

2011/12 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 ("EC Act") of 2005⁴ to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the ICASA Act, the EC Act, the terms and conditions of their licence and any relevant legislation and regulations.

The following report is intended to give account of Radio Sonder Grense's (RSG) performance for the 2011/2012 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, Universal Service Fund Obligations and Licence Fees Regulations.

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

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

Provinces (*See broadcasting service licence and spectrum licence attached as Appendix A*).

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.

The Licensee complies with clause 2 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".

RSG broadcasts principally in Afrikaans.

The Authority's monitoring exercise confirmed that the Licensee broadcasts its programmes principally in Afrikaans (See section on programming obligations).

The Licensee complies with clause 3 of its 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 Licensee complies with clauses 4.1 and 4.2 of its 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 5h00 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 has submitted its quarterly reports, for the period under review. The reports are reflective of a week's sample for each quarter. The SABC is of the view that it is unlikely that programming would change in a week.

The figures below demonstrate a breakdown of RSG's compliance with the quotas set by the Authority. The figures were verified during the Authority's monitoring from the recordings submitted by the radio station, for the period under review.

First Quarter April – June 2011

Content/ Genre	ICASA Quota (Minutes Daily/Weekly)	RSG's Provision (Minutes Daily/Weekly)	RSG's Compliance (%)
<i>News</i>	<i>60min (Daily)</i>	<i>113min(Week Days) 60min (Saturdays) 60min (Sundays)</i>	<i>188% 100% 100%</i>
<i>Current Affairs</i>	<i>60min (Daily)</i>	<i>206min Weekdays) 60min (Saturdays) 60min (Sundays)</i>	<i>343% 100% 100%</i>
<i>IKB</i>	<i>180min (Weekly)</i>	<i>1460 (Weekly)</i>	<i>811%</i>
<i>Education</i>	<i>300min (Weekly)</i>	<i>320min (Weekly)</i>	<i>106%</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>230min (Weekly)</i>	<i>383%</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>315min (Weekly)</i>	<i>210%</i>

Second Quarter July – September 2011

Content / Genre	ICASA Quota (Minutes Daily / weekly)	RSG's Provision (Minutes Daily/ weekly)	RSG's Compliance (%)
News	60min (Daily)	114min(Weekdays) 60min (Saturdays) 60min (Sundays)	190% 100% 100%
Current Affairs	60min (Daily)	205min Weekdays) 60min (Saturdays) 60min (Sundays)	341% 100% 100%
IKB	180min(Weekly)	1260min (Weekly)	700%
Education	300min (Weekly)	320min (Weekly)	106%
Children	60min (weekly)	230min (Weekly)	383%
Drama	150min (Weekly)	225min (Weekly)	150%

Third Quarter October – December 2011

Content/genre	ICASA Quota (Minutes Daily/Weekly)	RSG's submission week 52 (Minutes Daily/weekly)	RSG's Compliance (%)
News	60min (Daily)	104min (Weekly) 60min(Saturdays) 55min (Sundays)	173% 100% 91%
Current Affairs	60 min (Daily)	204 min (daily) 60min (Saturday) 60 min (Sunday)	340% 100% 100%
IKB	180min	1370 min	761%
Education	300min (Weekly)	305 min	101%
Children	60 min (weekly)	210 min	350%
Drama	150min (Weekly)	425 min	283%

Fourth Quarter January 2012 – March 2012

Content/Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	RSG's Submission <i>(Minutes Daily/Weekly)</i>	Radio Sonder Grense Compliance (%)
<i>News</i>	<i>60 min (Daily)</i>	<i>105 min 60min(Saturdays) 60min (Sundays)</i>	<i>175% 100% 100%</i>
<i>Current Affairs</i>	<i>60 min (Daily)</i>	<i>211 min 60min (Saturday) 60 min (Sunday)</i>	<i>351% 100% 100%</i>
<i>IKB</i>	<i>180 min</i>	<i>1545 (weekly)</i>	<i>858%</i>
<i>Education</i>	<i>300min (Weekly)</i>	<i>320 min</i>	<i>106%</i>
<i>Children</i>	<i>60 min (Weekly)</i>	<i>230 min</i>	<i>383%</i>
<i>Drama</i>	<i>150min (Weekly)</i>	<i>235 min</i>	<i>156%</i>

The above quarterly submissions indicate compliance by RSG with the set quotas during the 2011/2012 financial year.

