



VUT FM ANNUAL COMPLIANCE REPORT

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2022/2023 ANNUAL COMPLIANCE REPORT

VAAL UNIVERSITY OF TECHNOLOGY BROADCASTING AS VUT FM

LICENCE PERIOD: 25 October 2018 to 24 October 2023

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 Act (ECA)² and the Broadcasting Act³ to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority is to monitor compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The purpose of this report is to give an account of the compliance status of VUT FM for the 2022/2023 financial year. Aspects of compliance that are measured comprise of the Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

Further, the report will measure compliance with the Regulations that include South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fee and Code of Conduct for Broadcasters.

2. BACKGROUND

VUT FM hold a Class Sound broadcasting service licence⁴. The radio station's mandate is to provide sound broadcasting service to the Vaal University Technology and the broader community in the Gauteng Province, as set out in the Licensee's radio frequency spectrum licence.⁵

3. COMPLIANCE ASSESMENT

¹ Independent Communications Authority of South Africa Act, Act No. 13 of 2000, as amended

² Electronic Communications Act No. 36 of 2005

³ Broadcasting Act No. 4 of 1999

⁴ Appendix A: VUT FM broadcasting licence

⁵ *Ibid*

3.1 Control Structure

Clause 1 of the licence states that:

"The Licence is issued to:

1.1 Name of Company/Entity: Vaal University of Technology.

1.2 Name of the Station: VUT FM.

1.3 Control of the licence: Control shall vest in the Board of Directors of Vaal University of Technology."

There were no changes reported by the Licensee to its control structure during the period under review. The Licensee is still Vaal University of Technology. The control of the Licensee is still in the hands of Vaal University of Technology.

The Licensee complies with clause 1.1 to 1.3 of the licence.

3.2 Licence Period

Clause 2 of the licence states that:

"2.1 The effective date of the licence is 25 October 2018

2.2 The licence shall expire on the 24 October 2023"

VUT FM's licence is effective from 25 October 2018 to 24 October 2023.

The Licensee submitted the renewal application on time.

The Licensee complies with clause 2 of the licence.

3.3 Geographic Coverage Area

Clause 3 of the licence stipulates that:

"The Licensee shall provide services the Vaal University of Technology and the broader community in the Gauteng Province, as set out in the Licensee's radio frequency spectrum licence".

VUT FM provides services to the areas stipulated in its licence.

The Licensee complies with clause 3 of the licence.

3.4 Community

Clause 4.1 of the licence states that:

“The licensee shall provide services to a community of interest which comprises of the Vaal University of Technology community and the broader community in the Gauteng Province as set out in the Licensee’s radio frequency spectrum licence.”

VUT FM provides sound broadcasting services to a community of interest which comprises the Vaal University of Technology community and the broader community in the Gauteng Province as set out in the Licensee’s radio frequency spectrum licence.

The Licensee complies with clause 4.1 of the licence.

Clause 4.2 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 attendance thereof by members of the community; and

4.2.3 The Licensee shall hold an Annual General Meeting (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 has held its two meetings with its community on, 28 June 2022 and 07 September 2022 respectively and submitted the minutes of the meetings but did not send the signed attendance registers.

The Licensee is a university which is governed by the Higher Education Act and is not required to hold an AGM in terms of the Higher Education Act. However, as a Licensee of ICASA, VUT is required to convene an AGM, for purposes of providing feedback to its student community.

The Licensee does not comply with clause 4 of its license.

3.5 Programming

Clause 5.1 of the licence states that the Licensee shall provide programming as follows:

5.1.1 Talk vs. Music: 60% Talk and 40% Music.

Sixty per cent (60%) talk during the performance period weekly, is equal to three thousand five hundred and twenty-eight (3528) minutes per week.

The Licensee did submit the log-sheet indicating the average minutes of talk and music broadcast by VUT FM per week.

The licensee complies with subclause 5.1.1 of the licence.

5.2 "Local News and information:

5.2.1 The Licensee shall broadcast a total of 40 minutes of news per day. This shall include news from the community produced by the station on issues affecting the identified community.

The Licensee submitted their log sheet Form 8A which indicates that the licensee does approximately 34 (thirty-four) to 35 (thirty-five) minutes of news per day. However, the monitoring exercise revealed that VUT FM broadcasts news bulletins every hour between, 07h00 and 17h00 on weekdays. The bulletins are broadcast for approximately three (4) minutes. On average, a total of forty (40) minutes including community news is broadcast each day, during the South African performance period. The news monitored includes local, regional, national, and international news.

Some of the news excerpts monitored were the following:

- *"The work that was put in by the class of 2022 matriculants and teachers of Thutolare Secondary School in Vuka Sharpeville has reaped amazing results. The school achieved 78.3% pass rate for the class of 2022. This makes it a 14% increase from the 64.5% that the school obtained in 2021. Sesotho, English, Life Orientation, Technical Science, Engineering, Graphic Design, Civil Technology, Technical Science and Welding are amongst the subjects that the class of 2022 excelled in. Speaking without any hesitation to the media. The school principal Mr Thabo Lehobo said that hard work and*

dedication truly pays off. Lehobo further said that the achievement was not without any struggles and stumbling blocks along the year, but they persevered going forward Lehobo said that with the class of 2023 the school has put in strategies in place that they aim to achieve much more than the pass year."

