



RADIO SONDER GRENSE ANNUAL COMPLIANCE REPORT

MARCH 2017

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2015/16 ANNUAL COMPLIANCE REPORT

RADIO SONDER GRENSE

LICENCE PERIOD : 18 DECEMBER 2008 TO 17 DECEMBER 2018

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution,¹ the Broadcasting Act,² the ICASA Act of 2000,³ and the Electronic Communications Act (ECA) of 2005⁴ 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 ICASA Act, the ECA, the terms and conditions of their licence and any relevant legislation and regulations.

The following report is intended to give an account of Radio Sonder Gense's (RSG) performance for the 2015/2016 financial year. Aspects of compliance that are measured comprise of the Format, Local Content Obligations, General Programming Obligations, Training and Skills Development Obligations, Finances, South African Music Content Regulations, Regulations regarding Standard Terms and Conditions, General Licence Fees Regulations and Universal Service and Access Fund Obligations.

2. BACKGROUND

RSG is an Individual Public Broadcasting Service Licensee, broadcasting on a full-spectrum nationwide. It forms part of the South African Broadcasting Corporation's (the SABC) public service mandate. The Licensee's language of broadcast is Afrikaans. The radio station's mandate is to provide a full-spectrum service to the geographic areas of Gauteng, Free State, Western Cape, Northern

¹ The Constitution No, 108 of 1996,

² The Broadcasting Act No,4 of 1999

³ The ICASA Act No, 13 of 2000,

⁴ The Electronic Communications Act No, 36 of 2005

Cape, Eastern Cape, North West, Kwa-Zulu Natal, Mpumalanga and Limpopo Provinces.

RSG accesses its audience on the frequencies granted to it by the Authority as specified in its Radio Frequency Spectrum Licence. Its signal distribution is provided by Sentech (Pty) Ltd, via the Brixton Tower high site. The radio station broadcasts from its studio's situated at the SABC's premises in Auckland Park, Johannesburg, to the various regions throughout the country.

3. COMPLIANCE ASSESSMENT

3.1 Geographic Coverage Area

Clause 2 of the schedule to the licence states that:

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

According to the frequency spectrum licence, RSG covers the following Provinces: Gauteng, Free State, Western Cape, Northern Cape, Eastern Cape, North West, Kwazulu-Natal, Mpumalanga and Limpopo. There were no complaints received by the Authority against RSG regarding technical interferences or non-adherence to the technical specifications.

The Licensee has, for the period under review, complied with clause 2 of the schedule of its licence.

3.2 Language(s)

Clause 3 of the schedule to the licence states that RSG's language of broadcast is as follows:

"Principal Language: Afrikaans".

The Licensee's annual report for the year in review, together with the quarterly reports submitted by the Licensee maintain that RSG broadcasts in Afrikaans.

The Authority's monitoring exercise confirmed that the Licensee broadcasts its programmes principally in Afrikaans.

The Licensee complies with clause 3 of the schedule to the licence.

3.3 Format

Clause 4.1 of the schedule to the licence provides that:

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

Clause 4.2 provides that:

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

RSG 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 monitoring exercise confirmed that the Licensee's service offering is full-spectrum in other words, it provides children's programming including youth, health, drama, religious, music, informal knowledge building (IKB) and other programming genres as graphically represented below:

The Licensee has complied with clauses 4.1 and 4.2 of the schedule to the licence.

3.4 Local Content Obligations

Clause 5 of the schedule to the licence states that:

"The Licensee shall submit quarterly reports to the Authority which shall include the licensee's compliance measured on:

Clause 5.1 different genres; and

Clause 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's RSG has submitted its quarterly reports, for the period under review. All 4 quarters demonstrates the RSG's compliance with the set quotas.

First Quarter April – June 2015

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	RSG's Provision in week 26 (Minutes Daily/Weekly)	RSG's Compliance (%)
News	60min (Daily)	105min (Week Days) 65min (Saturday) 60min (Sunday)	175% 108% 100%
Current Affairs	60min (Daily)	205min (Week Days) 60min (Saturday) 60min (Sunday)	341% 100% 100%
IKB	180min (Weekly)	1620min (Weekly)	900%
Education	300min (Weekly)	345 min (Weekly)	115%
Children	60 min (Weekly)	80min (Weekly)	133%
Drama	150min (Weekly)	285min (Weekly)	190%

