



MOTSWEDING FM ANNUAL COMPLIANCE REPORT

MARCH 2019

2017/18 ANNUAL REPORT

SOUTH AFRICAN BROADCASTING CORPORATION ("SABC") BROADCASTING AS MOTSWEDING FM

Licence Period: 18 December 2008 - 17 December 2018

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. One of the main tasks of the Authority is to ensure compliance by broadcasters with the terms and conditions of their licence⁵, the Electronic Communications Act, the ICASA Act, the Broadcasting Act and any relevant legislation and regulations.

This report seeks to give an account of Motsweding FM's performance with its licence terms and conditions as set out in its licence for the 2017/2018 financial year. The report measures key aspects including but not limited to: Geographic Coverage, Languages, Format, Training and Skills Development Obligations, Financial Performance, Regulations regarding Standard Terms and Conditions, Regulations on Prescribed Annual Contribution of Licensees to the Universal Service and Access Fund; General Licence Fees Regulations, SA Music Content Regulations and the Code on People with Disabilities.

2. BACKGROUND

Motsweding FM is an Individual Broadcast Service Licensee of the South African Broadcasting Corporation (SABC). The radio station's mandate is to provide a full radio spectrum service to its audience. The Licensee broadcasts from the studios situated at

¹ The Constitution of the Republic no 108, 1996

² ICASA Act no 13, 2000 as amended

³ Electronic Communications Act no 36, 2005

⁴ The Broadcasting Act no 4 of 1999

⁵ Appendix A: Broadcasting Service Licence

radio Park, Henley Road, Auckland Park, Johannesburg and from the SABC North West, Albert Luthuli Drive, Mafikeng.

The Licensee is accessible to its audience on the frequencies specified in the frequency spectrum licence⁶ granted to it by the Authority. The Licensee has Radio Data System (RDS) identification. The signal distribution service is conducted by Sentech (Pty) Ltd.

3. COMPLIANCE ASSESSMENT

3.1. Ownership and Control

Clause 1.2 of the licence stipulates as follows:

"Name of the Company/Entity: The South African Broadcasting Corporation".

Clause 1.2 of the licence stipulates that the shareholders are as follows:

"Shareholders: The State: 100%"

Clause 1.3 of the licence stipulates that:

"Ownership held by persons from historically disadvantaged groups: NA"

Motsweding FM forms part of the public service of the South African Broadcasting Corporation (SABC) which is 100% owned by the state.

The Licensee complies with the above clauses.

3.2. Geographic Coverage

Clause 2 of the licence prescribes that:

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

According to the frequency spectrum licence, the radio station's coverage areas are: North-West, Northern Cape, Free State, Gauteng and Limpopo.⁷ The Licensee confirms that its coverage area is as defined in its frequency spectrum licence.

⁶ Appendix B: Frequency Spectrum Licence

⁷ Ibid

The Licensee complies with clause 2 of its licence.

3.3. Language(s)

Clause 3 of the licence stipulates that:

"Principal Language: Setswana".

The recordings monitored for the period under review revealed that the Licensee broadcasts a service using Setswana as a principal language. A minimal percentage of English usage was identified, especially during news broadcasts and interviews.

The Licensee complies with clause 3 of its licence.

3.4. Format

Clause 4.1 of the schedule to the licence provides that:

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

Clause 4.2 stipulates that:

"The licensed service shall be a full-spectrum format".

Motsweding FM is categorised as a public radio station of the SABC and offers a full-spectrum service to its audience as outlined in the licence.

The Licensee complies clauses 4.1 and 4.2 of its licence.

3.5. Local Content Obligations

Clause 5 of the licence prescribes that:

"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:

5.1 different genres; and

5.2 South African Music Content, in programme material broadcast in 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".

The SABC submitted its quarterly reports for the period under review. The reports are reflective of a week's sample for each quarter. The SABC is of the view that it is unlikely that programming would change in a week.

The figures below show a breakdown of Motsweding FM's compliance with the quotas set out by the Authority. The figures were verified during the Authority's monitoring exercise from the recordings submitted by the radio station for the period under review.

