



MOTSWEDING FM ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS MOTSWEDING 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 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 purpose of the report is to give an account of Motsweding FM's compliance with the terms and conditions as set out in its licence for the 2019/2020 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations, Training and Skills Development, Finances, Complaints, South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions, Universal Service and Access Fund (USAF) Regulations.

2. BACKGROUND

Motsweding FM is an Individual Sound Broadcasting Service Licensee of the South African Broadcasting Corporation (SABC). The radio station forms part of the public service division of the SABC and is licensed to provide a full spectrum service to the following provinces: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Mpumalanga and North West.

Motsweding FM broadcasts from two 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.

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

Motsweding FM is accessible to its audience on the frequencies specified in the frequency spectrum licence. Motsweding FM has a Radio Data System (RDS) that identifies the radio station as Motsweding FM. The signal distribution service is conducted by Sentech (Pty) Ltd.

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1 of the licence stipulates that:

- 1.1 Name of company/entity: The South African Broadcasting Corporation*
- 1.2 Shareholders: The State shall hold one hundred (100%) percent of the shares of the Corporation*
- 1.3 Ownership by persons from historically disadvantaged groups: N/A*

There were no changes reported on the name and shareholding of the Licensee. Motsweding FM forms part of the public service division of the SABC and is 100% owned by the State.

The Licensee complies with clause 1 of its licence.

3.2 Geographic Coverage Area

Clause 3 of the licence schedule states that:

"The geographic 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. The Licensee confirms that its coverage area is as defined in its frequency spectrum licence.

The Licensee complies with clause 3 of its licence schedule.

3.3 Language(s)

Clause 4 of the licence schedule states that the language of broadcast is as follows:

"Principal Language: Setswana".

The Authority's monitoring exercise confirmed that Motsweding FM's principal language of broadcast is Setswana, with minimal use of English particularly during news and interviews.

The Licensee complies with clause 4 above.

3.4 Format

Clause 5.1 of the licence states that:

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

Clause 5.2 stipulates that:

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

Motsweding FM forms part of the public service stations of the SABC and offers a full-spectrum service to its audience as outlined in the licence. This was confirmed during the Authority's monitoring exercise which found that the station engages in different topical issues of national interest across its programme offerings.

The Licensee complies with clause 5.1 and 5.2 of its licence schedule.

3.5 Local Content Obligations

Clause 6 of the schedule to the licence stipulates that:

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

Clause 6.1 different genres; and

Clause 6.2 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 Motsweding FM's quarterly reports for the period under review in line with the Compliance Procedure Manual Regulations, indicating the different genres, the South African music content and programming material for the period under review. The information contained in the quarterly reports was compared to the findings of the monitoring exercise and the conclusions thereof are outlined below.

The Licensee complies with clause 6 of its licence schedule.

3.6 General programming obligations

3.6.1 General

Clause 7.1.1 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 policy⁵ 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 "Oketsa" and "Rorisang" on weekdays and on Sundays respectively. The programmes include devotion, gospel music and motivational discussions involving different South African cultural and religious denominations.

The Licensee complies with clause 7.1.1 of its licence.

Clause 7.1.2 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.

⁵ An extract from the Licensee's Editorial Policy

"Nna le wena", "Resemeletse" and "Gaabo Motho" 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 7.1.2 of its licence.

Clause 7.1.3 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 offers its audience a variety of programmes that cater for the interest of all South Africans and covers a wide range of social, economic and political issues. Programmes like *Di Rage*, *Oketsa* and *Resemeletse* are among the programmes that are very informative on issues that affect society, with listener interaction. Topics like consumer rights, labour matters, relationship challenges and family issues are discussed. During the monitoring exercise, there was an interview on *Oketsa* with an Industrial Psychologist, Dr Ross about discrimination in the workplace. Listeners were allowed to call in, ask questions and share their experiences.

The diversity of shows on the Licensee's line-up confirms that it deals with various issues relevant to people of all age groups and genders.

The Licensee complies with clause 7.1.3 of its licence schedule.

3.6.2 News and Current Affairs

Clause 7.2.1 of the schedule attached 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 quarterly reports submitted by the SABC show that Motsweding FM broadcasts sixty (60) minutes of news per day.

