



# **TUKS FM ANNUAL COMPLIANCE REPORT**

**MARCH 2017**

# **2015/2016 ANNUAL COMPLIANCE REPORT**

## **TUKS FM**

**LICENCE PERIOD : 27 OCTOBER 2013 – 26 OCTOBER 2018**

### **1. PREFACE**

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution, the ICASA Act, the Electronic Communications Act (ECA) and the Broadcasting Act 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 ICASA Act, the EC Act, the terms and conditions of their licence, any relevant legislation and regulations.

The following report is intended to give an account of Tuks FM's performance for the 2015/2016 financial year. Aspects of compliance that are measured comprise of the Licence Area, Community, Programming, Promise of Performance, South African Music Content Regulations and Regulations regarding Standard Terms and Conditions for Class Licensees.

### **2. BACKGROUND**

Tuks FM is a community of interest radio station serving students of tertiary institutions in the greater Pretoria area; staff, prospective students, their beneficiaries and alumni residing within the geographic coverage area specified in the radio spectrum licence. The radio station is situated at the University of Pretoria's main campus, under the Tshwane Metropolitan Municipality. The radio station broadcasts in English and Afrikaans per its licence. The Broadcast Research Council Radio Measurement Survey (RAMS) figures for the period January to September 2016 estimated the radio station's listenership to be 28 000 on average.

### **3. COMPLIANCE ASSESSMENT**

#### **3.1 Name of Station**

In terms of clause 1 of the Schedule to the licence, the name of the radio station is:

"Tuks FM".

There were no changes reported by the Licensee regarding the name of the radio station. Furthermore, the radio station identifies itself at regular intervals, with frequency number and areas of coverage.

**The Licensee complies with clause 1 of the licence.**

### **3.2 Licence Area<sup>1</sup>**

Clause 3 of the schedule to the licence provides that the Licensee's coverage area is as outlined below:

*"The Licensee shall provide services to the campus community of the University of Pretoria in the greater Tshwane area in Gauteng Province as set out in the Licensee's radio frequency spectrum licence."*

The Licensee confirms that it broadcasts in the geographic area as set out in its frequency spectrum licence.

**The Licensee complies with clause 3 of the Schedule to the licence.**

### **3.2 Community**

Clause 4.1 of the Schedule to the licence requires the radio station to:

*"provide services to a community of interest being students of tertiary institutions in the greater Pretoria area, staff, prospective students, their beneficiaries and alumni residing within the geographic coverage area specified herein."*

The Licensee provides broadcasting services to a community of students and residents of the greater Tshwane municipality. Furthermore, it even provides training to community radio stations under the Tshwane Metropolitan Municipality.

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

---

<sup>1</sup> Annexure 6.1: Sound broadcasting service and spectrum licence

Clause 4.2 of the schedule to the licence provides as follows:

*"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 2 (two) meetings annually with its community focusing on programming and programming policies of the station".*

The Licensee conducts several meetings each year as part of its operational duties as well as in compliance with its licence conditions. The various meetings are:

**Tuks FM Board of Trustees Meeting:** The purpose of the meeting is to report on operational activities; governance; finance and community. The meeting is attended by the Board of Trustees and Station Management;

**Tuks FM Advisory Board Meetings:** The purpose of the meeting is to get participation of community members in the form of advice on how to better serve the listeners. The meeting is attended by various representatives of university students and other stakeholders who form part of Tuks FM community;

**Tuks FM Listener Advisory Board Meetings:** The purpose of the meeting is to get input from Tuks FM Listeners on the station's programming. This meeting is also attended by various representatives of university students and other stakeholders who form part of Tuks FM community. One of the meetings held by the Board of Trustees took place on 14 March 2016, in which various issues were discussed including that of the language policy adopted by the University of Pretoria. The minutes and attendance register was submitted to ICASA.

