



TYGERBERG FM ANNUAL COMPLIANCE REPORT

MARCH 2017

2015/16 ANNUAL COMPLIANCE REPORT

RADIO TYGERBERG

Licence Period: 24 October 2013 to 23 October 2018

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution,¹ the Broadcasting Act of 1999,² the ICASA Act of 2000,³ and the Electronic Communications Act (ECA) of 2005⁴ as amended to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the ICASA Act, the ECA, the terms and conditions of their licence and any relevant legislation and regulations.

This report gives an account of Radio Tygerberg's performance for the 2015/16 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community Participation, Format, News, Local Content, Languages, Broadcast Hours, Standard Terms and Conditions and South African Music Content Regulations.

2. BACKGROUND

Radio Tygerberg is a class broadcasting licensee providing service to the Christian community residing in the Greater Cape Metropolis of the Western Cape Province, as specified in and required by its radio frequency spectrum licence. The radio station's mandate is to provide a service to the community in its geographic area of broadcast. According to the Association of Christian Media⁵ Radio Tygerberg is considered the largest Christian Community Radio Station in South Africa.

¹ The Constitution No, 108 of 1996,

² The Broadcasting Act No,4 of 1999

³ The ICASA Act No, 13 of 2000,

⁴ The Electronic Communications Act No, 36 of 2005

⁵ <http://christianbroadcasters.co.za> [Accessed 03 February 2017]

3. COMPLIANCE ASSESSMENT

3.1 Control Structure and Legal Personality

Clause 1 of the licence provides that:

"The Licence is issued to:

1.1 Name of Company/Entity: Chistelike Radio Dienste

1.2 Control of the Licensee: Control shall vest in the Board of Directors of a Section 21 Company known as Chistelike Radio Dienste.

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

The Licensee was found to be in compliance with clause 1 of its licence.

3.2 Geographic Coverage Area

Clause 3 of the licence provides that the Licensees' coverage area is⁶:

"Greater Cape Metropolis in the Western Cape Province as set out in the Licensee's radio frequency licence".

The Licensee confirmed that it covers the Greater Cape Metropolis in the Western Cape as stipulated in the licence and the Authority has not received any complaints indicating anything to the contrary.

The Licensee was found to be in compliance with clause 3 of its scheduled licence.

3.3 Community Participation

Clause 4.1 of the licence provides that:

"The Licensee should provide service to a Christian community of interest residing within the geographic coverage area specified herein".

⁶Radio Frequency Spectrum Licence

Radio Tygerberg provides a sound broadcasting service from Bellville, and provides its service to a Christian community residing within its coverage area.

The Licensee was found to be in compliance with clause 4.1 of its licence.

Clause 4.2 of the schedule 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;

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 submitted proof of a community meeting that was held on the 29 January 2016 at Radio Tygerberg. The meeting discussed radio programming and programming policies. Some of the questions asked in the questionnaire issued to the community included:

- Which radio station do you listen to?
- What is your opinion of our music? and
- What type of Gospel music do you prefer?

The Board of Directors comprises 5 members. The last AGM was held on 26 January 2016 and the term of office is 2 years. The following Board members were elected at the aforementioned AGM:

- a) Mr Gehardus Zevenster
- b) Mrs Esther Kruger
- c) Mr Hennie Botman
- d) Mrs Rosebud Tsobane
- e) Mrs Dawn Peterson

The Licensee was found to be in compliance with 4.2 of its licence.

4. PROGRAMMING

Clause 5.1 of the licence provides that:

5.1.1 Format:

"56% music and 44% talk."

The Licensee submitted its monthly reports consistently throughout the period under review, indicating that the Licensee adheres to the above. The Authority's monitoring exercise confirmed that the Licensee is broadcasting 56% music and 44% talk programming.

The Licensee was found to be in-compliance with clause 5.1.1 of its licence.

Clause 5.1.2.1 of the licence provides that:

"The Licensee shall broadcast 60% local, 30% national and 10% international news per day. This shall include news from the community produced by the station on issues affecting the identified community."

Among the news stories covered for the period under review were the following news extracts from certain broadcasts:

- *"18-jarige man verskyn vandag in die Wellington Magistrate Hof oor die moord op 'n bekende Afrikaanse skrywer, Winnie Rust, wat gevind vermoor in haar huis op Saterdag.";*

- *"Die DA se skaduminister vir landbou, sê die droogte in Suid-Afrika is erger terwyl die leierskap speel politiek..." ;*
- *"'n Egypt Air vliegtuig met 95 PASSASIERE aan boord van Parys na Kaïro het van die radar af verdwyn gisteraand. Geen verdere inligting is beskikbaar op die oomblik..." ;*
- *"Meer Suid-Afrikaners kan hul Smart Card ID kry van banke. Die Minister van Binnelandse Sake, Malusi Gigaba het gesê die Kaapstadse Persklub dat die banke sal vanaf Maandag aansoeke te neem van mense wat tussen 25 en 40 jaar oud."*
- *"Die polisie in KwaZulu-Natal is op soek na verdagtes wat gisteroggend 'n tandheelkundige praktyk in Morning-Side Durban beroof..."*

Radio Tygerberg has a news team that consists of a news Editor and an intern Journalist. They have 10 news bulletins during week days and 4 news bulletins on Saturdays. News is broadcast at the following times: 06h00, 07h00, 08h00, 09h00, 11h00, 13h00, 15h00, 16h00, 17h00 and 18h00.