The monitoring exercise revealed that Motsweding FM broadcasts more than seventy (70) minutes of news daily on weekdays and approximately sixty (60)

minutes on weekends during the South African performance period. There are news bulletins every hour from 05h00 to 22h00 on weekdays. The news bulletins are approximately five (5) minutes and all the news bulletins are broadcast in Setswana. The following were among the news stories covered:

- *"Baagi ba Tshwane le Ekurhuleni ba ba kgaoletsweng tlamelo ya metsi maabane go latela dipaakanyo tsa dipeipi tsa metsi ba tla letanyana sebaka go ka bona tlamelo ya metsi. Rand Water e gapeletsehile go kgaola tlamelo ya metsi kwa dikgaolong tsa boMMasepala ba Tshwane le Ekurhuleni maabane tshikologo. Dikgaolo tse di amegileng kwa Tshwane di akaretsa Centurion, Erasmia, Laudium le Atteridgeville; fa kwa Ekurhuleni e le Germiston le Bedfordview. Tlamelo ya metsi e solofetswe go simolla gape tshikologo eno ka hora ya bongwe. Seboleledi sa Rand Water, Justice Mohale, a re be tsweletse ka dipaakanyo tsa dipeipi.*
- *Setlamo sa diphofa sa British Airways se tsaya tshianelo ya go emisiwa ga bontsi ba difofane tsa SAA, mme gajana se dira mo boemong ba SAA. British Airways e itsitse seshweng jana gore e oketsa ditirelo tsa yona tsa legae ka go tlaletsa ka diphofa tsa tlhamalalo di le tharo magareng a boemafofane ba Heathrow le ba Cape Town. Lekoko la Democratic Alliance, DA, le neseditse pula kitsiso eo. Sebueledi sa lekoko mo Mererong ya Matlole, Geordine Hill-Lewis a re seno ke digang tse di namatsang go provensi eo.*
- *Motlhankela wa sephodisi o thuntsitswe le go bolawa fa ba le babedi ba gobetse mo ditiragalong di le pedi tse di farologaneng kwa Gauteng le KwaZulu-Natal. Mmelaellwa o tswerwe malebana le go golagangwa le polao ya motlhankela wa sephodisi kwa Gauteng, fa letsholo-patlo la babelaelwa ba banngwe ba ba thuntsitseng maphodisi a mabedi KwaZulu-Natal le tsweletse pele.*
- *Baithuti ba University of Fort Hare ba re bontsi ba bona ga ba gone go tswelala ka dithuto tsa bone gonne ga ba gone go duwelela dithuto tsa bone. Ba begetse Komiti ya Palamente e malebana le Thuto e Golwane kwa Palamenteng ka ga mathata a bone. Presidente kgotsa kemedi ya baithuti, Sphiwe Nqabeni, a re mathata a ka go atlamelwa ka matlole ga baithuti, ke lobaka le legolo le le tlhotlheletsang ditshupetso kwa diyunivesithing".*

The Licensee complies with clause 7.2.1 of its licence.

Clause 7.2.2 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 indicate that Motswedding FM broadcasts an average of five hundred and fifty (550) minutes of current affairs programming on weekdays and one hundred and twenty (120) minutes on weekends, during the South African performance period. This was confirmed by the monitoring exercise which confirmed the following current affairs programmes:

- *"Boresetse"*: Current Affairs programme between 06h00 – 07h00 on weekday mornings.
- *"Tsele le Tsele"*: Current Affairs show on weekday evenings between 18h00 – 19h00.
- *"Itlhabe Bohlale"*: Current Affairs show on Saturdays and Sunday between 13h00 and 14h00.

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

The Licensee complies with clause 7.2.2 of its licence.

Clause 7.2.3 stipulates that:

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

- (i) Exercise full editorial control in respect of the 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 reasonable opportunity for the public to receive a variety of points of view on matters of public concern".*

The Licensee's editorial policies indicate that the Licensee exercises full editorial control in respect of contents of its programming. The editorial policies further indicate that the Licensee endeavours to meet the highest standards of journalistic professionalism. Furthermore, the policy provides for fair, unbiased and impartial coverage independent from government, commercial or other interference.

The monitoring exercise revealed that the radio station broadcasts matters of local, national, regional and international 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.

The Licensee complies with clause 7.2.3 of its licence.