3.5 General programming obligations

3.5.1 General

Clause 6.1.1 of the schedule to licence states that:

"The Licensee shall ensure that its programming adequately reflects the diversity of South Africa's Religion" (See an extract on SABC's editorial policy attached as Appendix B).

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 in the mornings, mid-mornings, early evenings and late evenings on a daily basis. The following programmes were identified as some of the religious programmes by RSG:

- *"Loof die Here"* broadcast on Sundays between 08h05 and 09h00, the duration of which is fifty five (55) minutes. Over and above this RSG broadcasts religious sermons.
- *"Islam in fokus"* broadcast on Thursdays and the duration lasts (40) minutes.

The Licensee complies with clause 6.1.1 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 radio station's programme content is reflective of the cultural and traditional needs of its audience. Programmes dealing with poetry, documentaries were identified.

The Licensee complies with clause 6.1.2 of its licence.

Clause 6.1.3 of the schedule 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 is comprised of a wide variety of material that cater for the interests of all South Africans. The programmes cover a range of topical issues such as economic, political and social issues. Programmes such as “*Ons en die ekonomie*” “*Wat se die Prokureur*” and “*Wat se die Dokter*” and “*Joune*” .

The Licensee complies with clause 6.1.3 of its licence.

3.5.2 News and Current Affairs

Clause 6.2.1 of the schedule 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 one hundred and four (104) minutes of news daily and sixty (60) minutes on Saturdays and Sundays.

The Authority’s monitoring confirmed that RSG broadcasts news bulletins every hour on the hour from 06h00 to 22h00 and headlines every half hour. The news bulletins last for five minutes. In total, eighty five (85) minutes of news was monitored on weekdays and sixty minutes of news was monitored Saturdays and Sundays. The following were some of the news items identified:

- *“Die nationale vervolgings gesag het bevestig dat hy in kennis gestel is, dat die registrateur van die suid Gauteng se hoog geregtelike sal van Johannesburg vandag toestemming om uitstel sal gee aan oud polisie kommissares Jackie Selebi vir sy opname in die gevangenis. Selebi se regspraak het die NVG genader om uitstel te vra voordat hy sy vyftien jaar begin uitdien, die 48 uur wat Selebi toegestaan is het gestig oggend tien uur verstryk”;*

- *"Die SAKP gee sy steen aan die omstrede inligtings wet, en tien taal n mense beseer in n bus ongeluk naby Durban";*
- *"Die COPE leierskapstruid word vandag in die hof voortgesit;*
- *"Die veiligheid van kinders op kaapse paaie word vandag bespreek";*
en
- *"Die NUM in Lonmin beruik 'n loon oor eenkoms".*

The Licensee complies with clause 6.2.1 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 two hundred and four (204) minutes of current affairs weekdays and sixty (60) minutes on Saturdays and Sundays.

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

"Monitor", a factual programme broadcast Mondays to Fridays between 6h10 and 08h00. This programme covers international and national topical events ranging from domestic politics, social, religious and sport.

"Praat Saam", a phone-in programme broadcast Mondays to Fridays. This programme deals with factual issues such as 'Wat se die Prokureur' and, 'Ons en die ekonomie' amongst other issues. More than one hundred (100) minutes of current affairs programming was identified on weekdays and sixty (60) minutes on weekends.

The Licensee complies with clause 6.2.2 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".

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 two hundred and ten (210) 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 programmes which are specifically aimed at children were identified:

- *"Kinderhoekie"* broadcast on weekdays between 11h50 and 12h00 as well as in the evenings between 19h20 and 19h30;

- "Kinderhoekie" broadcast between 09h50 to 10h00 on Saturdays and between 10h50 to 11h00 on Sundays;
- "*Poen and Toekie*" broadcast between 09h15 to 09h20 on weekdays; and
- "*Storietyd*" broadcast between 09h20 to 09h30 on weekdays.

The above programmes are broadcast when children are available to listen and cater for the age groups as contemplated in clause 6.3.2.

In total, of one hundred and sixty five minutes (2 hours 45 minutes) of children's programming was monitored.

The Licensee complies with clauses 6.3.1 and 6.3.2 of 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 three hundred and five (305) minutes of educational programming per week within the South African performance period. It should be noted that this falls below the five hour requirement stipulated above; however the SABC was granted an exemption to comply with educational programming during this period.

The Authority's monitoring confirmed that RSG broadcasts educational programmes. The following are some of the programmes that were identified to be carrying educational content: "*Ons en die onderwys*" and "*boekvoorlesing*".

