



Independent Communications Authority of South Africa

Pinmill Farm, 164 Katherine Street, Sandton
Private Bag X10002, Sandton, 2146

TYGERBERG FM REPORT

LICENSING AND COMPLIANCE PROGRAMME
MARCH 2013

Dr SS Mncube (Chairperson), NA Batyi, WH Currie, JM Lebooa, N Ndhlovu, KGS Pillay, Dr MM Socikwa, WF Stucke
(Councillors), TTC Dlamini (CEO)

2011/2012 ANNUAL COMPLIANCE REPORT

TYGERBERG FM

LICENCE PERIOD: 24 October 2008 to 23 October 2013

1. PREFACE

The Independent Communications Authority of South Africa ("the Authority") has a statutory mandate in terms of the Constitution¹, the ICASA Act² and the Electronic Communications Act³ ("ECA") to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the terms and conditions of their license, the Electronic Communications Act ("ECA"), the ICASA Act, any relevant legislation and regulations.

The following report is intended to give account of Radio Tygerberg's compliance with the terms and conditions as set out in its licence for the 2011/2012 financial year. Aspects of compliance that are measured comprise of geographic coverage, community participation, programming, format, news and information, local content obligations, language(s), South African Music Regulations, Regulations Regarding Standard Terms and Conditions and Universal Service and Access Fund (USAF).

2. BACKGROUND

Radio Tygerberg is a Class Sound Broadcasting Licensee providing a service to the Christian community residing in the Greater Cape Metropolis of the Western Cape Province (*See Appendix A*).

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

² ICASA Act No 13 of 2000, as amended

³ Electronic Communications Act No 36 of 2005

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: Christelike Radio Dienste

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

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

The Licensee complies with clauses 1.1 and 1.2 of its licence.

Clause 1 of the schedule to the licence provides as follows:

"Name of the radio station: Radio Tygerberg".

The radio station's name is Radio Tygerberg as provided in the licence.

The Licensee complies with clause 1 of the schedule to its licence.

3.2 Geographic Coverage Area

Clause 2 of the schedule to the licence provides that Radio Tygerberg's coverage area is as follows:

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

The Licensee confirms that it provides a service to the Greater Cape Metropolis in the Western Cape Province as set out in the Licensee's radio frequency licence.

The Licensee complies with the clause 2 of the licence.

3.3 Community

Clause 3.1 of the schedule to the licence provides that:

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

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

The Licensee complies with clause 3.1 of the schedule to the licence.

Clause 3.2 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:

3.2.1 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;

3.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as the attendance thereof by members of the community";

Further, clause 3.2.3 of the schedule to the licence provides that:

"The Licensee shall hold an Annual General Meeting (AGM) for the following purposes:

3.2.3.1 To provide feedback on the Licensee's compliance with licence conditions,

3.2.3.2 To provide feedback on the Licensee's operational and financial performance, and

3.2.3.3 To elect members of the controlling structure e.g. Board of Directors, Trustees etc. subject to the licensee's founding documents".

Radio Tygerberg held its Annual General Meeting on 02 February 2012. The purpose of the AGM was to provide feedback on the Licensee's compliance with licence conditions, operational, financial performance and to elect a new Board of Directors. The reports presented by the Chairperson of the Board and the Station Manager which included the Audited Financial Report were duly adopted by the members present at the AGM.

The AGM elected the following members as the Board of Directors:

1. Mr Gerhardus Zevenster;
2. Ms Esther Kruger;
3. Pastor Dawn Petersen;
4. Pastor Moses Swartbooi;
5. Mr Henry Botma;
6. Pastor Hennie Lubbe;
7. Ms Sandra Damonse;
8. Ms Elizabeth Anders; and
9. Dr Emmanuel Zevenster. *(See Appendix B).*

The Licensee convened another AGM on 19 June 2012 to ratify the AGM of 02 February 2012 and report on the Licensee's compliance with licence conditions, operational, financial performance.

The Licensee has complied with clause 3.2 of the schedule to its licence.

3.4 Programming

Clause 4.1 of the schedule to the licence provides that:

"The Licensee shall provide programming as follows:

4.1.1 Format:

56% talk and 44% music".

Radio Tygerberg submits that it broadcasts 56% talk and 44% music daily as required by its licence.

The monitoring exercise confirmed that the Licensee's format is 55% talk and 44% music.

The Licensee complies with clause 4.1.1 of the schedule to its licence.

Clause 4.1.2 of the schedule to the licence provides that:

4.1.2.1 "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".

The monitoring exercise conducted for the period under review indicated that Radio Tygerberg broadcasts news bulletins every hour on the hour and news headlines at the bottom of the hour. Approximately 70% of the news is local, 20% national and 10% is international.

The Licensee does not comply with the percent split as stipulated in clause 4.1.2 of its licence.

