



# **SA FM ANNUAL COMPLIANCE REPORT**

**MARCH 2017**

## **2015/2016 ANNUAL COMPLIANCE REPORT**

### **SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS SA FM**

**LICENCE PERIOD: 18 DECEMBER 2008 – 18 DECEMBER 2018**

#### **1. PREFACE**

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution<sup>1</sup>, the ICASA Act of 2000<sup>2</sup>, the Electronic Communications Act of 2005<sup>3</sup> (ECA) and the Broadcasting Act of 1999<sup>4</sup> to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and regulations.

The purpose of the report is to give an account of SA FM's compliance with terms and conditions as set out in its licence for the 2015/2016 financial year. Aspects of compliance that are measured comprise of Geographic coverage, Language, Format, Local content obligations, General Programming Obligations, Training and Skills development obligations, Finances, South African music content Regulations and Standard Terms and Conditions.

#### **2. BACKGROUND**

SA FM is an Individual Public Sound Broadcasting Service Licensee of the South African Broadcasting Corporation (SABC). The radio station's mandate is to provide a full spectrum service to the following Provinces: Gauteng, Mpumalanga, Northern Cape, Limpopo, Northwest, Western Cape, Kwa-Zulu Natal, Free State and the Eastern Cape<sup>5</sup>.

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

<sup>2</sup> Act no: 13 of 2000 as amended

<sup>3</sup> Act no: 36 of 2005

<sup>4</sup> Act no: 4 of 1999

<sup>5</sup> Individual Broadcasting Service Licence

### **3. COMPLIANCE ASSESMENT**

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

Clause 1 of the Licence provides as follows:

*"Name of the Company/Entity: The South African Broadcasting Corporation"<sup>6</sup>.*

Clause 1.2 of the licence states that the shareholders are as follows:

*"Shareholders: The State – 100%"*

Clause 1.3 of the licence states that:

*"Ownership held by persons from historically disadvantage groups: NA"*

SA FM forms part of the public service of the SABC and is 100% owned by the State.

**SA FM has complied with clause 1.2 of the Schedule to ITS licence.**

#### **3.2 Geographic Coverage Area**

Clause 2 of the schedule to the licence stipulates 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 area is Gauteng, Mpumalanga, Northern Cape, Limpopo, Northwest, Western Cape, Kwa Zulu Natal, Free State and the Eastern Cape Provinces. The Licensee confirms that its coverage area is as defined in its licence.

**SA FM has complied with clause 2 of the Schedule to the licence.**

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

Clause 3 of the schedule to the licence stipulates that SA FM's language of broadcast is as follows:

*"Principal Language: English".*

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<sup>6</sup> Annexure 6.1: SA FM's broadcasting service Licence

The monitoring exercise confirmed that SA FM uses English exclusively as its language of broadcast.

**SA FM has complied with clause 3 of the Schedule to its licence.**

### **3.4 Format**

Clause 4.1 of the licence conditions stipulates that:

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

Clause 4.2 stipulates that:

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

SA FM is categorised as a public radio station of the SABC and offers a full spectrum service to its audience as outlined in the licence. This was confirmed during the monitoring exercise.

**SA FM has complied with clauses 4.1 and 4.2 of the Schedule to its licence.**

### **3.5 Local Content Obligations**

Clause 5 of the schedule to the licence stipulates 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:*

*Clause 5.1 the 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.*

For the period under review, the Licensee submitted its quarterly reports as required by clause 5.2 read with the Compliance Procedure Manual Regulations.

The reports reflect 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 shows a breakdown of SA FM's compliance with the quotas set out by the Authority as submitted by the Licensee.