First Quarter April – June 2017

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Motsweding FM's submission (Minutes Daily/Weekly)	Motsweding FM's Compliance (%)
News	60 min (Daily)	138 min Daily	230%
Current Affairs	60 min (Daily)	102 min (Week Days) 64 min (Saturdays) 65 min (Sundays)	170% 107% 108%
IKB	180 min (Weekly)	2847 min (Weekly)	1582%
Education	300 min (Weekly)	585 min (Weekly)	195%
Children	60 min (Weekly)	87 min (Weekly)	145%
Drama	150 min (Weekly)	141 min (Weekly)	94%

Second Quarter July – September 2017

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Motsweding FM's submission (Minutes Daily/Weekly)	Motsweding FM's Compliance (%)
News	60 min (Daily)	120 min (Daily)	200%
Current Affairs	60 min (Daily)	120 min (Week Days) 60 min (Saturdays) 60 min (Sundays)	200% 100% 100%
IKB	180 min (Weekly)	3015 min (Weekly)	1689%
Education	300 min (Weekly)	525 min (Weekly)	175%
Children	60 min (Weekly)	88 min (Weekly)	147%
Drama	150 min (Weekly)	166 min (Weekly)	111%

Third Quarter October – December 2017

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Motsweding FM's submission (Minutes Daily/Weekly)	Motsweding FM's Compliance (%)
News	60 min (Daily)	120 (Daily)	200%
Current Affairs	60 min (Daily)	99 min (Week Days) 60 min (Saturdays) 60 min (Sundays)	165% 100% 100%
IKB	180 min (Weekly)	3107 min (Weekly)	1726%
Education	300 min (Weekly)	445 min (Weekly)	148%
Children	60 min (Weekly)	80 min (Weekly)	133%
Drama	150 min (Weekly)	2445 min (Weekly)	109%

Fourth Quarter January – March 2018

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	Motsweding FM's submission (Minutes Daily/Weekly)	Motsweding FM's Compliance (%)
News	60 min (Daily)	120 min (Daily)	183%
Current Affairs	60 min (Daily)	104 min (Week Days) 60 min (Saturdays) 60 min (Sundays)	173% 100% 100%

IKB	180 min (Weekly)	2935 min (Weekly)	1630%
Education	300 min (Weekly)	388 min (Weekly)	129%
Children	60 min (Weekly)	84 min (Weekly)	140%
Drama	150 min (Weekly)	165 min (Weekly)	110%

The above quarterly submissions indicate compliance by Motsweding FM with the set quotas during the 2017/2018 financial year.

3.6. General Programming Obligations

The following sections outline the findings on Motsweding FM's performance based on the monitored recordings for the period under review.

3.6.1. General

Clause 6.1.1 of the licence stipulates that:

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

The SABC's editorial policy stipulates that:

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

Motsweding FM broadcasts "Seikokotlelo", "Sethloeng sa Tumelo" and "Rorisang" every Sunday. The programmes include devotion, gospel music and motivational discussions involving different South African cultural and religious denominations.

The Licensee complies clause 6.1.1 of its licence.

Clause 6.1.2 of the licence stipulates that:

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

Motsweding FM's target audience is primarily the Setswana speaking persons. The Authority's monitoring revealed that the radio station's programme content is reflective of the cultural and traditional needs of its audience.

"Ragoga Gee", "Resemeletse" and "Kopa dilalelo" are some of the programmes identified that are more reflective of the Setswana cultural and traditional needs. The programmes research and unpack indigenous customs and traditional topics with experts from various disciplines.

The Licensee complies with clause 6.1.2 of its licence.

Clause 6.1.3 of 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".

Motsweding FM's programme content is made up of a variety of material that caters for the interest of all South Africans and also covers a wide range of social, economic and political issues such as professions for disabled people, health and social welfare.

During the programme, "Resemeletse" there was an interview with Mr. J Matlou from an organisation for lesbian, gay, bisexual, transgender and intersex. The discussion explained the different genders, individual preferences and how Mr. Matlou's organisation ensures that their rights are protected.

The Licensee complies with clause 6.1.3 of its licence.

3.6.2. News and Current Affairs

Clause 6.2.1 of 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 submitted compliance information covering all four (4) quarters for the period under review.