**Based on the above, Licensee complied with clause 4.2.1 of the schedule to its licence.**

*Clause 4.2.2 states that, "The Licensee shall furnish the Authority with proof of such meetings as well as the attendance thereof by members of the community".*

The radio station submitted the minutes; attendance register and reports presented at the meetings.

**The Licensee complied with clause 4.2.2 of the schedule to its licence.**

*Clause 4.2.3 directs the Licensee to "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 held an AGM on 16 November 2015. The purpose of the meeting was to report on the station's overall performance on operations; finances; governance; programming and appointment of auditors for the station. Reports were presented and adopted at the AGM. The minutes and attendance register was submitted to the Authority.

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

**3.3 Programming**

Clause 5.1 of the schedule to the licence provides for the radio station's programming as follows:

**3.3.1 News and Information**

Clause 5.1.1 of the schedule to the license provides that:

*"The Licensee shall broadcast news to a total of sixty (60) minutes of news per day. This shall include news from the community produced by the radio station on issues affecting the community"*

The monitoring exercise revealed that Tuks FM inconsistently broadcasts news throughout the day. This may be as a result of the campus restrictions that were effected by the University's management in the wake of the #FeesMustFall protests that have taken over universities across the country. Tuks FM informed the Authority that due to these restrictions, they have had challenges with regards

to staff/presenters entering the university. They further state that there are quotas as to how many people can occupy the studio premises at a time.

As a result, there are currently very few presenters doing longer shifts on a show and music is also being played a lot more to fill up the slots where other presenters would have come in. This change severely affected all operational matters of Tuks FM, for example, news gathering and news production has suffered because there are no volunteers to send out to gather news.

The following news items were identified:

- *"The African National Congress (ANC) in Parliament has called for a national register of racist offenders. Members of Parliament (MPs) were debating racial tension and conflict in the country, particularly at universities. Racist rants on social media and racially charged clashes at institutions of higher learning have placed the issue firmly on the national agenda since the start of the year. The governing party made the call during the debate. ANC MP Jabulani Mahlangu told the National Assembly that the proposed register could be made accessible to embassies."*
- *"Tunisia arrested 17 suspects on Tuesday in a manhunt for jihadists near the Libyan border after a deadly raid it described as an unprecedented assault by the Islamic State group (ISIS). Analysts said Monday's co-ordinated attacks showed jihadists are keen to spread their influence from Libya to Tunisia and to set up a new stronghold in the country. Prime Minister Habib Essid said about 50 extremists were believed to have taken part in the dawn attacks on an army barracks and police and National Guard posts in the border town of Ben Guerdane."*
- *"Zendaya Coleman is to star in Marvel and Sony's Spider-Man reboot. The 19-year-old actress is said to have landed a "key role" in the as-yet untitled movie, which will see Tom Holland portray Peter Parker/Spider-Man and be directed by Jon Watts. According to Deadline, Zendaya looks set to portray a character called Michelle, but it's not known if she will be romantically involved with Spidey. The website said: "Nobody is providing details on*

*whether this is the romantic lead opposite Peter Parker, but it doesn't sound like it."*

- *"Parliament's communications committee is expected to debate the broadcasting amendment bill on Tuesday. The bill, which seeks to strengthen governance at the SABC, was introduced in Parliament late last year. DA MP Phumzile van Damme said in its current form, the bill would see the last bit of independence removed from the public broadcaster. It would ensure it became an ANC-government propaganda tool under the control of the communications minister. The department disputed this. "This bill does not create a new regulatory regime, but seeks to strengthen corporate governance which ensures the long-term stability and sustainability of the SABC," it said in a statement. The changes would allow it to fulfil its public broadcasting service mandate. Van Damme said the party would call for public comment on the bill."*
- *"The Department of Home Affairs says over 300,000 birth certificates that were issued fraudulently may be frozen and removed from the national population register. Earlier today, a 35-year-old woman was arrested for fraudulently issuing the birth certificates to non-South African citizens for between R500 and R1,000 each. The woman is suspected of issuing over 350 fake birth certificates at R1000 a pop. The suspect's home was raided in a joint operation between the Hawks and the department where hundreds of documents were found"*.