The Licensee was found to be in compliance with clauses 5.1.2 of its licence.

Clause 5.1.2.2 provides as follows:

"The Licensee's proportion of local news output shall be equal to or greater than its international news".

As noticeable by the above mentioned samples, the monitoring exercise confirms that Radio Tygerberg's local news makes a larger proportion of its daily news broadcast.

The Licensee was found to be in compliance with clauses 5.1.2.2 of its licence.

According to clause 5.1.3 of the licence, the Licensee is required to broadcast 60% South African music content.

The monitoring exercise concluded that Radio Tygerberg broadcasts between 65% and 70% of local music. Details of the songs and artists featured by the Licensee are found under 5.1 below

The Licensee was found to be in compliance with clause 5.1.3.1 of its licence.

Clause 5.1.3.2

"The majority of the Licensee's programming shall be locally produced".

The Authority confirms that during the monitoring exercise the majority the programmes were produced locally. Some of the programming include: *"Bonanza"* which is a Lifestyle program offering inspirational stories, etc. Others include *"Kuiertyd"* which shares recipes, health tips and financial advice, etc. *"Vuurvas (Drive time show)"*; *"Kuier met Rian"* ; *"Wiele 2 Wiele"* ; *"Wat se die reg"* and *"20/20 Visie"*.

The Licensee was found to be in compliance with clause 5.1.3.2 of its licence.

Clause 5.1.3.3 of the licence provides that:

"30% of the Licensee's programming shall be provided in isiXhosa, measured weekly".

Some of the isiXhosa programming include *"Lungisa Ukuhlala Uyawubuyisa Umphefumlo Wam"* which is a programme that focuses on community transformation etc. *"Uyehova Ungumakhi"* which deals with family relationships and so forth.

The monitoring exercise revealed that Radio Tygerberg broadcasts isiXhosa programmes on a daily basis. It is however to be noted that only two hours during the "Performance Period" (05h00) and (22h00) is dedicated to isiXhosa. The monitoring exercise also noted that there are no news broadcasts in the said language. According to the 2011 census 35.7% of the population in the Cape Town Metro speaks Afrikaans and 29.8% speaks isiXhosa. Although the Licensee is compliant with the minimum requirement of broadcasting 30% of isiXhosa

programming weekly, the community served could benefit more from the Licensee's service if it can introduce news content in the isiXhosa language.

The Licensee is in compliance with clause 5.1.3.3 of its licence.

Clause 5.1.4 Language(s) of broadcast:

(a) *Afrikaans*

(b) *English*

(c) *isiXhosa*

The monitoring exercise confirmed that the Licensee is broadcasting in the languages as stipulated in clause 5.1.4.

The Licensee was found to be in compliance with clauses 5.1.4 of its licence.

Clause 5.1.5 of the licence provides that:

"The Licensee shall broadcast for 24hours a day"

The Licensee confirmed that it broadcasts for 24 hours as per its licence condition. The Authority monitors the performance period defined as the period between 05h00 and 23h00.

The Licensee was found to be in compliance with clause 5.1.5 of its licence.

5. REGULATIONS

5.1 South African Music Content Regulations

The current Regulations on South African Music Content as published on 31 January 2006 stipulates that:

"All public service radio stations must play a minimum 40% South African music content during the South African performance period".

The Authority's monitoring exercise revealed that the Licensee broadcasts between 60% to 75% of South African Music. Artists such as: Die hemel - Elvis Blue, Leeu van Juda - Retief Burger, Ek sal bly staan - Joe Niemand, Siyabonga

(Thank you) – Loyiso, Aanhou om aan te hou - Juanita du Plessis, Toe Vind Ek Jou - Francois Van Coke & Karen Zoid, Special Star - Mango Groove and Engel - Karen Zoid and Zolani Mahola were identified.

The Licensee was found to be in compliance with the above mentioned regulation.

5.2 Regulations regarding Standard Terms and Conditions for Class Broadcasting Licences

During the year under review, the Authority did not find any instances of non-compliance by the Licensee with the standard terms and conditions for class licensees.

5.4. People with Disability

According to the **Regulations on a Code on People with Disabilities 2007**, **"People with Disabilities"** means:

individuals who have a long term or recurring physical and/or mental impairment where a physical impairment includes a partial or total loss of bodily function or part of the body and mental impairment includes a clinically recognized conditions or illness which affects a person's thought process, judgment and/or emotions.

Regulation 3.1 (a) of the mentioned Code provides:

"Broadcasting service Licensees must ensure that their services are made available and accessible to people with disability".

Regulation 3.3 states that the Licensee *"must report on an annual basis on the progress of implementation of the said codes"*.

The Licensee has not submitted any reports regarding the said codes.

The Licensee was found to be non-compliant with the above-mentioned regulation.

5.5 Complaints Received

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 indicated that they received no complaints for the review period.

6. CONCLUSION

The Licensee has, for the period under review, complied with all the requirements as set out in its licence terms and conditions as well as applicable regulations.