



SMU FM ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/2018 ANNUAL COMPLIANCE REPORT

SMU FM

Licence Period: 03 November 2015 - 02 November 2020

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ (ECA) and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or regulations.

The following report is intended to give an account of SMU FM's performance for the 2017/2018 financial year. Aspects of compliance that are measured comprise of the Licence Area, Community Participation, Programming, South African Music Content Regulations, Regulations regarding Standard Terms and Conditions for Class Licensees and Regulations on the Code on People with Disabilities.

2. BACKGROUND

SMU FM is a class broadcasting service Licensee serving an interest-based community of students and learners residing within the geographic coverage area of Sefako Makgato Health Sciences University campus under Tshwane Metropolitan Municipality. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 1000⁵.

3. COMPLIANCE ASSESSMENT

3.1 Licensee Details

Clause 1 of the licence stipulates that:

1.1 Name of entity: SMU FM

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

² Act No. 13 of 2000, as amended

³ Act No. 36 of 2005

⁴ Act No. 4 of 1999

1.2 Name of the Station: SMU FM

1.3 Control of Licensee: Control shall vest in the Board of Directors of a non-profit organization registered as SMU FM 069-288 NPO

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

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

3.2 Licence Period

Clause 2 of the licence stipulates that:

2.1 The effective date of the Licence is 03 November 2015

2.2 The Licence shall expire on 02 November 2020

SMU FM's licence was renewed and is valid to 02 November 2020.

The Licensee complies with clause 2 of the schedule to the licence.

3.3 Licence Area⁶

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

"The Licensee shall provide services in Ga-Rankuwa and surrounding areas in the City of Tshwane Metropolitan Municipality 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 2 of the licence.

3.3 Community

⁶ SMU FM service and spectrum licence

Clause 4.1 of the licence provides that:

"The Licensee shall provide services to an interest based community of students and learners residing within the geographic coverage area specified herein namely Sefako

Makgato Health Sciences University campus and its immediate surrounds within the Tshwane District Municipality".

The Licensee provides broadcasting services to areas in and around Ga-Rankuwa in Tshwane Metropolitan Municipality. The Licensee's footprint includes Akasia; Soshanguve; Mabopane and Winterveldt.

The Licensee complies with clause 3.1 of the licence.

Clause 4.2 of 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 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".

The radio station did not submit any proof of meetings with the community on programming and programme related matters as required by the licence.

The Licensee did not comply with clause 4.2.1 and 4.2.2 of the licence.

"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, subject to the Licensee's founding documents".

During the period under review, the Licensee did not hold an AGM with its members to report on its overall performance or to elect a new controlling structure. The Authority was not appraised on what challenges led to the Licensee not holding these general meetings. Furthermore, being a campus radio station, it is common practice that along with the university's annual reporting, the station is also obliged to report on its compliance with its own licence conditions. That seems to have not been the case with SMU FM.

The Licensee did not comply with clause 4.2.3 of the licence.

3.3 Programming

Clause 5.1.1 of the service licence provides for the radio station's format as follows:

"Format: 60% music and 40% talk".

The monitoring exercise found that SMU FM broadcasts 50% talk and 50% music. *On the program WCT - The Wave Change* which airs weekdays between 12h00 – 15h00, light topics on entertainment and lifestyle are discussed. In between shows there is a segment called SMU Health Tip which provides short health advice to listeners in line with the university's identity of being a medical college. The following health tip was monitored:

"Saturated fats: We all need some fats in our diet, but it's important to pay attention to the amounts and type of fats we're eating. There are two main types of saturated fats. Saturated and unsaturated. Too much saturated fats can lead to an increase in the amount of cholesterol in your blood, which increases your risk of developing heart disease. The average man should have no more than 30 grams of saturated fats a day. The average woman should have no more than 20 grams of saturated fats a day and children should have less than adults. Saturated fats is found in many foods such as hard cheese; cakes; biscuits; sausages; cream; butter; lard and pies. Try to cut down on your saturated fats intakes and chose foods that contain unsaturated fats instead. Such as vegetable oils; oily fish and avocados- SMU Healthy Tip"

The Licensee does not comply with clause 5.1.1 of the licence.

3.4 News and Information

Clause 5.2.1 of the schedule to the licence provides that:

"The Licensee shall broadcast a total of thirty five minutes (35) of news per day, twenty five (25) minutes shall be news from the community produced by the radio station on issues affecting the community".

The Licensee did not provide proof of news produced originally by the radio station as stated in clause 5.2.1 above. Although some of its news content is about the coverage area, the news items themselves are not originally produced by the station. This was verified through a search of the news transcript through google search which revealed that the Licensee sources news from other news agencies and this is not disclosed by the Licensee. News bulletins are approximately four (4) minutes consisting of local news and some national news items.