The news is spread across national news, regional news and international news. Furthermore, Tuks FM has a balance mix of Afrikaans and English news throughout the day in accordance with their licence conditions.

**The Licensee complies with 5.1.1 of the schedule to its licence.**

### **3.5 Language(s) of broadcast**

Clause 5.1.4 of the schedule to the licence provides that the languages of broadcast are as follows:

*5.1.4.1 English – 60%; and*

#### 5.1.4.2 Afrikaans – 40%

During the monitoring exercise, the radio station programming content was dominated by English and some Afrikaans programming.

**The Licensee complies with clause 5.1.4 of the schedule to its licence.**

#### **4. PROMISE OF PERFORMANCE**

Clause 8 of the schedule to the licence states as follows:

*8.1. "The Licensee shall establish and maintain coordinating body that consists of representatives of student-based organisations, cultural organisations and individual members from its coverage area in the promotion of tertiary education and culture."*

The licensee launched a campaign called Tuks FM's #BiggestFan. This is an initiative that seeks to partner with the SRC; *Perdeby* (campus newspaper) and the Department of Student Affairs to streamline Tuks FM's content offering in order to serve its constituents.

*8.2. "The Licensee shall hold regular meetings through Representative Council and its affiliated institutions"*

The Licensee sits on meetings with the SRC periodically to ensure that student issues are highlighted on radio.

*8.3. "The Licensee shall ensure equal representation in relation to Whites, Blacks, Coloureds and Indians in organisations and/or portfolios pertaining to the radio station's activities"*

The operational make-up of the licensee's staff is a balanced mixture of South Africans of all races and genders.

*8.4. "60% of the Licensee's talk content shall be aimed at education, promotion of literacy and information. This shall include informal education such as skills development"*



The licensee's content is of an educational nature and seeks to inform and educate its listeners. The station also features prominently at the University's annual events such as Tuks RAG.

*8.5. "The Licensee shall broadcast programmes related to members of the community, children, students and the youth between 18-26 age group"*

The programme provision is geared towards listeners between the ages of 18 – 26 years. All topics are in touch with what the youth require and this is reflected in their interactive participation via social media and calling in.

**The Licensee complies with clause 8 of its licence.**

## **5. REGULATIONS**

### **5.1 South African Music Content<sup>2</sup>**

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 Authority's monitoring exercise confirmed that the radio station broadcasts 55% of South African music content. Various genres were identified on the station's music line-up including Rock; House Music; Kwaito and Metal music with artists such as Reject Theory; Locnville; Prime Circle and Kongos being played.

**The Licensee complies with the South African Music Content Regulations.**

---

<sup>2</sup> Annexure 7.3: Regulations on South African Music Content

## **5.2 Regulations regarding Standard Terms and Conditions for Class Licences<sup>3</sup>**

During the period under review, the Authority did not find any area of non-compliance with the Standard Terms and Conditions for Class Licences.

## **5.3 Regulations on the Code for People with Disabilities**

The Licensee did not report on any matters that relates to the Code for People with disabilities. In the absence of a detailed report to this effect, **the radio station did not comply with the Code for People with Disabilities.**

## **6. CONCLUSION**

During the period under review, the Licensee has complied with most of its licence conditions. Whilst the radio station cited challenges related to revenue and staff complement, there is relative stability and continuity. The programming is solid and relevant to the intended recipients.

## **7. TERMS OF REFERENCE**

- 7.1 Class broadcasting service and spectrum license
- 7.2 Regulations on South African Music Content
- 7.3 Regulations on Standard Terms and Conditions for Class Licences

---

<sup>3</sup> Annexure 7.4: Regulations on Standard Terms and Conditions for Class Licences