



THE SABC AS TRU FM ANNUAL COMPLIANCE REPORT

MARCH 2024

C Mushi (Acting Chairperson), T Faye, Y Kedama, Dr. C Lewis, Adv. LS Mkumatela, N Nontombana,
N Sithole, P Zimri (Councillors), T Maluleka – Disemelo (CEO)

2022/2023 ANNUAL COMPLIANCE REPORT

The SABC BROADCASTING AS TRU FM

Licence Period: 18 December 2018 - 17 December 2028

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”) and the Broadcasting Act³ to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task of ensuring compliance by broadcasting service licensees with the terms and conditions of their licence and any relevant legislation and/or regulations.

The purpose of the report is to give an account of the compliance status of TRU FM with the terms and conditions of its license⁴ for the 2022/2023 financial year. In addition, the report will measure TRU FM’s compliance with the following regulations: South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fee, Code of Conduct for Broadcasters.

2. BACKGROUND

The SABC holds an Individual Sound Broadcasting Service licence which provides service as TRU FM for an Urban Contemporary Music format to East London, King Williams Town and Queenstown.

3. COMPLIANCE ASSESSMENT

¹ Act No. 13 of 2000, as amended

² Act No. 36 of 2000

³ Act No. 4 of 1999

⁴ TRU FM’s Broadcasting Service Licence

3.1. Geographic Coverage Area

Clause 3 of TRU FM's schedule to the licence provides that the licensee's coverage area is...:

"The geographic coverage area is as defined in the map attached to the radio frequency spectrum licence".

The Licensee's frequency spectrum licence⁵ stipulates that the radio station covers the following areas: East London, King Williams Town and Queenstown. The SABC confirms that its coverage area is as defined in its frequency spectrum licence.

In the year under review, the Authority received no complaints alleging that the Licensee is in contravention of its frequency spectrum licence.

The Licensee complies with clause 3 of its licence.

3.2. Language(s)

Clause 4 of TRU FM's schedule to the licence stipulates that TRU FM's language split is as follows:

"Principal Language: 60% English and 40% isiXhosa".

The Authority's monitoring exercise found that TRU FM's main languages of broadcast on TRU FM are indeed English and isiXhosa, with English dominating throughout the profile.

The Licensee complies with clause 4 of its licence.

3.3 Format

Clause [5].1 of the schedule to the licence stipulates that:

"The service authorised by this licence forms part of the public service division of the Licensee".

⁵ TRU FM's Frequency Spectrum Licence

Clause [5].2 adds that:

"The licensed service shall provide a service with an Urban Contemporary Music Format".

A monitoring exercise on TRU FM's programming profile confirmed that the radio station is a public radio station of the SABC and offers a full-spectrum service with an Urban Contemporary Music format to its audience, as outlined in the licence.

The Licensee complies with clauses [5].1 and [5].2 of its licence.

3.4 Local Content Obligations

Clause 6 of the schedule to the licence sets out the following obligation:

"In each licence year, the Licensee shall, within thirty (30) days of end of the quarter, submit to the Authority written records indicating the extent of:

6.1 different genres; and

6.2 South African Music Content, in programme material broadcast on the licensed service during that quarter, in each instance, distinguishing between genres, providing the relevant details in relation to prime time and the period between 05h00 and 23h00 daily ("the South African broadcast period"), and expressing relevant details both as an aggregate in minutes and as a percentage of the total of all such programming material".

In the year under review, the Licensee submitted its quarterly reports as prescribed by clause 6 of its licence and the Compliance Procedure Manual Regulations.

3.5 GENERAL PROGRAMMING OBLIGATIONS

Hereon further, this report will outline the findings on TRU FM's performance, based on the monitored recordings for the period under review.

3.5.1 General

Clause 7.1.1 of the schedule to the licence stipulates that:

"The Licensee shall ensure that its programming adequately reflects the diversity of South Africa's religions".

The SABC's editorial policy⁶ makes the following provision:

"Religious programmes should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups."

The Licensee's religious programming was identified as reflecting the religions of the isiXhosa speaking community in the Eastern Cape and is mostly based on Christianity.

The Authority's monitoring exercise found the following programmes which identified as religious content that is suited for the isiXhosa speaking community.