The monitoring exercise revealed that the radio station broadcasts news bulletins every hour on the hour from 05h00 to 22h00 and headlines every half hour. The news bulletins are approximately five (5) minutes. The following were among the news stories covered. All the news bulletins are broadcast in Setswana:

- *"Lefapha ta thuto mo profenseng ya North West la re barutwana ba lone ba matriki ba kgonne go fithlella nako yothle e lathlegileng ya dithuto ka mutso wa ditshupetso tse dikaga thebolelo ya ditirelo. Dithuto di ne di kgurelletse gagangwe le gape ka motso wa ditsupetso tseno monongwaga. North West e na le barutwana ba fetang dikete dile masome a mararo le borataro gotswa go bakanna dikete dile kgolo'arobedi ba ba semollotseng dithlathlobo tsa matriki naga ka bophara gompiano.*
- *"Legotla gaso sa bo setshaba la Afrika Borwa SABC la re le tshwenyegile morago ga go amogela dikitsiso tsa go ikaelela go ngala tiro gotswa mo mekgathlong ya badiri".*
- *"Monnasetulo wa nakwana wa South African Post Office Comfort Mgidi a re SAPO ekile ya tsaya taolo ya go duela madi a titlo ya luago. Tona ya lefapha la thlabollo luago leago Bathabile Dlamini o setse a gorogile ko kwano bosetshaba, kwa SCOPA le komiti ya lefapha la thlabollo luago dikopanang le SASSA le Kantoro ya Poso ya Afrika Borwa . ";*
- *"Presidente ya South African Rugby Mark Alexandre o lebogile kemanokeng ya puso mo maetekong a yone a go tshwara tonamente ya Rugby World Cup ka 2023. World Rugby e thlotse e itsisi go sale khale gore Afrika Borwa ke mamoratwa wa go tshwara tonamente eno ya lefase.";*
- *"Moeteledipele wa Democratic Alliance Mmusi Maimane o rebolletse mmeyara wa Cape Town Patricia Delille le leloko la komiti ya mmeyara wa lefapha la paballesego JP Smith malatse a boikhutso a khethegileng. Bobedi ne bone bo ngapana phatlalatsa tibaedi ele dithlabollo tsa tshireletso tse di direlweng legang la Delille kwa Pinelands";*

Approximately sixty-five (65) minutes of news was monitored daily on weekdays and approximately sixty (60) minutes on weekends during the South African performance period. However, inconsistencies were identified between news information submitted by the Licensee and the monitored news content.

The Licensee complies with clause 6.2.1 of its licence.

Clause 6.2.2 of the licence stipulates that:

"The Licensee shall broadcast at least sixty (60) minutes of current affairs programming each day during the South African Performance Period".

The quarterly reports submitted by the SABC for the period under review indicate that the radio station broadcast an average of five hundred and five (505) minutes of current affairs programming on weekdays and an average of sixty (60) minutes on Saturdays and Sundays during the performance period.

The monitoring exercise revealed that the radio station broadcasts two current affairs programmes every weekday, in the morning from 06h00 to 07h00 during "Boresetse" and in the evening from 18h00 to 19h00 on "Tsele le tsele". The radio station also has a current affairs programme called "Itlhabe Botlhale" on weekends from 13h00 to 14h00. The monitoring exercise found a discussion on current affairs by Professor Mashuke Maserumule on the relevance of a multi-party democratic system.

The radio station's current affairs programmes involve interviews, live field reports, phone-ins and analysis of matters of public interest and broadcast for sixty (60) minutes each. Setswana was a predominant language of broadcast, interspersed with English.

The Current Affairs items monitored include the following items:

- *"Moserelets'i wa setshaba Advocate Busisiwe Mkhwebane one a ntshiwa ka bonako ka kantorong ya gagwe ko Pretoria morago ga go thunya ga peyepi ya meetse. Meetse ane a senya dikwalo tse di bothlokwa tsa bopaki le mo gone gona le tsa dipatlisiso go akaretswa le di diriswa tsa motlakase";*

- *"Presidente ya Zimbabwe Robert Mugabe are puso ya gagwe e tsenya tiriso melawana e etla tsosolosang ekonomi ke bokoe ya naga eo le go matlafatsa tsholofelo ya khwebo. Mugabe o moletong mono Afrika Borwa mme gompieno ene le Presidente Jacob Zuma ba ne ba etelletse dipuisano khareng ga dinaga ka bobedi kwa Pretoria"; and*
- *"SACP mono profensing ya North West ya re go ntshiwa ga maloko a yone pusong ya profense ke amangwe a lekoko le le busang go ntsha gothlelele maloko a SACP a asa ikamanyego le ditaelo tsa lekoko. Lefa go le jalo ANC e ganeditse dipego tseo".*

The Licensee complies with clause 6.2.2 of its licence.