Second Quarter July – September 2015

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	RSG's Provision in week (Minutes Daily/Weekly)	RSG's Compliance (%)
News	60 min (Daily)	105 min (Week Days) 60 min (Saturday) 60 min (Sunday)	175% 100% 100%
Current Affairs	60 min (Daily)	205 min (Week Days) 60 min (Saturday) 60 min (Sunday)	341% 100% 100%
IKB	180 min (Weekly)	1565 min (Weekly)	869%
Education	300min (Weekly)	345 min (Weekly)	115%
Children	60 min (Weekly)	80 min (Weekly)	133%
Drama	150 min (Weekly)	225 min (Weekly)	150%

Third Quarter October – December 2015

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	RSG's Provision in week (Minutes Daily/Weekly)	RSG's Compliance (%)
News	60 min (Daily)	104 min (Week Days) 60 min (Saturday) 60 min (Sunday)	173% 100% 100%
Current Affairs	60 min (Daily)	204 min (Week Days) 60 min (Saturday) 60 min (Sunday)	340% 100% 100%
IKB	180 min (Weekly)	1550 min (Weekly)	861%

<i>Education</i>	<i>300 min (Weekly)</i>	<i>345 min (Weekly)</i>	<i>115%</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>80 min (Weekly)</i>	<i>133%</i>
<i>Drama</i>	<i>150 min (Weekly)</i>	<i>310 min (Weekly)</i>	<i>206%</i>

Fourth Quarter January – March 2016

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	RSG's Provision in week (Minutes Daily/Weekly)	RSG's Compliance (%)
<i>News</i>	<i>60 min (Daily)</i>	<i>104 min (Week Days) 60 min (Saturday) 65 min (Sunday)</i>	<i>173% 100% 108%</i>
<i>Current Affairs</i>	<i>60 min (Daily)</i>	<i>205 min (Week Days) 60 min (Saturday) 60 min (Sunday)</i>	<i>341% 100% 100%</i>
<i>IKB</i>	<i>180 min (Weekly)</i>	<i>1600 min (Weekly)</i>	<i>888%</i>
<i>Education</i>	<i>300 min (Weekly)</i>	<i>330 min (Weekly)</i>	<i>110%</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>85 min (Weekly)</i>	<i>141%</i>
<i>Drama</i>	<i>150 min (Weekly)</i>	<i>250 min (Weekly)</i>	<i>166%</i>

The above quarterly submissions indicate compliance by RSG with the submission of quarterly reports during the 2015/2016 financial year.

The Licensee complies with clause 5 of its licence.

3.5 General programming obligations

3.5.1 General

Clause 6.1.1 of the schedule to the licence states that:

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

The SABC's editorial policy states that:

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

RSG broadcasts Christian devotion programmes including some Muslim messages in the mornings, mid-mornings, early evenings and late evenings daily. The following programmes were some of the religious programmes identified- no other religions were identified:

- "Lewende Woord"
- "Loof die Here"

The Licensee has partially complied with clause 6.1.1 of the schedule of its licence.

Clause 6.1.2 of schedule attached to the licence states that:

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

RSG's target audience is primarily the Afrikaans speaking people. The Authority's monitoring exercise confirmed that the following programmes are some of the programmes reflective of the cultural and traditional needs of its audience:

- "RSG Dokumentêr"
- "Skrywers en Boeke"
- "Finansies"

The Licensee has complied with clause 6.1.2 of the schedule of its licence.

Clause 6.1.3 of the schedule attached to the licence states 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".

RSG's programme content comprises a wide variety of material that caters for the interests of all South Africans. The programmes cover a range of topical issues such as economic, health and social issues as follows:

- "Apteker"
- "Finansiele Fokus"
- "Joune"
- "Met raad en daad"

The Licensee has complied with clause 6.1.3 of the schedule of its licence.

3.5.2 News and Current Affairs

Clause 6.2.1 of the schedule attached to the licence states 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 indicate that RSG broadcasts a minimum of 109 minutes of news on weekdays and 60 minutes on Saturdays and Sundays.

The Authority's monitoring confirmed that RSG broadcasts news bulletins every hour on the hour from 05h00 to 21h00 and headlines every half hour.

The news bulletins monitored reflect that news bulletins last between 3 and 5 minutes. News headlines last for 10 seconds every half hour.

In total, 85 minutes of news was monitored on weekdays and 60 minutes of news on Saturdays and Sundays.