**First Quarter April – June 2015** (*specifically week 13-19 April*)

<b>Content/Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>SAFM' Provision (Minutes Daily/Weekly)</b>	<b>SAFM's Compliance (%)</b>
News (daily)	60 min (daily)	No information submitted	No information submitted
Current Affairs (daily)	60 min (Daily)	360 min(Weekdays) 240 min (Sat) 240 min (Sun)	600% 400% 400%
IKB (weekly)	180 min (Weekly)	1405 min(Weekly)	780%
Educational (weekly)	240 min (Weekly)	440 min (Weekly)	183%
Children's (Weekly)	60 min (Weekly)	110 min (Weekly)	183%
Drama (weekly)	150 min (Weekly)	220 min (Weekly)	146%

**Second Quarter July – September 2015** (*specifically week 11-17 July 2016*)

<b>Content/Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>SAFM's Provision (Minutes Daily/Weekly)</b>	<b>SAFM's Compliance (%)</b>
News daily	60 min (daily)	No information submitted	No information submitted
Current Affairs (daily)	60 min (daily)	360 min (daily) 240 min (Sat)	600% 400%

		180 min (Sun)	300%
IKB (weekly)	180 min (weekly)	1390min (weekly)	772%
Education (weekly)	240 min (weekly)	425 min (weekly)	177%
Children (weekly)	60 min (weekly)	110 min (weekly)	183%
Drama (weekly)	150 min (weekly)	220 min (weekly)	146%

**Third Quarter October – December 2015** (*specifically week 12-18 October*)

<b>Content/Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>SAFM's Provision (Minutes Daily/Weekly)</b>	<b>SAFM's Compliance (%)</b>
News daily	60min (daily)	No information submitted	No information submitted
Current Affairs (daily)	60min (daily)	360min (daily) 240min (Sat) 240min (Sun)	600% 400% 400%
IKB (weekly)	180min (weekly)	1375min (weekly)	763%
Education (weekly)	240min (weekly)	415min (weekly)	172%
Children (weekly)	60min (weekly)	110min (weekly)	183%
Drama (weekly)	150min (weekly)	220min (weekly)	146%

**Fourth Quarter January – March 2014** (Specifically week 11-17 January)

<b>Content/Genre</b>	<b>ICASA Quota (Minutes Daily/Weekly)</b>	<b>SAFM' Provision (Minutes Daily/Weekly)</b>	<b>SAFM's Compliance (%)</b>
News (daily)	60min (daily)	No information submitted	No information submitted
Current Affairs (daily)	60 min (Daily)	368min(Weekdays) 240min (Sat) 240min (Sun)	613% 400% 400%
IKB (weekly)	180min (Weekly)	1390min(Weekly)	772%
Educational (weekly)	240min (Weekly)	385min (Weekly)	160%
Children's (Weekly)	60min (Weekly)	110min (Weekly)	183%
Drama (weekly)	150 min (Weekly)	220min (Weekly)	146%

The above quarterly information indicates compliance by SA FM with the set quotas during the 2015/2016 fiscal year. However, in their submissions, for the year under review, the Licensee did not include quotas indicating how they complied with news output. The Authority's findings are outlined in the relevant sections below.

### **3.6 General Programming obligations**

#### **3.6.1 General**

Clause 6.1.1 stipulates that:

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

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".*

During the period under review, the monitoring exercise revealed that only the Christian Religion was identified and no other Religion was monitored and or identified in the programme recordings submitted. Reverend Gavin Johnson of the Randburg Baptist Church in Johannesburg was identified. The topic was about "The Resurrection – the rising of Jesus Christ for "the dead", I Peter 1:3 a scripture from the bible was shared with listeners and the congregation of Randburg Baptist Church.

The daily devotions which the Licensee mentioned the last time the Authority engaged them on non-compliance on this clause are still of Christian Religion. No other diverse Religions of South Africa were identified. The daily devotions are broadcast at 05h50 a.m. and followed by the South African National Anthem then it is the news. Only one specific groups of the Christians Religion was identified in the programme recordings submitted.

**SA FM has not fully complied with clause 6.1.1 of the Schedule to its licence.**

Clause 6.1.2 of the licence stipulates that:

*"The Licensee shall take responsible steps to provide programming that reflect the cultural and traditional needs of its audience".*

*"The African Connection"* broadcast between 13h05 and 15h00 on Saturdays only. It is the main programme that caters for music in the African continent.