Clause 6.2.3 of the licence stipulates that:

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

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

The SABC's editorial policy stipulates that the licensee must exercise full editorial control in respect of contents of its programming. The editorial policy further indicates that the Licensee endeavours to meet the highest standards of journalistic professionalism. Further, the policy stipulates fair, unbiased and impartial coverage independent from government, commercial or other interference. Furthermore, in its news and programming content it includes matters of International, national, regional and local significance.

The monitoring exercise revealed that Motsweding FM's broadcasts matters of international, national, regional and local significance. In its current affairs broadcast, the radio station provides an opportunity for the public to receive different points of view on matters of public concern (See 6.2.1 and 6.2.2 above).

The SABC's Editorial Policies form part of the SABC's Charter and monitoring of Motsweding FM's news and current affairs programmes demonstrated compliance with clause 6.2.3 of its licence and the Charter as contained in the Broadcasting Act of 1999.

The Licensee complies with clause 6.2.3 of its licence.

3.6.3. Programming targeted at Children

Clause 6.3.1 of the licence stipulates that:

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

The quarterly reports submitted by the SABC for the period under review indicate that the radio station broadcasts an average of eighty four (84) minutes of programming targeted at children during the South African performance period on weekdays and weekends.

The monitoring exercise revealed that Motsweding FM broadcasts approximately twenty (20) minutes of children's programming per day during week days and approximately hundred (100) minutes per week.

Resemeletse between 09h00 and 12h00 is a daily programme from Monday-Friday that focuses on children's matters such as topics about upbringing and ubuntu.

Another children's programme, "Bana ba Motsweding", was monitored. The programme focused on Grade 1: Foundation Phase education. The programme's duration is approximately ten (10) minutes.

The Licensee complies with clause 6.3.1 of its licence.

Clause 6.3.1 of 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) target at and appropriate for children between the ages of nought (0) to six (6) and seven (7) to twelve (12) years respectively; and*

iii) *educational and is made from children's point of view".*

The "Nal'ibali" reading-for-enjoyment campaign was identified during the monitoring exercise. The programme is aimed at helping spark children's potential through storytelling, reading and reading clubs. The programme is broadcast during weekdays between 09h25 and 09h35.

"Bana ba Motswedding", covers education focused on Grade 1: Foundation Phase education. The programme's duration is approximately ten (10) minutes and was broadcast between 09h40 and 09h50.

"Early Childhood Development" and "Takalani Sesame" are part of SABC's educational programmes aimed at providing children informal education. The programme is broadcast daily (Monday to Friday) from 10h20 to 10h30.

The programmes include formal and informal educational material for children between ages of nought (0) to six (6) and seven (7) to twelve (12) years respectively. The programmes are broadcast from a child's perspective.

The Licensee complies with clause 6.3.1 of its licence.

3.6.4. Educational Programming

Clause 6.4 of the licence stipulates that:

"The Licensee should broadcast at least five (5) hours of educational programming per week within the South African performance period".

The SABC's quarterly reports indicate that the radio station broadcasts an average of two hundred and twenty-three (305) minutes of educational programmes per week during the period under review. The programme involves informal educational material for children.

The monitoring exercise revealed that Motsweding FM broadcasts an average of hundred and fifty (150) minutes of Educational Programming during week days and an average of two hundred (200) minutes per week.

The Licensee complies with clause 6.4.1 of its licence.

3.6.5. Drama

Clause 6.5 of the licence stipulates that:

"The Licensee shall broadcast at least two and half (2½) hours of drama per week within the South African performance period".

The SABC's quarterly reports indicate that the radio station broadcasts a minimum of hundred and thirty-four (134) minutes of drama per week during the period under review.