- *"Kuvulwe enzinye igedi ezimbili kwakhona ku Vaal dam ngomgqibelo ukuzama ukuphungula umtamo wamanzi kulolu damu. Intoleyo ezakudala impuphuma ku phondo lwase Northern Cape. Ukuvulwa kwalezi gedi ezimbili kulibeka kuyinani kwezi gedi ezi shumu na mbili kanti abahlali baya celwa ukuba bapaphele banga phulukani no bomi babo ngenxa yamanzi. Udize isebe lozolondolozu yamanzi ne ndalo. Othethela isebe lamanzi ku Vaal dam ne Orange river kudala inpuphumo zamanzi e Northern Cape kuba lamanzi apuphuma kulemi lambo ahamba ngemizila yemilambo ayongena onakalise xa engena e Northern Cape. Kanti amakhaya ama ninsi agubungelwe ngamanzi noshishino luchatshazelwe amanzi, imizi ekufushane nemilambo e Vaal dam."*

The licensee complies with sub-clause 5.2.1 of the licence.

5.3 Local Content Obligations:

5.3.1 South African Music Content: The Licensee shall broadcast a South African music content of 80%.

The Licensee submitted Form 8A, indicating the average of the South African music content broadcast each week.

The monitoring exercise revealed that the Licensee broadcast 80% of South African content. Some of the artists found during the monitoring exercise are Yanga Chief, Winnie Mashaba, Noluva, DJ Sumbody, Black Motion and Nolwazi

The licensee complies with sub-clause 5.3.1 of the licence.

5.4 Language(s) of broadcast:

5.4.1 English – 60%;

5.4.2 Afrikaans –10%;

5.4.3 Sesotho (including Northern Sotho, Sotho Sotho and Setswana) – 20% and

5.4.4 Nguni (isiXhosa and isiZulu) – 10%.

The monitoring exercise revealed that VUT FM broadcasts in English and Sesotho and Nguni.

The licensee complies with clause 5.4 of the licence.

Clause 5.5 of 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 proforma of the log to be kept will be supplied by the Authority."

The Licensee submitted the log of programmes broadcast to the Authority as required by clause 5.5.

The licensee complies with clause 5.5 of the licence.

4 PROMISE OF PERFORMANCE

8.1 The Licensee establish and maintain a democratically elected advisory panel that includes representatives of community-based organisations, non-governmental organisations, culture organisations and individual members of the community;

The licensee did not submit proof of a democratically elected advisory panel that includes representatives of community-based organisations, non-governmental organisations, culture organisations and individual members of the community.

The Licensee does not comply with clause 8.1.

8.2 The Licensee shall have regular meetings with its university community and the broader community;

The licensee held meetings with its university community proof of such meetings where submitted.

The Licensee complies with clause 8.2.

8.3 The Licensee shall broadcast programmes relating to women's education and entertainment;

The monitoring exercise revealed that the licensee broadcasts programmes relating to women's education and entertainment.

The Licensee complies with clause 8.3.

8.4 60% of the Licensee's talk programme shall be aimed at education, communication, entertainment, information, development and empowerment;

The monitoring exercise revealed that the Licensee's talk programme is aimed at education, communication, entertainment, information, development and empowerment.

The Licensee complies with clause 8.4.

8.5 The Licensee shall broadcast programme related to children, youth, adults, the elderly and the disabled.

The monitoring exercise revealed that the licensee does broadcast programmes related to children, youth, adults the elderly and the disabled.

The Licensee complies with clause 8.5.

5 REGULATIONS

5.1 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 complies with the Compliance Procedure Manual Regulations

5.2 South African Music Content Regulations⁶

Regulations 3 (3) of the Regulations on South African Music Content as published on 23 March 2016 provides that:

"A holder of a community sound broadcasting service licence must ensure that after eighteen months of the gazetting of these regulations, a minimum of 60%, increased by 10% annually to reach 80% of the musical work in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period⁷".

⁶ Appendix B: ICASA South African Music Content Regulations 2016

⁷ *Ibid*

The monitoring exercise revealed that the Licensee broadcast 80% of South African content. Some of the artists found during the monitoring exercise are Yanga Chief, Winnie Mashaba, Noluva, DJ Sumbody, Black Motion and Nolwazi amongst others.

The Licensee complies with the ICASA South African Music Content Regulations

5.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences⁸

During the year under review, the Licensee did comply with the standard terms and conditions for class licences.

VUT FM complies with Standard Terms and Conditions for Class Broadcasting Service Licences.

6. CONCLUSION

VUT FM was generally compliant with most provisions of its licence conditions and applicable regulations in the past. The Broadcasting Compliance Unit has provided workshops to the Licensee and most of the issues were addressed accordingly with the Licensee to improve their non-compliance.

7. TERMS OF REFERENCE

Appendix A: VUT FM broadcasting licence

Appendix B: ICASA South African Music Content Regulations 2016

Appendix C: Regulations Regarding Standard Terms and Conditions for Class Licences 2016

END

⁸ Appendix C: Standard Terms and Conditions for Class Licences 2016