



MOTSWEDING FM

ANNUAL

COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL 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 Constitution, 1996¹, the ICASA Act, 2000², the Electronic Communications Act, 2005³ (ECA) and the Broadcasting Act, 1999⁴ 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 2020/2021 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations and Training and Skills Development.

Further, the report will measure compliance with regulations that include South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fee, Code of Conduct for Broadcasters, and the ICT Covid-19 National Disaster Regulations first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.

The ICT Covid-19 National Disaster Regulations, 2020⁵ as amended have introduced exemptions with specific service licence conditions and/or revised quotas and such will be reflected in the body of the report accordingly.

¹ The Constitution of the Republic of South Africa Act, 1996 (Act No 108 of 1996).

² Act No. 13 of 2000, as amended.

³ Act No. 36 of 2005

⁴ Act No. 4 of 1999

⁵ The ICT COVID-19 National Disaster Regulations, 2020 as published in *Government Gazette* No. 43207 dated, 06 April 2020, as amended.

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

Motsweding FM is accessible to its audience on the frequencies specified in the frequency spectrum licence⁶ 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 1.2 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 broadcasting service of the South African Broadcasting Corporation (SABC) which is 100% owned by the state.

The Licensee complies with the above clauses.

⁶ Appendix B: Frequency Spectrum Licence

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".

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.

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".

⁷ *Ibid*

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 it 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.

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

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

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 reflects the cultural and traditional needs of its audience.

"Nna le wena", "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.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

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 covers a wide range of social, economic and political issues such as professions for disabled people, health and social welfare.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

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 Somadoda Fikeni on Current Affairs discussing the implications of Covid 19 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:

- *"Ditlhopo tsa puso ya selegae kgotsa 'by-elections' di tla sutiswa ka ntlha ya Covid 19. Tuna ya botsamaisi ba ditlhopo wa IEC Sy Mamolo are baagi batla tshwanelwa ke go naganisisa tsela e enngwe ya go tsamaisa ditlhopo.*
- *Tona kantorong ya moPresidente Jackson Mthembu o re tlogetse. Mthembu o tlhokofaletse bookelong mesong ya gompieno, morago ga go amogelwa ka bolwetsi ba Covid 19.*
- *MoPresidente wa maloba wa Afrika Borwa Jacob Zuma o neilwe di iri tse masome a mane le rodedi gore a itlhagise kgolegong ya Escourt go la KwaZulu Natal. Kopo ya Zuma ya gore molato wa gagwe o boele kgorong tshekelo e beilwe thoko.*

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

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 broadcasts 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.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during

the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

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 provides 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, 1999.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during

the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

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-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 weekdays and approximately hundred (100) minutes per week.

Resemeletse between 09h00 and 12h00 is a daily programme from Monday-Friday that focuses on children matters and covers topics 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.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

Between the ages of nought (0) to six (6) and seven (7) to twelve (12) 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) 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 is broadcast during weekdays between 09h25 and 09h35.

"Bana ba Motsweding", also 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 w from a child's perspective.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

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 (223) 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 weekdays 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.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

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 among 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 the Metro FM's licence stipulates that:

7.1 The Licensee must adopt and implement equal opportunity employment Practice.

The Licensee submitted its Employment Equity and Transformation report for the period under review (2020/2021), 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.

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*
- © enterprise development; and*
- (d) procurement*

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. In addition, 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 plan⁸ report as well as its Training and Skills Development report, that respectively

⁸ SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2019 – end March 2020.

provide a detailed breakdown of its compliance with the above requirements to the Authority for the period under review.⁹

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

3.7 Submission of Audited financial statements

Clause 8 of the schedule to Motswedding 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 2020/2021 financial year within the stipulated timeframe.

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

REGULATIONS

4.2. Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A¹⁰ which reports on all complaints received in each financial year. The SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

4.3. South African Content Music Regulations¹¹

⁹ Appendix C: Skills and Training Report

¹⁰ 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)

¹¹ Appendix G: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016.

The Regulations on South African Music Content as published on 31 January 2006 stipulates that:

"All public service radio stations must play a minimum 40% South African music content during the South African 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 Amapiano, Kwaito, House, RnB, Rock, Gospel and Afro Jazz. The local music played by the radio station includes among others: Sjava, Blaq Diamond, Sino Msolo, Ntando, Salif Keita, Oliver Mtukudzi and Busi Mhlongo among others.

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 find any non-compliance by the Licensee with the Regulations on Standard Terms and Conditions for Individual Licensees, 2010 as amended.

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".

¹² Appendix H: General Licence Fees Regulations, 2012 as published in *Government Gazette* No. 36323 dated, 28 March 2013, as amended.

(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 has paid its annual contribution to the USAF after 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 ends in March.

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

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

The exemptions and suspensions imposed on Licensees due to the National State of Disaster have been lifted for the next review period. Complete monitoring of compliance with licence conditions and Regulations will be conducted for the next review.

6. TERMS OF REFERENCE

Annexure A : Motsweding FM's Service and Spectrum Licences;

Annexure B : Training & Skills Development Report;

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;

Annexure D : USAF Regulations 2011, published in *Government Gazette* No.
34010 dated, 10 February 2011;

Annexure E : Processes and Procedures Regulations for Individual licences
published in *Government Gazette* No. 33293 dated, 14 June 2010, as
amended;

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

Annexure G : Proof of SABC's Contribution to USAF; and

Annexure H :The ICT COVID-19 National Disaster Regulations, 2020 as published
in *Government Gazette* No. 43207 dated, 06 April 2020, as
amended.