The following were among the news stories covered for the period under review:

1. *"Die Kaapstad Metro Polisie sê daar is ook meer as 'n duisend vyf honderd moeite werd van dagga en tik in a voertuig beslag hul he; daar is tuidens a roetine patrol op die fonds aan gekom";*
2. *"Die voorsitter van die Afrika Unie, Dr Nkosazana Dlamini-Zuma, het die arrestasie van die negentien (19) vermeende DRK rebelle in Suid Afrika verwelkom";*
3. *"Die vakverbond, COSATU, sê hy hoop alle werkers wat onder die minimum loon betaal word sal 'n verlyke hoog ontvang";*
4. *"Die provinsiale departemente van landbou sê regse begrootings navoorsien op die doel om minder ";*
5. *"Kaapstad se brand-en-reddinsdienste sê die oorsak van die meeste brande wat in die stad uitbreek is die nalatigheid van mense"; and*
6. *In die Internasionale Olimpiese Komitee, die IOK, besluit dat stoei moet plek maak vir 'n nuwe sport soort by die 2020 Olimpiese spele".*

The Licensee complies with clause 4.1.2 of the schedule to its licence.

Clause 4.1.2.2 of the schedule to the licence provides that:

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

The Licensee submits that the bulk of its news is made up of local news and only 10% is international.

The monitoring exercise confirmed that Radio Tygerberg's broadcasts a significant amount of local news on a daily basis.

The Licensee complies with clause 4.1.2.2 of its licence.

Clause 4.1.3.1 of the schedule to the licence provides that:

"The Licensee shall broadcast South African music content of 60%".

The Licensee submits that it broadcasts a minimum of 62% of South African music.

Monitoring exercise confirmed that the Licensee broadcast approximately 65% local content music.

The Licensee complies with clause 4.1.3.1 of the schedule to its licence.

Clause 4.1.3.2 of the schedule to the licence provides that:

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

The Licensee submits that all its programmes are produced in South Africa. This was confirmed during the Authority's monitoring exercise.

The Licensee complies with clause 4.1.3.2 of its licence.

Clause 4.1.3.3 of the schedule to the licence provides that:

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

The Licensee submits that it complies with the above requirement.

The monitoring exercise revealed that Radio Tygerberg broadcasts isiXhosa programmes on a daily basis. It was further confirmed that the Licensee broadcasts 30% of isiXhosa programming on a weekly basis as per the licence.

The Licensee complies with clause 4.1.3.3 of its licence.

Clause 4.1.4 of the schedule to the licence provides that the languages of broadcast are as follows:

- (a) *English*
- (b) *Afrikaans*
- (c) *isiXhosa*

The Licensee submits that it complies with clause 4.1.4 of its licence.

The Authority's monitoring exercise identified programmes in English, Afrikaans and isiXhosa as outlined in the licence.

The Licensee complies with clause 4.1.4 of its licence.

Clause 4.1.5 of the schedule to the licence provides that:

"The Licensee shall broadcast for 24 hours a day".

The Licensee submits that it broadcasts for 24 hours a day.

The monitoring exercise confirmed that the Licensee broadcasts its programmes for 24 hours a day.

The Licensee complies with clause 4.1.5 of the schedule to its licence.

4. REGULATIONS

4.1 South African Music Content Regulations

The Regulations on South African Music Content as published on 31 January 2006 provide 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" (See Appendix C).

Radio Tygerberg broadcasts a significant amount of South African music. The radio station broadcasts a variety of gospel music. The local music broadcast by the radio station includes the following: "Ke habile lehodimo" by Pastor Isabelle, "Amazulu" by Benjamin Dube, "Dis Dieselfde Son" by Leon Ferreira, "Jesus is die Heer (Halleluja) by Danie Botha" and "Kuse ngimazi" by Khanyisa.

The monitoring exercise confirmed that the Licensee plays an average of 65% local music.

The Licensee complies with the South African Music Content Regulations.

4.2 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Licences

During the year under review, the Authority did not identify instances of non-compliance by the Licensee with the standard terms and conditions for class licensees (*See Regulations regarding Standard Terms and Conditions for Class Licences, attached as Appendix D*).

4.3 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations provides that:

- (1) *"Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund".*
- (2) *"A BS licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF Contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year" (See USAF Regulations attached as Appendix E).*

The Licensee paid twenty seven thousand one hundred and fifty four rand and ninety five cents (R 27 154. 95) annual contribution fee to the MDDA on 10 October 2011.

The Licensee complies with the USAF regulations.

5. CONCLUSION

Radio Tygerberg has complied with its licence terms and conditions and regulations except clauses 4.1.5 and 4.1.2 of its licence.

6. APPENDICES

Appendix A: Radio Tygerberg's broadcasting service licence and frequency spectrum licence

Appendix B: Radio Tygerberg's Control structure and AGM minutes

Appendix C: SA Music Content Regulations

Appendix D: Standard Terms and Conditions Regulation for Class licences

Appendix E: USAF Regulations

Appendix F: Proof of Payment of USAF

Appendix G: Audited Financial Statements