- *"Hlalani Kum Nam ndihlale kuni"* broadcast between Monday and Friday in the three hours starting 19h00 until 22h00 and then again on Sunday between 18h00 and 21h00.
- *"Isingqi seZulu"* goes to air on Sundays between 06h00 and 09h00 and is a gospel music show which features local and international gospel musicians.

TRU FM complied with clause 7.1.1 of the schedule to its licence.

Clause 7.1.2 of the schedule to the licence stipulates that:

"The Licensee shall take reasonable steps to provide programming that reflects the cultural and tradition needs of its audience".

In the year under review, the Authority's monitoring exercise found that, TRU FM's programming carries content that is reflective of the cultures and traditions of the people living in the Eastern Cape.

The Authority's monitoring exercise found that the topics in different shows would somehow reflect on different cultures and traditions. "After Hours" and "Incoko" are such programmes that discuss topics of different traditional practices and their packaging is anchored on the cultures of the ages groups and societies that TRU FM serves.

⁶ An Extract form the Licensee's Editorial Policy

TRU FM complied with clause with clause 7.1.2 of the schedule to the licence.

Clause 7.1.3 of the schedule to the licence stipulates that:

"The Licensee shall, during the South African performance period, provide programme material that caters and has due regard for the interests of all sectors of South African society and shall provide programming on health-related issues, gender issues relevant to all age groups".

The Authority's monitoring exercise found that the TRU FM's programming profile caters for the interests of all sectors of the South African society – within the Eastern Cape community. The following programmes were identified to cater for all sectors of South African society and featured programmes on health and gender-related issues relevant to all age groups:

- *"Incoko"* – an everyday 30-minute insert between 18h30 and 19h00. This show tackles different lifestyle and everyday life issues. The topics offered would cater for different sectors in that the show is not focused on just one sector of society.
- *"The Avenue"* – catering and carrying educational content for children was identified between 15h00 and 18h00 on Saturdays. All aspects of growing up from the classroom to being a teenager were identified as topical issues during this programme.
- *"Hlalani Kum, Nam ndihlale kuni"* – catering and carrying content that addresses Christian believers of all ages and physical orientations.
- *"The Chase"* – a weekend breakfast show that provides information on and advice on different lifestyle topics.

The Licensee complies with clause 7.1.3 of its licence.

3.5.2 News and Current Affairs

Clause 7.2.1 of the schedule to the licence stipulates that:

"The Licensee shall broadcast at least sixty (60) minutes of news programming each day during the South African performance period".

The SABC's quarterly reports submit that TRU FM broadcasts an average of at least 69 minutes of news each day during the South African performance period.

TRU FM broadcasts at least 14 news bulletins between 06h00 and 19h00 everyday during the week. Each news bulletin was observed to be around 5 minutes long including salutations, thus totalling 70 minutes of news per day during weekdays. TRU FM's news scheduling changes over the weekend with just 12 news bulletins at 5 minutes each. The Licensee's news output is 60 minutes of news per day over the weekend. All news bulletins were presented during the South African Performance Period.

Among the news stories covered for the period under review were excerpts from certain broadcasts, as follows:

- *The Chris Hani District municipality has confirmed the recovery of two bodies which were swept away by heavy rains in Komani and surrounding areas. The heavy downpours have left a trail of destruction in four local municipalities with two people reported to have gone missing in Cofimvaba yesterday. The Disaster Management Team, Emergency Services and the South African Police Services are still searching for more people who may have been swept away by the floods. The Spokesperson for the Chris Hani District Municipality, Bulelwa Ganyaza, more bodies were recovered last night. [Crossover to a pre-recorded interview with Ms Bulelwa Ganyaza for the Chris Hani District Municipality].*
- *The Kwa-Zulu Natal Premier has urged residents to stay indoors and remain vigilant if they are on the road as heavy rains continue across the province. Heavy downpours are also experienced in parts of Limpopo, Gauteng, Free State, Mpumalanga and the Eastern Cape Provinces. More rains and thunderstorms are forecast for today in these provinces. The KZN government says it remains on high alert as the inclement weather persists. Some roads in the area have been closed due to poor visibility as the rainy weather continues to sweep through the province. [Crossover to a pre-recorded interview with Ms Gugu Sisilana for the Office of the Premier in KZN].*

