to 26 OCTOBER 2024

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution, the Independent Communications Authority of South Africa Act¹ ("ICASA Act"), the Electronic Communications Act² (ECA) 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 an account of Tubatse Community Radio's compliance with the terms and conditions as set out in its licence for the 2023/2024 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:

1.1 Name of company/entity: Tubatse Progressive Community Radio Station

¹ ICASA Act No 13 of 2000, as amended

² Electronic Communications Act No 36 of 2005

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 to the Licensee’s name and control structure during the period under review.

The Licensee complies with clause 1 of the schedule of 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 2023.

2.2 The licence shall expire on 26 October 2030”.

The licence is valid as it was renewed during the period under review and the Licensee is operational.

The Licensee complies with clause 2 of the schedule of 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 of 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 of 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. It stated that it held informal sessions with community members to discuss programming matters. It was informed that it has to form programming committees as provided for in the Community Broadcasting Services Regulations, 2019 and submit minutes of such meetings as provided for in the licence conditions above. The Licensee has made an undertaking to address this non-compliance.

The Licensee did not comply with sub-clauses 4.2.1 and 4.2.2 of the schedule of 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 15 December 2023.

The Licensee complies with sub-clause 4.2.3 of the schedule of 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 approximately sixty-five (65) minutes of news per day. It broadcasts all its bulletins in Sepedi and has one English bulletin on weekends. The station broadcasts mostly regional (60%) and national news (25%), and about (5%) of both local and international news.

The following news items were identified:

- *Bašhumi ba bjale le ba peleng bao ba sa gotsofalego ba khampani ya dibese yam mmušo Great North Transport, ba swere sedulelwa kantle ga dikantoro tša mmušo ka Polokwane mo provinsing ya Limpopo. Bašhumi ba nyaka dimilione-lione tša diranta tša tšhelete ya go rola mošomo tšeo di gogilwego ke khampani eo sebaka sa go feta mengwaga e masome-tharo. Tšhelete eo go begwa e nyamealetše gomme ga ese ya išiwa go dikhampani tša go rola mošomo mo mengwageng. Bašhumi ba peleng ba go feta magolo seswai, ga se ba hlola ba gwetša tšhelete ya bona yo go rola mošomo. Bašhumi ba bangwe ba hlokofetše ntle le go kgwetša le ge ekaba sente ya lešhiti. Ba nyaka pego ya mafelelo ya dinyakišišo e lekollwe ka nepo ya go utulla gore go diragetšeng ka tšhelete ya bona ya go rola mošomo.*
- *Molekgotla-Phethiši wa Maphelo ka Limpopo, Dr Popi Ramathuba, o netefaditše gore motho o tee yoo a phologilego kotsing ya base e lego ngwana wa mengwaga e seswai, o maemong a ma botse a bophelo morago ga kotsi eo. Maloko a kereke a Sione a masome-nne-hlano, a hlokofetše lebakeng la ge*

bese eo e bego e tšwa Botswana go ya Moria e ewa go tloga godimo leborogong e ya ka fase, foo e ileng ya swara mollo magareng a thaba ya Mokopane le Marken mo profensing ya Limpopo.

- *The South African Police in Rottertan have successfully apprehended a 23-year-old foreign national in connection with an armed robbery in an incident that happened occurred along Wade bridge in Mokopane on Thursday. According to the report, a 31-year-old male victim, accompanied by two passengers was travelling in a bakkie along the N11. The three pulled over near the bridge for brief stop when an unidentified car with four occupants pulled alongside them. One of the occupants, armed with a firearm ordered the victim to move to the other side of the road. The victim unexpectedly pulled a firearm on the suspects, who drove away and were later picked up by police who were on patrol.*

The Licensee does not comply with its minutes of news and percentage split. It was informed of this non-compliance, and it stated that it confused local and regional news and promised to rectify the mistake and broadcast the correct split of news percentages.

The Licensee did not comply with its news obligation.

5.1.2 South African Music Content: 80%

The details and findings regarding the Licensee's South African music content output are discussed in section 4.2 below.

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's programming is dominated by talk, especially during the week. It broadcasts talk shows that discuss issues that are of interest to the community and provides for listener interactions.

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 marginal mixture of English in some programmes, and it also has English news bulletins. The other languages could be heard during listener interactions and current affairs programmes.

The Licensee complies with its languages of broadcast obligation.

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 on a monthly basis during the period under review.

The Licensee complies with clause 5.2 of the schedule of 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 was for at least eighty percent (80%) of South African music content to be played by community sound broadcasting Licensees.

The monthly programme logs submitted by the Licensee show that it plays an average of eighty (80) percent of South African music content. The Authority's monitoring exercise revealed that the radio station broadcasts approximately eighty (80) percent 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 *Lazarus Kgagudi, Zahara, Joyous Celebration, Lloyiso, Dr Winnie Mashaba, Kelvin Momo, Makhadzi, Cassper Nyovest, Zonke, Dalom Kids* 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 one of the radio station's managers, occupies dual roles by also being a presenter on the radio station, which is in contravention of Amendment Standard Terms and Conditions for Class Licences, 2021 published in *Government Gazette* No. 44328 dated 25 March 2021, which provide that:

"(14 A) The Board of Directors/Trustees and Station Management must not occupy a dual role with regard to being members of the Board, Trustees, Managers and simultaneously being presenters at the radio station".

The Licensee was found to be in contravention of the same regulations previously when another manager was also a presenter; therefore, this non-compliance is viewed in a very serious light.

The Licensee does 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, yet it did not comply certain clauses of the Compliance Procedure Manual Regulations and Standard Terms and Conditions for Class Licences Regulations.

The Licensing and Compliance Division will advise the Licensee of its intention to refer the non-compliance on the holding of dual roles, to the Complaints and Compliance Committee ("CCC") and provide it an opportunity to make representations as per the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

6. TERMS OF REFERENCE

Appendix A: Tubatse Community Radio's Service Licence

Appendix B: Tubatse Community Radio's Spectrum Licence

Annexure C: Regulations on Standard Terms and Conditions for Class Broadcasting, 2021, as amended

Annexure D: ICASA South African Music Content Regulations, 2016

Annexure E: ICASA Compliance Procedure Manual Regulations, 2011