The following were some of the news items identified:

- *"President Jacob Zuma het by menseregte dag vieringe in Durban 'n beroep op almal gedoen om rasisme uit te wis"*
- *"Die leier van die nasionale Vryheids Party Zanele Kamagwaza Msibi vra om rasisme te beeindig."*
- *"Die Limpopo Departemente van gesondheid gaan 'n uitbreeking span na die gemeenskap van Sekgobo buite Motjatjieskloof stuur, weens vrees dat die hand, voet en mond siekte wat deur die koksakie virus veroorsaak word na die gebied gesprei word."*
- *"Die Suid Afrikaanse raad van kerke internasionaal se president aartsbiskop Mbulelo Mvubu se hulle beplan om 'n versoek skrif aan die parlement te oorhandig om die vrylating van die Abathembu Koning Buyelekhaya Dalindyabo te eis".*

The Licensee has complied with clause 6.2.1 of the schedule of its licence.

Clause 6.2.2 of the schedule to the licence states 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 indicate that RSG broadcasts a minimum of two hundred and six (206) minutes of current affairs weekdays and sixty (60) minutes on Saturdays and Sundays.

The Authority's monitoring exercise confirmed that the Licensee broadcasts current affairs. The following are some of the current affairs programmes monitored:

- "Monitor"
- "Spektrum"
- "Ekoforum"

In total, 180 minutes of current affairs was monitored during weekdays and 60 minutes on Saturdays and Sundays.

The Licensee was found to be in compliance with clause 6.2.2 of the schedule of its licence.

3.5.3 Children's Programming

Clause 6.3.1 of the schedule to the licence states 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".

	FY 06/07	FY 07/08	FY 08/09	FY 09/10
Hours of children's programming per week	1 hour	4 hours	5 hours	7 hours

Clause 6.3.2 of the schedule to the licence states 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 at and appropriate for children between the ages of nought (0) to six (6) years and seven (7) to twelve (12) years respectively;*

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

The quarterly reports submitted indicate that RSG broadcasts a minimum of 80 minutes of children's programming per week, during the performance period.

The Authority's monitoring exercise confirmed that RSG broadcasts children's programmes. The following children's programmes were identified:

- *"Kinderhoekie"*
- *"Storietyd"*

Storietyd is a storybook which is read over a period of days and is broadcast during the week at 19h10. This children's programme is targeted at children between the ages of nought (0) to six (6) years. The story is broken up into 5 minute reading segments. The remainder of the above programmes are broadcast during the weekend when children are available to listen. The programming caters for social and economic issues aimed at various children's age categories.

The Authority's monitoring exercise confirmed that RSG broadcasts an average of 1 hour 30 minutes of children's programming a week. Clause 6.3.1 requires seven 7 hours of children's programming. This means that the Licensee has, for the period in review, complied with clause 6.3.2 but has failed to comply with clause 6.3.1- 7 hour minimum requirement.

Subsequent to the meeting held with the SABC in early 2016 regarding the Authority's findings in respect of the children's programming for the period 2014/15 financial year, the SABC submitted its action plan detailing how it will ensure compliance with the minimum 420 minutes on 31 October 2016 as follows:

RSG Children's Programming

Offering From 11/11/2016 (Drama, Story Telling, Music and Educational

Weekdays	11:05- 11:30	125	Poen and Toekie	Short drama episodes of the adventures of two outer space characters
	14:30- 14:45	75	No name yet	Curriculum based children's programme
	19:10- 19:30	100	Klaas Vakie	Dramatized story reading
Saturdays	11:05- 11:30	25	Wats dit?	Magazine Programme: What is it? How does it work? How does it sound like?
	18:10- 18:45	35	Speeltyd	Educational programme through play
Sunday	07:50- 08:00	10	No name yet	Bible stories and music
	13:05-1 3:30	25	No name yet	Children and their lives/environment
	18:05-18- 36	25	Kleutertyd (Manie Mier and Arrie Avontuur	Dramatized story telling.
	TOTAL	420 minutes per week- Licence Requirement:		

		420 minutes per week		
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Whereas the SABC submitted the above-mentioned plan in October 2016, in another meeting held with the SABC on 2 February 2017, the SABC expressed its concern yet again regarding an anomaly that they have noted with regard to Radio RSG FM in terms of Children Programming. While all other public broadcasting service Licensees are required to broadcast 1 hour per week of Children programming, RSG is required, in its licence condition, to broadcast 7 hours per week. The SABC stated that they had engaged with the Authority and both parties agreed that there was an anomaly and the SABC wanted to know if it was expected of it to continue with the error that was made. The Authority advised the SABC as it did in its previous engagement that the Licensee should approach the Authority in this regard with the view to have its licence corrected/amended accordingly.