- *Government has joined the nation in sending condolences following the passing of musician, Kenan Forbes, known as AKA.*
- *A team of detectives from the Police Organized Crime Unit has taken over the investigation into the murder of Forbes and longtime friend, Tebello Tibz Motsoane who was shot on Friday night outside a restaurant in Durban. Speaking at an Ubuntu Awards event in Cape Town, International Affairs Minister, Naledi Pandor, says Forbes was a truly talented musician. [Crossover to a pre-recorded speech by Naledi Pandor].*
- *Justice minister Ronald Lamola says journalists should be able to gain unhindered access into the Courts of the Country. He was addressing a Council Meeting of the South African National Editors Forum in Cape Town yesterday. Lamola says access to some Magistrates courts is often hindered due to security guards not being informed or the Magistrate refusing access. The Minister says they are looking into the matter. [Crossover to a pre-recorded interview with the Correctional Services Minister, Ronald Lamola].*

The Licensee complies with clause 7.2.1 of its licence.

Clause 7.2.2 of the schedule to the licence stipulates that:

"The Licensee shall broadcast at least thirty (30) minutes of current affairs programming each day during the South African performance period".

The SABC's quarterly submission suggests that the radio station broadcasts (on average) at least 51 minutes of Current Affairs Programming each day, during the South African performance period.

The Authority's monitoring exercise found that TRU FM schedules at least 350 minutes of Current Affairs programming per week. This then translates to a daily (each day on average) output of 60 minutes of Current Affairs Programming.

The monitoring exercise found the following Current Affairs programming:

- *TRUNews Hour @11*: During weekdays between Monday and Friday at 11h00 until 12h00;
- *TRU News at Six* : During weekdays between Monday and Thursday at 18h00 until 18h30;
- *Interchange*: On Saturdays between 05h30 and 06h00;
- *News Review*: On Sundays between 17h00 and 18h00.

The Licensee complies with clause 7.2.2 of its licence.

Clause 7.2.3 of the licence stipulates that:

"The Licensee shall in the production of its news and current affairs programming:

- i. Exercise full editorial control in respect of contents of such programming;*
- ii. Include matters of international, national, regional and where appropriate, local significance;*
- iii. Meet the highest standards of journalistic professionalism;*
- iv. Provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference; and*
- v. Provide a reasonable opportunity for the public to receive a variety of points of view on matters of public concern".*

The SABC's editorial policies echo the provisions of this clause. The Licensee's policies also prescribe that the Licensee will exercise full editorial control in respect of the contents of its programming. The editorial policies demonstrate that the SABC endeavours to meet the highest standards of journalistic professionalism.

During the period under review, the monitoring exercise found that TRU FM offers its overall news and current affairs programming in a fair and unbiased manner. The monitoring exercise did not find any signs of undue influence on the TRU FM's news and current affairs programming.

The monitoring exercise found that TRU FM's news and current affairs programmes include matters relating to the whole world, including the Licensee's coverage area. In its broadcast of current affairs programming, the Licensee provides an

opportunity for the public to receive a variety of points of view on matters of public concern.

The Licensee complies with clause 7.2.2 and clause 7.2.3 of its licence.

3.5.1 Programming Targeted at Children

Clause 7.3.1 of the schedule to the licence stipulates that:

"The Licensee shall in the provision of the licensed service, broadcast at least thirty (30) minutes of programming targeted at children (as contemplated in section 10 (1) (g) of the Broadcasting Act) per week during the South African performance period".

Clause 7.3.2 of the schedule to the licence stipulates that:

"In the production and presentation of its children's programming, the Licensee shall ensure that such children's programming is:

- (i) broadcast at times of the day when children are available to listen;*
- (ii) targeted at and appropriate for children between the ages of nought (0) to six (6) years and seven (7) to twelve (12) years respectively;*
- (iii) educational and is made from children's point of view".*

The SABC's quarterly submission suggests that TRU FM broadcasts at least 30 minutes of children's programming per week during the South African performance period.

The Authority found a variety of shows that feature programmes that fit the definition of children's programming as here above. The various engagements and topics discussed in the following programmes served to address the area of children's programming on TRU FM:

- *"The Chase"* – Saturdays between 08h30 and 09h00;
- *"The Avenue"* – Saturdays between 15h00 and 18h00.