3.6.3 Programming targeted at children

Clause 7.3.1 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 indicated that Motsweding FM broadcasts on average, ninety (90) minutes of programming targeted at children during the South African performance period on weekdays and weekends.

The monitoring exercise confirmed that the radio station broadcasts approximately one hundred (100) minutes of programming targeted at children per week. Programmes like "Re Semeletse" between 09h00 and 12h00 on weekdays and "State Your Mind" on Saturdays are examples of programmes with content targeted at children. During the "Educator Developer" slot on "Resemeletse", issues affecting learners and teachers at schools were discussed, with both teachers and learners given the platform to share their concerns and experiences.

The Licensee complies with clause 7.3.1 of its licence.

Clause 7.3.2 of the licence stipulated 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 and appropriate for children between the ages of nought (0) to six (6) years and seven (7) to twelve (12) years respectively; and*
- iii) educational and made from children's point of view.*

'Nal'ibali' and 'Phaphama' are part of SABC educational programmes aimed at children that are broadcast between 09h20 and 09h30 on weekdays. Both 'Phaphama' and 'Nal'ibali' use short stories to educate children on different topics and encourages them to read. 'State your mind' is another SABC educational programme that is broadcast on Saturdays between 14h00 and 14h30, it provides children with informal education.

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

The Licensee complies with clause 7.3.2 of its licence.

3.6.4 Educational Programming

Clause 7.4 of the licence stipulates that:

"The licensee shall broadcast at least five (5) 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's quarterly reports indicate that Motsweding FM broadcasts approximately three hundred (300) minutes of educational programmes per week during the period under review. The programmes involve informal educational material for children.

The monitoring exercise confirmed that Motsweding FM does indeed broadcast an average of three hundred (300) minutes of Educational Programming per week.

The Licensee complies with clause 7.4 of its licence.

3.6.5 Drama

Clause 7.5 of the licence stipulates that:

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

According to quarterly reports submitted by the SABC, Motsweding FM broadcasts one hundred and seventy-five (175) minutes of drama per week during the performance period.

The Authority's monitoring exercise found that the radio station broadcasts approximately one hundred and fifty (150) minutes of drama per week. The morning drama, 'Solofela Leraga', is broadcast daily at 05h20 and 'Seboloke' is an afternoon drama that is broadcast at 16h40 daily on weekdays. The repeat of all five daily episodes of 'Seboloke' is broadcast between 14h00 and 14h45 on Sundays.

The Licensee complies with clause 7.5 of its licence.

3.6.6 Informal Knowledge Building (IKB)

Clause 7.6 of the schedule to the licence stipulates that:

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

The SABC's quarterly reports indicated that Motsweding FM broadcasts an average of more than one thousand (1000) minutes (more than 16 hours) of informal knowledge building programming per week.

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

- "Di Rage" and "Resemeletse" are broadcast on weekday mornings between 07h00 and 12h00. Discussions on health matters, consumer rights, finance and labour matters are held. During the monitoring exercise, a Financial Advisor, Mr Dez Tswaile was heard discussing tax matters and the budget speech that was given by the Minister of Finance. Listener interaction was allowed during this discussion.

- "Oketsa" is broadcast between 12h00 and 15h00. During the monitoring exercise, there was an interview with Ms Maps Mabuyane about traffic laws, different traffic infringements and the rights of both drivers and traffic officers on the road.
- Afternoon and evening shows such as 'Gotetsa Mosha', which appeals more to the youth audience, and 'Nna le Wena', which is an evening talk show, also offer informal knowledge building content.

The Licensee complies with clause 7.6 of its licence.

3.7 Training and Skills Development Obligations

Clause 8 of the schedule to the licence states the following:

- "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 take 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 the written information regarding its compliance with the above requirements".*

The Licensee submitted its Employment Equity and Transformation report for the period under review (2019/2020) to the Authority. The report acknowledges the importance of diversity in the workplace and that employment equity is an imperative business driver. The Licensee implements various education and awareness campaigns with the intention to create and to maintain a respectful, inclusive and non-discriminatory workplace.

The report indicates that the management and staff of the Licensee are representative of South African demographics, including 83 employees living with disabilities. The Licensee further endeavours to ensure that females are well represented at all occupational roles and especially in decision making positions.