The Presenter on the show narrates stories of the different African Artists in the Continent. He also narrates the history, culture and meaning of the name of the songs played by the Artists. The different countries that he told stories of are Mali, Zimbabwe, Sierra Leon, Cuba, Mozambique and Tanzania.

**SAFM has complied with clause 6.1.2 of the Schedule to its licence.**

Clause 6.1.3 further provides as follows:

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<sup>7</sup> Annexure 6.2: An extract on SABC's editorial policy



*"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".*

The Authority's monitoring exercise confirmed that the Licensee broadcasts programmes that cater for the interests of all sectors of South Africa. Some of the programmes monitored were as follows:

- *"Otherwise"* broadcast Mondays to Fridays between 13h05 to 14h00 is a women's magazine show which caters for women's needs. Some of the topical issues discussed included 'Healthy Pregnancy', 'Keeping the garden green', 'Diabetes' Healthy food for healthy babies, etc;
- *"Mandate Hour"* broadcast Mondays to Thursdays between 21h05 and 22h00 caters for a variety of issues that affect the society in general. Topics like the 'Property Law', 'Human Rights', 'Food gardening', were identified;
- On gender issues, 'Protecting the women', 'Child marriage', women's access in the workplace was identified, and
- *"Afternoon Talk"* broadcast between 14h00 and 16h00 was identified to be catering for all. One of the topic that was identified is about "whether children in the rural areas are getting the same treatment as the ones in the urban areas".

All the above-mentioned programmes are interactive, professional guest speakers like Doctors, Lawyers, Nutritionist share their experts and the government officials also participate as well as the listeners are also calling in and share their views. **SA**

**FM has complied with clause 6.1.3 of the Schedule to its licence.**

### **3.6.2 News and Current Affairs**

Clause 6.2.1 of the schedule 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 monitoring exercise revealed that SA FM broadcasts 17 news bulletins each day during the performance period. Each news bulletin lasts for approximately six (6) minutes. In total, an average of 105 minutes of news per day was monitored which exceeds the above-mentioned quota.

The following are some of the news excerpts covered:

- *"President Zuma said that the relationship between him and the Guptas has never caused any problems. The President broke his silence on the relationship with the family in an interview with SABC correspondence Dan Whitehead in France. Zuma said the ANC is attending to the matter so as to have conclusions about the perceptions people have about the family."*;
- *"Technical problems of the aircraft that Deputy President Cyril Ramaphosa has to fly in has prompted him to cancel his visit to Uitenhage in the Eastern Cape where he was due to address a Humans' Day rally this morning. Ramaphosa was scheduled to speak at the commemoration of the 31<sup>st</sup> anniversary of the 1985 Langa massacre in the City. Apartheid police shot and killed more than 20 defenceless activist who were on their way to the funeral"*;

*"Turkish and Greek Officials will meet on later today for further talks on how to implement a new agreement to repatriation of migrants. The deal came into effect yesterday but Greece still lacks the manpower to process all those who are still arriving. BBC James Renault was reported that on the beach, volunteers look through binoculars for migrants' boats, so far no boats has come to the shore in this area.*

*"The International Human Rights Court in the Haig is due to hear its verdict in a trial of the former Vice President in the DRC. Prosecutor has accused him of war crimes, crimes against humanity for failure to stop abuses by forces of his Congolese movement 13 years ago. He denies ordering rape and murder"*;

*The Roads and Traffic Management Co-operation (RTMC) has warned both motorists and officers who are contemplating to break the law. They said that they will be harshly dealt with. It was reported that the major roads*



*are now quiet after they have been heavily congested over the past 2 days as holiday makers make their way to various destinations for the Easter weekend. The N1 North was one of the most affected with thousands of ZCC members travelling to Moria in Limpopo for the Easter Pilgrimage"; and*

- *"The body of the 55 year old woman who was swept out of the car when she was caught in floods in Douglas Dale North of Johannesburg last Thursday has been found. The woman was driving over a low line water bridge when the incident happened".*

