



# **MOTSWEDING FM ANNUAL COMPLIANCE REPORT**

**MARCH 2020**

# **2018/19 ANNUAL COMPLIANCE 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 Constitution<sup>1</sup>, the ICASA Act<sup>2</sup>, the Electronic Communications Act<sup>3</sup> ("EC Act") and the Broadcasting Act<sup>4</sup> to regulate broadcasting activities in South Africa in the public interest. The Authority main task of to ensure compliance by broadcasters with the terms and conditions of their License<sup>5</sup>, the Electronic Communications Act, the ICASA Act, the Broadcasting Act and any relevant legislation and regulations.

This report seeks to give an account Motsweding FM's performance with its licence terms and conditions as set out in its licence for the period 2018/2019 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; Licence Fees regulations and Access Fund and SA Music Content Regulations.

### **2. BACKGROUND**

Motsweding FM holds 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.

---

<sup>1</sup> The Constitution of the Republic no 108, 1996

<sup>2</sup> ICASA Act, 2000 (Act No. 13 of 2000), as amended

<sup>3</sup> Electronic Communications Act, 2005 (Act No. 36 of 2005) as amended

<sup>4</sup> The Broadcasting Act no 4 of 1999

<sup>5</sup> Appendix A: Broadcasting Service Licence

Motsweding FM broadcasts from 2 locations namely, the studios situated at radio Park, Henley Road, Auckland Park, Johannesburg and from the SABC North West, with studios at Albert Luthuli Drive, Mafikeng.

Motsweding FM is accessible to its audience on the frequencies specified in the frequency spectrum licence<sup>6</sup> granted to it by the Authority. Motsweding FM has Radio Data System (RDS) identification as Motsweding FM. The signal distribution service is conducted by Sentech (Pty) Ltd.

### **3. COMPLIANCE ASSESSMENT**

#### **3.1. Ownership and Control**

Clause 1.1 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 schedule to the licence prescribes that:

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

---

<sup>6</sup> Appendix B: 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.<sup>7</sup> The Licensee confirms that its coverage area is as defined in its frequency spectrum licence.

**The Licensee complies with clause 2 of its licence.**

### **3.3. Language(s)**

Clause 3 of the schedule to the licence stipulates for Motsweding FM to broadcast in:

*"Principal Language: Setswana".*

The recordings monitored for the period under review revealed that Motsweding FM 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 with clauses 4.1 and 4.2 of its licence.**

---

<sup>7</sup> *Ibid*

### **3.5. Local Content Obligations**

Clause 5 of the schedule to 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 Licensee complies with clauses 5 of its licence.**

### **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 Motsweding FM's licence conditions 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 with 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 people. 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 delve 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 as it also covers a wide range of social, economic as well as political discussions. Licensee broadcasts content about professions for disabled people, health and social welfare matters.

During the programme, "Resemeletse" there was an interview with MEC for Arts and Culture in the North West province, Galebokelwe Tlhapi.

The discussion included the re-establishment of sports, arts and culture in the province and history of the Mmabana Cultural Centre in Mahikeng.

**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.

*Professor Aubrey Matshiqi on Current Affairs discussing the possible outcomes of the 2019 General elections.*

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 last for approximately five (5) minutes. The following were among the news stories covered. All the news bulletins are broadcast in Setswana:

- *"Tona ya tsa matshelo Dr Aaron Motsoaledi a re o na tumelo ya gore sesole kgotso SANDF e tla thuso go tliša meruso e eleng Mahikeng ka tlase ga taolo. Motsoaledi o boile se morago ga gore badiredi ba gane goya tirong ko maakelong a teropong-kgolo ya profense.";*
- *"Moeteledipele wa Democratic Alliance, Mmusi Maimane, a re mokgathlo o santse oe kaeletse go buisa le EFF tsamaisong ya mesebala wa City of Johannesburg le wa City of Tshwane. Maimane a re mokgathlo o tla emela dithlopho tsa May 2019 pele go tsewa tshwetso.";*
- *"Babelaelwa ba le bararo ba ba golagantsweng le polao ya modiri wa mo malapeng, le go kgothosa bathapi ba gagwe ba ba setseng ba tsofetse kwa Mohadin, gaufi le Potchefstroom mono North West, ba ile go tlhagelela kwa kgotla-tshekelong ya magiseterata-wa-selegae gompiano ka ditatofatso tsa polao le kgothoso."; and*
- *"Lefapha ta thuto mo profenseng ya North West la re barutwana ba lone ba matriki ba kgonne go fitlhella nako yotlhe e latlhegileng ya dithuto ka mutso wa ditshupetso tse dikaga thebolelo ya ditirelo. Dithuto di ne di kgurelletse ka gangwe le gape ka motso wa ditsupetso tseno monongwaga. North West e na le barutwana ba fetang dikete di le masome a mararo le borataro*

*gotswa go ba ka nna dikete di le kgolo'a robedi ba ba semollotseng ditlhathlobo tsa matriki naga ka bophara gompiono."*

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.