Both programmes feature an SABC Education insert which would sometimes fit the description of children's programming as defined. The programmes are part

of SABC Education and feature characters known to children from the Sanlam and SABC Education initiatives. However, *"Isingqi seZulu"* features a permanent thirty (30) minute insert that is purely for children between the ages zero (0) to twelve (12) years of age.

TRU FM complies with clause 7.3.1 and clause 7.3.2 of its licence.

3.5.2 Educational Programming

Clause 7.4 of the schedule to the licence stipulates that:

"The Licensee shall broadcast at least two (2) hours of educational programming (as contemplated in section 10 (1) (e) of the Broadcasting Act) per week within the South African performance period".

The SABC submits that TRU FM provides seven (7) hours of educational programming, per week, during the South African performance period.

In the year that this report seeks to review, the Authority's monitoring exercise found that TRU FM broadcasts approximately 450 minutes – translating to 7 hours 30 minutes – of educational programming per week during the South African performance period.

The programmes that were found to carry Educational Programming content, are the following:-

- *Incoko*: Broadcast every weekday in the 30 minutes between 18h30 and 19h00
- *The Chase*: on Saturdays features a 1-hour long segment that is dedicated to Educational Programming aimed at children.
- *The Avenue*: a three-hour lifestyle show on Saturdays, featuring SABC Education slots that address classroom needs for children and teenagers.
- *UpSkill*: On Sundays between 21h00 and 22h00.

TRU FM complies with clause 7.4 of its licence.

3.5.3 Informal Knowledge Building Programmes

Clause 7.6 of TRU FM 's broadcasting service licence provides as follows:

"The Licensee shall broadcast at one (1) hour of informal knowledge-building programming per week within the South African performance period ".

TRU FM reports to have aired an average weekly output of at least 22 hours of Informal knowledge-building programming per week during the South African performance period.

The Authority's monitoring exercise found at least 34 hours of Informal knowledge-building programming during the South African performance period.

The following IKB programmes were found during monitoring:

- *"TruMornings"*: broadcast Monday to Friday between 06h00 until 09h00.
- *"Lunch Time Shandis"*: broadcast between 12h00 and 15h00 during weekdays.
- *"The Sunday Cruise"*: between 15h00 and 17h00 on Sundays.
- *"After Hours"*: between 21h00 and 23h00 on Sundays

The Licensee complies with clause 7.4 of its licence.

3.6 Training and Skills Development Obligations

Clause 8 of schedule attached to the licence stipulates as follows:

8.1 *"The licensee must adopt and implement equal opportunity employment practices;*

8.2 *The licensee must ensure that its management and staff are representative of South African society and that its human resource policies takes into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons;*

8.3 *The licensee shall endeavour to achieve fair and reasonable participation by historically disadvantaged persons with respect to:*

- a) *its management and control structures;*
- b) *skills development;*
- c) *enterprise development; and*
- d) *procurement*

8.4 *The licensee must, within thirty (30) days of the end of each financial year, provide the Authority with written information regarding its compliance with the above requirements”.*

The SABC’s Employment Equity and Transformation report for the year ended February 2023 zooms in on the licensee’s efforts to comply with clause 8 and the subclauses. Notably, the Licensee continues to maximise its employment of people from historically disadvantaged backgrounds. In the year that ended February 2023, the SABC absorbed, into its workforce, one hundred and twenty six (126) interns out of one hundred and sixty-three (163) that completed the 2022/2023 internship programme with the Licensee.

Women continue to get into high positions within the Licensee and people from previously disadvantaged groups make up the majority at the executive level. The Licensee’s five-year target is to have at least 51.7% women making up the entire workforce by September 2025. The SABC has already reached the 2025 target; currently, women make up 52% of the Licensee’s employees, and they are represented at all occupational levels. The SABC’s Employment Equity report shows that the Licensee’s employment practices strive to promote a fair and equitable representation of race and gender at all levels.