On the basis of the monitoring done for the year in review, **the Licensee was found to be non-complied with the 7-hourly requirement per week as stated in clause 6.3.1 of the schedule to its licence.**

3.5.4 Educational Programming

Clause 6.4 of the schedule attached to the licence states 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 RSG broadcasts a minimum of 345 minutes of educational programming per week within the South African performance period.

The Authority’s monitoring confirmed that RSG broadcasts educational programmes such as “Die Tale Wat Ons Praat” and “Sterre en Planete”. Educational programming specifically and primarily designed to support structured educational activity was identified. In total, 5 hours of educational programming was monitored.

The Licensee has during the period under review, complied with clause 6.4 of the schedule to its licence.

3.5.5 Local Drama

Clause 6.5 of the schedule attached to the licence states that:

"The Licensee shall broadcast at least two and a half (2 ½) hours of drama per week within the South African performance period".

The SABC's quarterly reports indicate that RSG broadcasts a minimum of 285 minutes of drama programming per week, within the South African performance period.

The Authority's monitoring exercise confirmed that RSG broadcasts drama programmes. The following are drama programmes were identified:

- "Boekvoorlesing"
- "Storietyd"

In total, at least 2 hours 30 minutes of drama programming was monitored.

The Licensee has complied with clause 6.5 of the schedule to its licence.

3.5.6 Informal Knowledge Building (IKB)

Clause 6.6 of the schedule to the licence states 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 indicate that RSG broadcasts a minimum of one 1550 minutes of informal knowledge building programming per week during the South African performance period.

The monitoring exercise revealed that the Licensee broadcasts IKB programmes such as "Groeipyne", "Gesondheid" and "Dink Groen"

The Authority monitored a total, 8 of hours of IKB programming per week.

The Licensee has complied with clause 6.6 of the schedule its licence.

3.5.7 Training and Skills Development Obligations

Clause 7 of the schedule to the licence states as follows:

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

7.2 The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies takes 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 with written information regarding its compliance with the above requirements".

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 there was reasonable participation by historically disadvantaged people with respect to its management and skills development.

The SABC ensured that the learning and development needs are strategically aligned to business needs so as to bring about positive business impact and increases in the productivity level at large.⁵

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 84.74% of their overall staff complement are Black people; while 77.11% of its management are people from historically disadvantaged backgrounds.

The Licensee submits that it has exceeded most of the quotas prescribed by licence conditions. However, the Licensee submits that it is unable to reach their 50% target of females in the organisation. The Licensee fell short by 3% from reaching this target as it is currently sitting on 47.55%. Although 76% of females in management are black.

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.⁶

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 to the Authority for the period under review.

The Authority is satisfied that the Licensee has complied with the provisions of clause 7.

⁵ Appendix C: Skills and Development Report

⁶ Ibid

3.6 Provision of Audited Financial Statements

Clause 8 of the licence states 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".

The Licensee submitted its Audited Financial Statements for the 2015/2016 financial year within the stipulated timeframe. The AFS indicate that the Licensee generated revenue of R7 978 841 000. Of this amount, some of the expenses were on broadcast costs, signal distribution and linking costs, marketing costs, professional and consulting fees. The Licensee incurred a loss of R411 605 000.

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

4. REGULATIONS

4.1 South African Music Content Regulations

Regulation 3.1 of the Regulations on South African Music Content as published on 31 January 2006 stipulates that:

"Every holder of a Public sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period".

RSG music is constituted of approximately 80% South African music. Music includes the following genres: BoereMusiek, Gospel, Country and Western music. The following artists were amongst the local artists monitored: Anneli van Rooyen, Andre Schwartz, Die Briels, Karin Hougaard, The Parlotones, Arno Carstens. Kurt Darren, Liza Bronner and Leon Ferreira.

The Licensee was found to be in compliance with the above Regulation.

4.2 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 licences.

The Licensee was found to be in compliance with the Regulations Regarding Standard Terms and Conditions for individual Broadcasting Licences.

4.3 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations states 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 paid its annual contribution to the MDDA. The Licensee duly submitted proof of payment to the Authority.

The Licensee has, during the period under review, complied with the USAF Regulations.

5. CONCLUSION

The Licensee has complied with its licence terms and conditions and applicable regulations except the 7-hour children's programming requirement which the Licensee continues to state that it is an anomaly. The meeting held in February 2017, has paved a way forward for the Licensee in this regard, over and above the action plan submitted by the Licensee in October 2016.

6. TERMS OF REFERENCE:

6.1 Appendix A: Broadcasting service licence and Frequency spectrum licence;