The monitoring exercise revealed that Motsweding FM broadcasts a drama series twice every weekday: "Seboloke". The programme is broadcast at 05h25 and 16h45 on weekdays; and a full week's omnibus is broadcast every Sunday between 14h00 and 14h54. Motsweding FM plays an average of twenty (20) minutes of drama per day during weekdays. The Authority has, through its monitoring activities, found the Licensee's submission not to be consistent with the monitored minutes for drama.

The Licensee complies with clause 6.5 above.

3.6.6. Informal Knowledge-Building

Clause 6.6 of the licence stipulates that:

"The Licensee shall broadcast at least three (3) hours of informal knowledge-building programming per week with the South African performance period".

The SABC's quarterly reports indicate that the radio station broadcasts an average of more than two thousand three hundred and ninety three (2393) minutes of Informal Knowledge-building programmes per week during performance period.

The Authority's monitoring exercise revealed that the radio station broadcasts Informal Knowledge-building programmes. The following are amongst the programmes identified:

- "Resemeletse" which is broadcast between 10h00 and 14h00;
- "Kopa Dilalelo" which is broadcast from Monday until Thursday between 20h00 and 24h00. The programmes involve discussions on a variety of topics of social, economic and political importance.

One of the programmes monitored included medical advice on how to identify cold and flu symptoms as well as prevention and cure mechanisms to apply, especially when approaching and during winter season.

Approximately thirty-nine (39) hours of Informal Knowledge-building programming was monitored over a period of a week.

The Licensee complies with 6.6 of the licence.

3.7. Training and Skills Development Obligations

Clause 7 of the licence stipulates that:

"7.1 The Licensee must adopt and implement equal opportunity employment practices."

The Licensee has developed an Employment Equity Plan to assist the Licensee to be an equal opportunity employer. The Licensee met all its targets regarding the plan except for female representation. Female representation however increased to 49,82% since the last reporting period.

"7.2 The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies take into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons."

7.3 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"*

The SABC submitted a training and skills development report indicating that its management and staff is representative of South African society. Further, for the period under review 87% of its employees are from designated groups.

The SABC states that its Learning and Development delivery during the period under review was slow due to financial constraints and that the delivery was on urgent and critical needs of the organisation. The SABC submits that under the period of review, it delivered 701 training interventions to 515 employees. Of the 515 employees that were trained, 379 were trained in accordance with the SABC's Work Skills Plan and 136 were trained based on operational requirements.

Further, the majority of these employees were from designated groups which 87% were black, 49,5% were female and 1,75% were persons with disabilities.

According to the Licensee's report on its Annual Employment Equity and Skills Development plan, the Licensee strives for the creation of an "equitable working environment, in which the dignity of all individuals is respected and the diversity of all employees are valued." In this report, the SABC further advances that at least 86% of their overall staff complement are Black people; while 78% of its management are people from historically disadvantaged backgrounds.

The Licensee further submits that it intends to adhere to its BBBEE obligations and remains committed to contributing to the growth of the South African Economy through the empowerment of previously disadvantaged individuals.

"7.4 The Licensee must, within thirty (30) days of the end of each financial year, provide the Authority the written information regarding its compliance with the above requirements."

The Licensee submitted its Training and Skills Development Plan to the Authority for the period under review.

The Licensee has complied with its training and skills developments obligations.

3.7 Provisions of Audited Financial Statements

Clause 8 of the licence stipulates that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within four (4) months of the end of the licensee's financial year, provided that the licensee may on good ground shown apply to the Authority for extension".

The Licensee submitted its Audited Financial Statements for the 2017/2018 financial year within the stipulated timeframe.

The Licensee has complied with clause 8 of the schedule to its licence.

REGULATIONS

4.3 Code on People with Disabilities

Clause 3.1 (a) of the Code on People with Disabilities 2007⁸, states that:

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

The SABC conducted different campaigns to encourage disability declarations for the reasonable accommodation of employees with disabilities. Further, accessibility audits were conducted and the SABC has started to implement the audit findings to ensure that the physical workplace is accessible for persons with disabilities.