The following news items were identified:

- *"Tomba police are denying allegations that they are protecting nyaope dealers in that area. Local residents made this serious allegation at a community meeting at Sebothoma Hall yesterday. They allege that the nyaope dealers were known and were not arrested because they enjoy high level protection from the police. One of the community members says nyaope is a big problem in their community and police are friends with drug dealers and they get paid for protecting those dealers. Police spokesperson, Herman Moremi says no one has come forward to report such allegations.*
- *Protesters threw raw sewage into Akasia municipal building causing staff to vacate their offices. Residents in the area report seeing a large group of people moving towards the building before they dumped three buckets full of faeces in the foyer. Council Peter Staden said on social media that the attack on the municipal offices follow similar offences throughout the city. The vandals left behind messages saying that they're unhappy with service delivery in Ga-Rankuwa. Ga-Rankuwa residents have been protesting for some time over service delivery in the area. Last year protestors blocked part of Mabopane; Soshanguve and Winterveldt with stones and burning tyres saying they were unhappy about sewage spilling over blocked drains.*
- *Social Development minister Bathabile Dlamini has been accused of lying about when she became aware of her department which failed to meet the 2017 SASSA deadline. Dlamini has been testifying at the weeklong enquiry into her role in the SASSA crisis.*

Despite the Dlamini version that she had only found out about the SASSA crisis in October 2016, she made a reference about an article written in May during the enquiry this week. Adding that in the information of her of the looming SASSA crisis. Advocate Richard Solomon representing former CEO of SASSA Thokzani Makwaza asked Dlamini about her questionable timeline. Dlamini will be back today for the fourth day.

- *The late former leader of Bophuthatswana will be buried on Saturday. Lucas Mangope died last week in North West Province. A memorial service was held for him yesterday in Motswedi. Spokesperson for the province Brian Setswambung says the Premier Supra Mahumapelo is amongst those expected to attend the funeral. Mangope left a mixed legacy with some praising him for quality of education and other services during his reign while others recounted abuse suffered under his region."*

The Licensee did not fully comply with 5.2.1 of the licence.

Clause 5.3.1 of the licence states that:

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

The monitoring exercise found that the radio station broadcasts 35% of South African music content per week. Most of the music played during the period under review consists of foreign music.

The Licensee did not comply with clause 5.3.1 of the schedule to its licence.

3.5 Language(s) of broadcast

Clause 5.4 of the schedule to the licence provides that the languages of broadcast are as follows:

5.4.1 60% Setswana; and

5.4.2 40% English.

The Authority's monitoring exercise found that the Licensee's languages of broadcast are Setswana and English. These languages are used interchangeably across programs as well as during different news bulletins.

The Licensee complies with clause 5.4 of the licence.

Clause 5.5 of the licence states that:

"The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A pro-forma of the log to be kept will be supplied by the Authority"

The Licensee does not submit monthly logs of programmes broadcast in accordance with the Compliance Procedure Manual regulations.

The Licensee does not comply with clause 5.5 of the licence.

3.6 Notices and Addresses

Clause 6.1 of the service licence stipulates that

"The contact person for the Licensee shall be:

6.1.1 Name: Mrs Patrick Morathi

6.1.2 Tel: 012 521 5812

6.1.3 Fax: 012 521 4418

6.1.4 Cell: 071 194 6085

6.1.5 Email: Patrick.morathi@smu.ac.za

The Authority is aware that this contact person is no longer at the station. The Licensee has not filed the relevant Form L notification to change the contact details thereof.

The Licensee does not comply with clause 6.1 of the schedule to its licence.

4. REGULATIONS

4.1 South African Music Content⁷

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

"A holder of a community sound broadcasting licence must ensure that after eighteen (18) months of the gazetting of these regulations, a minimum of 60%, increasing by 10% annually to reach 80% 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".

For the period under review, the obligation in accordance with the SA Music regulations above was for at least 60% of South African music content to be played by community sound broadcasting Licensees.

The monitoring exercise found that the Licensee does not comply with the above-stated regulations in that the majority of its music content output is foreign music. Artists that can be heard on SMU FM are, amongst others, Drake; Michael Bolton; Whitney Houston; Etta James and many other American artists. A contravention of South African Music Content Regulations is a serious violation that demonstrates that a Licensee is not dedicated to promoting local talent and providing a platform for up and coming musicians. The Authority will raise this matter with the Licensee to take corrective measures.

The Licensee does not comply with South African Music Content Regulations.

4.2 Regulations regarding Standard Terms and Conditions for Class Licences⁸

During the period under review, the Authority became aware that the Licensee has not updated its contact details on its licence.

The Licensee does not comply with the regulations on Standard Terms and Conditions for Class Licences.

⁷ Regulations on South African Music Content

⁸ Regulations on Standard Terms and Conditions for Class Licences

4.3 Regulations on the Code on People with Disabilities

Clause 3.1 (a) of the Code for People with Disability of 2007 provides that:

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

During the period under review, the Licensee did not indicate any measures of complying with the accessibility requirements in accordance with the above Code and therefore do not comply with the requirement.

Furthermore, form 7C: Code on People with Disabilities contained in the Compliance Procedure Manual Regulations requires broadcasting Licensees to annually complete the form in accordance with the Licensee's financial year end.

The Licensee has not submitted the form in accordance with the regulations and therefore does not comply with the provisions of the Code for People with disabilities.

The Licensee does not comply with the Code on People with Disabilities.

5. CONCLUSION

During the period under review, the Licensee has generally not complied with several licence terms and conditions. This demonstrates a symptom of either a disregard for licence obligations as set out by the Authority or a lack of understanding of broadcasting obligations, the Authority will endeavour to assist the Licensee with its obligations and other elements that need improvement on its overall programming. Failure by the Licensee to improve on compliance with the licence terms and conditions, the Licensee none compliance will be escalated to the CCC for adjudication.

6. TERMS OF REFERENCE

Annexure A: SMU FM Class broadcasting service and spectrum licence

Annexure B: Regulations on South African Music Content

Annexure C: Regulations on Standard Terms and Conditions for Class Licences

Annexure D: Regulations on the Code for People with disabilities