Other educational programmes overlap with Informal Knowledge Building Programmes.

In total, five (5) hours thirty (3) minutes of educational programming was monitored.

The Licensee complies with clause 6.4 of 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 two hundred and twenty five (225) 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 identified: *"Poen en Toekie"* and *"Storietyd"*.

In total, two (2) hours and thirty (30) minutes of drama programming was monitored.

The Licensee complies with clause 6.5 of its licence.

3.5.6 Informal Knowledge Building

Clause 6.6 of the schedule 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 one thousand two hundred and sixty (1260) minutes of informal knowledge building programming per, week during the South African performance period.

During the monitoring exercise "Leserskring", "Wat se die Prokureur", "Wat se die Dokter", "Dieremaniere" and "RSG Geldsake met Moneyweb" were some of the IKB programmes identified.

In total, eight (8) hours minutes of IKB programming was monitored.

The Licensee complies with clause 6.6 of 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 skills development and training report of the entity as a whole, indicating that its management and staff are representative of South African society. The SABC submits that it is in the process of vetting information which relates to its implementation of equal opportunity employment practices.

This information will detail the SABC's management and control structures and procurement allocations. The information will be submitted as soon as the process is complete.

The Licensee further submits that Skills Development is not only a national priority, but that of the SABC at large. The Licensee submits that the technological landscape that keeps on evolving calls for the SABC to continually equip its employees with the necessary skills in order to remain competitive and sustainable. The Licensee states that in the year 2011/12, there have been a number of positive developments in response to the myriad challenges posed by the change in technology (migration from analogue to a digital space). The SABC submits that more than half of the total SABC employee population (2049) was trained in the respective divisions/clusters. Furthermore, its total expenditure on training amounted to twenty two million, nine hundred and eight thousand, seven hundred and sixty three rand (R22, 908, 763) spread across various divisions for 4612 interventions which included Learnerships/Internships. Of the 2049 employees that were trained, 47% are females and 53% are males.

Further, the SABC states that a total of 93 new bursaries were awarded in 2011/2012, bringing a total number of bursaries to 231, which includes bursaries awarded under the SABC foundation. According to SABC, the amount invested to maintain these new and existing bursaries was three million two hundred thousand rand (R3, 200 000); and were awarded in line with the critical and scarce skills identified within the broadcast industry. 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.

The Licensee submits that it has exceeded most of the quotas prescribed by licence conditions. 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 (See *skills development report attached as Appendix C*).

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 SABC submitted its Audited Financial Statements for the 2011/12 financial year within the stipulated timeframe.

The Licensee complies with clause 8 of its licence.

4. REGULATIONS

4.1 South African Music Content Regulations

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

*"All public sound licensees must play a minimum 40% South African music".
(See *skills development report attached as Appendix D*)*

RSG plays approximately 90% South African music. The radio station's music includes the following genres: BoereMusiek, Gospel, Country and Western Afrikaans as well as Contemporary Afrikaans pop music. The following artists were amongst the local artists identified: Jakkie Louw, Sonja Heroldt, Ollie Vijloen and Valiant Swart, Jannie Moolman, Theuns Jordan, Pieter Koen, Nicholas Louw, Juanita du Plessis, Kurt Darren, Sonja Herholdt and Carike Kuizenhamp.

The Licensee complies 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. *(See skills development report attached as Appendix E).*

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". (See Standard Terms and Conditions attached as Appendix F)*

The Licensee paid its annual contribution fee of eight million fifty seven thousand, seven hundred and fifty two rand (R 8, 057 752. 00) to the USAF and received confirmation of payment in a form of a Section 18A certificate from the MDDA. The Licensee submitted proof of payment to the Authority in March 2012.

The Licensee has complied with the USAF regulations.

4.4 General Licence Fees Regulations

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

RSG is part of Public Broadcasting Services and is exempted from paying licence fees. (*See Standard Terms and Conditions attached as Appendix G*)

5. CONCLUSION

The Licensee has complied with the terms and conditions of its licence and applicable regulations.

6. APPENDICES:

Appendix A: Broadcasting service licence and Frequency spectrum licence;

Appendix B: SABC's editorial policies;

Appendix C: SABC's Skills Development Report;

Appendix D: South African Music Content Regulations of 2006;

Appendix E: Regulations Regarding Standard Terms and Conditions;

Appendix F: USAF Regulations; and

Appendix G: General Licence Fees Regulations