**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 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 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 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:*

- 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 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 for 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 for the period under review 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 broadcast an average of eighty-eight (88) minutes of

programming targeted at children during the South African performance period on weekdays and weekends.

The monitoring exercise revealed that Motsweding FM's 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 takes focus on children matters topic was 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 compliance with clause 6.3.1 of its licence.**

Clause 6.3.1 of the licence stipulates that:

*"Between the ages of nought (0) to six (6) and seven (7) to twelve (12):*

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

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

"*Bana ba Motsweding*" also covers education content with the focus on Grade 1: Foundation Phase education. The programme's duration is approximately ten (10) minutes during weekdays 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 (225) 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 broadcast 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 of its licence.**

### **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 (IKB), programmes per week during the 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 schedule to Motsweding FM's licence stipulates that:

- "7.1 *The Licensee must adopt and implement equal opportunity employment Practice.*
- 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*
- 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 is in its third year of its three (3) year employment equity plan. During the period under review, the Licensee submits that it successfully implemented employment equity and transformation objectives in line with the relevant legislation which ensured that diversity and inclusion is managed in a non-discriminatory environment. The Licensee implemented various initiatives that were aligned to its employment equity plan and was intended to create awareness, to educate and to challenge employees understanding on different topics relating to diversity and inclusion.

The Licensee submitted its Employment Equity and Transformation report for the period under review. The report indicated that the Licensee made significant progress against its employment equity targets and goals as set out in their employment equity plan<sup>8</sup> [1].

---

<sup>8</sup> Appendix C: Training and Skills Development Report

The Licensee during the period under review achieved a level two (2) BBBEE status and received a total score of 19,61 out of 20 for its Management Control/Employment equity element.

The Licensee delivered 2534 training interventions to 1567 employees during the period under review. Of the 1567 employees, 1088 were trained in accordance with the Workplace Skills Programme and 479 were trained based on operational requirements.

The Licensee submitted that 88% of employees who were trained, they were from the designated groups (Black, Coloured, Indian). 54,56% were females and 2,55% were employees with disabilities.

The Licensee submitted its Training and Skills Development Plan that provides a detailed breakdown of its compliance with the above requirements, for the period under review, to the Authority for the period under review.

**The Licensee complies with its training and skills developments obligations.**

### **3.7 Submission of Audited financial statements**

Clause 8 of the schedule to Motsweding FM's 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 2018/2019 financial year within the stipulated timeframe.

**The Licensee complies with clause 8 of the schedule to its licence.**

## REGULATIONS

### 4.1. Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A<sup>9</sup> which reports on all complaints received in the course of each financial year. In April 2014, the SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

### 4.2. South African Content Music Regulations<sup>10</sup>

The ICASA South African Music Content Regulations as published on 23 March 2016 stipulate 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 to 70% in the following year, of the musical works broadcast in the performance period, consist of South African 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, Motswedding 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 includes among others: *Mandoza, Bongo Maffin, Brian Themba, The Soil, HHP, Press, Masotla, Cultural Spear and Selaelo Selota.*

**The Licensee complies with the Regulations on South African Music Content.**

---

<sup>9</sup> Appendix E: ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011. (re: submission of Form 12A: ECN/S and BS Complaints Reporting)

<sup>10</sup> Appendix G: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016.

### **4.3. 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.

### **4.4. Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund<sup>11</sup>**

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 SABC's financial year ends in March.

**The Licensee fully complies with regulation 3 of the USAF Regulations.**

### **4.5. 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, it is exempt from paying licence fees.

## **5. CONCLUSION**

Motsweding FM has, for the period under review, comprehensively complied with the requirements set out in its licence, relevant legislation and regulations.

---

<sup>11</sup> Appendix H: General Licence Fees Regulations, 2012 as published in *Government Gazette* No. 36323 dated, 28 March 2013, as amended.



## **6. TERMS OF REFERENCE**

**6.1** Appendix A: Motsweding FM's broadcasting service licence

**6.2** Appendix B: Motsweding FM's frequency spectrum licence

**6.3** Appendix C: SABC's Editorial Policy

**6.4** Appendix D: Training and Skills Development Report

**6.5** Appendix E: Complaints Report

**6.6** Appendix F: SA Music Content Regulations

**6.7** Appendix G: USAF Regulations

**6.8** Appendix H: General Licence Fees