The Licensee through its Learning and Development department implements a workplace skills programme in alignment with the needs of the organisation. During the period under review 87% of the people that were trained were from historically disadvantaged backgrounds, with females representing 54,5% of the overall total. The total amount spent on training for the period under review was R10 332 040. The training included amongst others customer service, effective presentation skills, stress management, office administration and time management.

The report shows the extent to which historically disadvantaged people are represented throughout the organisation. Further, the Licensee has a National employment equity forum that continues to monitor and evaluate the implementation of the Licensee's employment equity objectives.

The Licensee submitted both its Employment Equity and Transformation plan⁶ report as well as its Training and Skills Development report⁷, that respectively provide a detailed breakdown of its compliance with the above requirements to the Authority for the period under review. Both reports were submitted within 30 days of the end of the financial year as required.

The Licensee complies with its training and skills developments obligations.

3.8 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 four (4) months of the end of the Licensee's financial year, provided that the Licensee may on good cause apply to the Authority for extension".

⁶ SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2019 – end March 2020.

⁷ Refer to Appendix C: Training and Skills Development report.

The Licensee submitted its audited annual financial statements. However, due to the Covid-19 pandemic, the submission of the Licensee's audited financial statements was delayed and could not be submitted within four (4) months of the end of the Licensee's financial year.

The Authority was duly informed of the delay by the Licensee and considers the covid-19 pandemic good cause for an extension of the submission deadline.

The Licensee complies with clause 9 of the schedule to its licence.

4 REGULATIONS

4.1 ICASA South African Music Content Regulations, 2016

On 23 March 2016, the Authority published the ICASA South African Music Content Regulations which repealed ICASA South African Music Content regulations published on 31 January 2006.

Regulation 3 (1) of the South African Music Content⁸ Regulations 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 to 70% in the following year, of the musical works broadcast in the performance period, consist of South African music and that South African music is spread evenly throughout the performance period."

The monitoring conducted by the Authority confirmed that the radio station plays at least 70% South African music during the performance period.

Some of the artists featured during the monitoring exercise were: *Jamali, Musa, Kelly Khumalo, King Monada, Lebo Sekgobelo, Malaika, Mariechan, DJ Zinhle, Selaelo Selota* and many more.

The Licensee complied with regulation 3.1 of the South African Music Content Regulations during the period under review.

⁸ ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016.

4.2 Regulations regarding Standard Terms and Conditions for Individual Broadcasting Service Licensees, 2010⁹ as amended

During the period under review, there was no non-compliance by Motswedding FM with the Standard Terms and Conditions for Individual Licensees Regulations.

4.3 Universal Service and Access Fund Regulations, 2011

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.

The Licensee complies with Regulation 3 of the USAF Regulations.

4.4 Complaints

Form 12A¹¹: Complaints Report of the Compliance Procedure Manual Regulations read with the Code of Conduct for Broadcasters require that broadcasters complete the form bi-annually in accordance with the Licensees' Financial Year.

The SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees, 2009¹².

⁹ Standard Terms and Conditions for Individual Broadcasting Services, 2010 No. 33294 dated, 14 June 2010 as amended.

¹⁰ USAF Regulations, 2011 as published in *Government Gazette* No. 34010 dated, 10 February 2011.

¹¹ ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

¹² Code of Conduct for Broadcasting Service Licensees, 2009 as published in *Government Gazette* No. 32381 dated, 06 July 2009.

5. CONCLUSION

The Licensee complied with its licence terms and conditions and related Regulations that govern public broadcasters, for the period under review.

6. TERMS OF REFERENCE

- 6.1** Annexure A : Motsweding FM's Service and Spectrum Licences.
- 6.2** Annexure B : SABC's Training & Skills Development Report.
- 6.3** Annexure C: Regulations on Standard Terms and Conditions for Individual Broadcasting & Individual Electronic Communications Services, 2010 as published in *Government Gazette* No. 33294 dated, 14 June 2010, as amended.
- 6.4** Annexure D: USAF Regulations 2011, published in *Government Gazette* No. 34010 dated, 10 February 2011.
- 6.5** Annexure E : Processes and Procedures Regulations for Individual licences published in *Government Gazette* No. 33293 dated, 14 June 2010, as amended.
- 6.6** Annexure F : ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016.

END

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