Table 1: SABC’s 2025 Employment Equity Targets (Control/Management Echelon) against 2023 Actuals

Employment Category	September 2025 Target	February 2023 Actual
Black Board of Directors with Voting Rights	50%	85.72%
Female Board of Directors with Voting Rights	25%	33%
Black Executive Directors (GCEO, COO, CFO)	50%	66.67%
Black Female Executive Directors (GCEO, COO, CFO)	25%	0%
Black Executive Managers / Senior Management	60%	88 %
Black Female Executive Managers/Senior Management	30%	32%
Black Middle Management	75%	83%

Black Female Middle Management	38%	42%
Black Junior Managers	88%	93%
Black Female Junior Managers	44%	49%
Black People with Disabilities	2%	2%

Towards its obligation as laid out in clause 8.3 (b) and its Workplace Skills Plan, the SABC delivered one thousand three hundred and sixty-eight (1368) training interventions in the past reporting year. Eight hundred and seventy-six (876) employees took part in the training interventions and 96.5% of the participants were persons from historically disadvantaged groups.

The SABC's reports on employment equity and skills development were received within the time frame specified in the License, thus complying with clause 8.4.

The SABC complied with its training and skills development obligations per the licence.

3.7 Provision of Audited Financial statements to the Authority

Clause 9 of the licence stipulates that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within six (6) months of the end of the licensee's financial year, provided that the licensee may on good cause apply to the Authority for extension".

The Licensee submitted its audited annual financial statements within the stipulated timeframe.

The Licensee complied with clause 9 of its licence.

4. REGULATIONS

4.1 Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A⁷ which reports on all complaints received in the course of each financial year. The SABC submitted its complaints report in accordance with the Compliance Procedure Manual Regulations.

According to the above-mentioned submission, there have been no complaints received against TRU FM in the year that ended March 2023.

4.3 ICASA South African Music Content Regulations

Regulation 3 of the ICASA South African Music Content Regulations 2016⁸ stipulates that:

"A holder of a public sound broadcasting licence must ensure that after eighteen (18) months from the date of gazetting of these Regulations, a minimum of 60%, increasing to 70% in the following year, of the musical works broadcast in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period."

The Licensee's music playlist is dominated by works of South African musicians. TRU FM's music content is made up of approximately 70% South African Music (measured on an average 3-hour show).

The following music artists enjoy airtime on TRU FM's music playlist: Makhadzi, Prince KB, Nomcebo Zikode, Sjava, Master KG, Nandi Mngoma, Casper Nyovest, Proverb, AKA, Ricky Rick, Thandiswa Mazwai, Busiswa, Big Zulu, Mafikizolo, Something Soweto, Micasa, Lebo Sekgobela, Malibongwe Gcwabe, Kelly Khumalo, Hlengiwe Mhlaba, Amadodana aseWesile, Sifiso Ncwane and many other artists whose music ticks the "South African Music" box requirements.

TRU FM complies with Regulation 3 of the South African Music Content Regulations.

4.4 Standard Terms and Conditions for individual broadcasting licences

⁷ SABC Form 12A

⁸ ICASA South African Music Content Regulations

Regulation 11 (3) of the standard terms and conditions⁹ stipulates that:

"A station must clearly identify itself at intervals of not more than thirty (30) minutes."

TRU FM's jingles/announcements were identified frequently during the period under review and these broadcasts were at intervals of not more than ten (10) minutes apart. The jingles/announcements always carried the name and frequency location of the Licensee. Furthermore, no non-compliance was detected by the Authority with the standard terms and conditions for individual licences.

TRU FM complied with the regulations on standard terms and conditions for individual licensees.

4.5 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations¹⁰ stipulates 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".*

The Licensee made the prescribed payment and submitted proof thereof to the Authority, therefore complies with the USAF Regulations.

5. CONCLUSION

TRU FM sufficiently complies with the licence terms and conditions and all Regulations applicable to the Licensee.

6. TERMS OF REFERENCE

⁹ Regulations regarding the Standard Terms and Conditions for Individual Licensee's

¹⁰ Universal Service and Access Fund Regulations

Appendix A: TRU FM's Broadcasting Service Licence

Appendix B: TRU FM's Frequency Spectrum Licence

Appendix C: SABC Editorial Policy (An extract)

Appendix D: SABC's Employment Equity Report

Appendix E: SABC's Skills and Development Report

Appendix F: SABC's Form 7C

Appendix G: SABC's Form 12A

Appendix H: Local Content Regulations

Appendix I: Standard Terms and Conditions Regulations good morning

Appendix J: Universal Service and Access Fund Regulations.

END