⁸ as published in the Government Gazette, no 30441, 7 November 2007

Clause 3.1 (c) states that:

"Broadcasting service licensees must monitor the effectiveness of their service through surveys as well as contact with organisations of and for people with disability and stakeholders".

During the period under review, the Licensee conducted the SABC National Disability Committee quarterly meetings to monitor and evaluate progress against its Disability mainstreaming objectives. The Licensee hosted National Disability Rights Awareness Month from 3 November until 3 December. During this period the SABC created internal disability awareness.

The following were some of the disability awareness campaigns hosted by the Licensee:

- National Bind Buddy Day;
- Albinism Awareness;
- Deaf Awareness; and
- Casual day.

The Licensee further conducted verifications of all declared disabilities and identification of reasonable accommodation needs, as well as participation in career exposure initiatives through its Take A Girl To Work initiative that focused on scholars with disabilities.

The SABC also reported that employees with disabilities represent 2.34%, an increase from the previous reporting period. Employees with disabilities are employed on different occupational levels with majority representation on the Skilled, Technical and academically qualified levels.

Further, Producers are encouraged to establish relationships with organisations for people with disabilities to use for content when the need arises.

To improve the representation of employees with disabilities, the SABC's recruitment efforts will remain targeted. The SABC also intends to accelerate disability declaration campaigns that will aid in the improvement of employees with disability representation as well as providing reasonable accommodation.

The Licensee complies with the Code on People with Disabilities.

4.2. Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A⁹ which reports on all complaints received in the course of each financial year. The SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

The Licensee is a member of the National Association of Broadcasters (NAB). Complaints related to code of conduct are administered by the Broadcasting Complaints Commission of South Africa (BCCSA).

4.3. South African Content Music Regulations¹⁰

Regulation 3(2) of the ICASA South African Music Content Regulations, 2016¹¹ as published on 23 March 2016 stipulates that:

"A holder of a public sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of these Regulations, a minimum of 60%, increasing by 10% annually to reach 70% 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 submitted that, for the period under review, it has played an average of 62% of South African music.

According to the recordings monitored, Motsweding FM played approximately 65% South African Music content during the period under review.

The radio station plays a wide variety of music genres from Kwaito, Hip Hop, House, RnB, Rock, Gospel and cultural music. The local music played by the radio station

⁹ Appendix E: SABC Form 12A

¹⁰ Appendix G: SA Music Content Regulations

¹¹ Appendix C: ICASA South African Music Content Regulations, 2016

includes among others: Lady Zamar, Mango Groove, Ringo, Vusi Nova, Cassper Nyovest, Presss, Masotla, Cultural Spear and Hugh Masekela.

The Licensee complies with the regulations on South African Music Content.

4.4. Regulations regarding Standard Terms and Conditions for Individual Broadcasting Licences

During the year under review, the Authority did not identify any non-compliance by the Licensee with the standard terms and conditions for individual licensees.

4.5. Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund¹²

Regulation 3 of the USAF Regulations 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 Broadcasting Service 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 paid its annual contribution to the USAF subsequent to negotiations with the MDDA to pay USAF in instalments and duly submitted proof to the Authority. The Licensee received confirmation of payment in the form of a Section 18A certificate from the MDDA. The SABC's financial year end is March.

The Licensee complies with regulation 3 of the USAF Regulations.

¹² Appendix H: General Licence Fees

4.6. General Licence Fees Regulations

Regulation 4(b) of General Licence Fees Regulations stipulates for the exemption of Individual Licences for Public Broadcasting Services.

Motsweding FM as part of Public Broadcasting Services is exempted from paying licence fees.

5. CONCLUSION

Motsweding FM has, for the period under review, complied with most of the requirements set out in its licence, relevant legislation and regulations. However, the Licensee did not meet its obligation in reaction to drama programming.

6. TERMS OF REFERENCE

Appendix A: Motsweding FM's broadcasting service licence;
Appendix B: Motsweding FM's frequency spectrum licence;
Appendix C: SABC's Editorial Policy;
Appendix D: Skills Development Report 2017/2018;
Appendix E: Complaints Report;
Appendix F: Code of People with Disabilities;
Appendix G: South African Music Content Regulations 2016;
Appendix H: Universal Service Obligation Fund Regulations; and
Appendix I: General Licence Fees.