**SA FM has complied with clause 6.2.1 of the Schedule to the licence.**

### **3.6.3 Current Affairs**

Clause 6.2.2 of 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 monitoring exercise revealed that the Licensee broadcasts a variety of current affairs programmes between Mondays to Fridays and two current affairs programmes are broadcast on weekends. The programmes last between 1 to 3 hours on weekdays and weekends which far exceed the quota of sixty (60) minutes stipulated in the licence. The following programmes were monitored:

- *"AM Live" broadcast weekdays in the morning between 06h05 and 08h00;*
- *"The Forum @ 8" broadcast weekdays between 08h00 and 09h00 in the morning;*
- *"Midday Live" broadcast Monday to Thursday between 12h00 and 13h00;*
- *"PM Live" broadcast Monday to Thursday between 16h00 and 18h00;*
- *"Weekend AM Live" broadcast on weekends between 06h00 and 08h00; and*
- *"Weekend PM Live" broadcast on weekends between 20h00 and 21h00.*

In total, 360 minutes of current affairs programming monitored on weekdays and weekends.

**SA FM has complied with clause 6.2.2 of the Schedule to its licence.**

Clause 6.2.3 of schedule to 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 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 a reasonable opportunity for the public to receive a variety of points of view on matters of public concern.*

The SABC's editorial policy provides 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.

In its current affairs broadcast, the radio station provides an opportunity for the public to receive a variety of points of view on matters of public concern. The SABC's Editorial Policies forms part of the SABC's Charter and monitoring of SA FM's news and current affairs programmes during the year under review not only demonstrated compliance with clause 6.2.3 of its licence but the Charter as contained in the Broadcasting Act of 1999.

**SA FM has complied with clause 6.2.3 of the Schedule to its licence.**

#### **3.6.4 Programming targeted at Children**

Clause 6.3.1 of the Schedule to the licence provides 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".*

Further, clause 6.3.2 of the Schedule to 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) 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 programme "Otherwise" broadcast Monday to Friday between 13h05 and 14h00 is a programme that was identified to be having children programmes. As indicated previously, "IN-TUNE" programme broadcast on Saturday only between 12h00 and 13h00 caters more for the youth and young adult than the actual children of the ages mentioned above. For example: topics about "SOWETO Camp Youth Festival", "Principles of Leadership" and "Filming" and "Entrepreneurship, a 0-7years old child is not in a position to comprehend what that is about. Only one story telling to children was identified on the "IN TUNE" program on the programmes recording submitted. The story was about "How an ostrich got a long neck", the story played for ten (10) minutes.

"Otherwise" is the programme that caters more for childrens' stories, the programme has mini programmes called "Nali Bali" and "Shap Shap" broadcast on weekdays. Both programmes run for 10 minutes which amounts to 50 minutes in a week. The topic discussed was about water savings tips, the others were more of storytelling about the 'Angry Hippo', 'Koketso Party shoes', 'Tortoise takes a taxi'. The Authority's monitoring exercise revealed that the Licensee broadcast an average 60 minutes of children programming weekly.

Both programmes are broadcast weekdays at 13h50 which is at the time when most children are at school and creche. "IN-TUNE" programme is not catering for children and it is broadcast on Saturdays only between 12h00 and 13h00.

Although the Licensee meets the minimum 1 hour as prescribed in its licence. Some of the topics discussed are educational but they are mostly not made from the point of view of children per se.

The Licensee need to strive to improve on Children's programmes and have programs that children will be able to relate to. This is to ensure that they are catered for and understand what is discussed. This matter will again be brought to the attention of the Licensee.

**Accordingly, the Licensee has not fully complied with clause 6.3.1 of the Schedule to the licence.**

### **3.6.5 Educational Programming**

Clause 6.4 of the Schedule to the licence stipulates that:

*"The Licensee shall broadcast at least four (4) hours of educational programming (as contemplated in section 10 (1) (e) of the Broadcasting Act) per week within the South African performance period".*

The monitoring exercise revealed that the Licensee broadcast at least 665 minutes of educational programming per week. This translates to at least 11 hours of educational programming broadcast during the South African performance period.

The following programmes were monitored:

- "Otherwise" broadcast Monday to Friday between 13h00 and 14h00;
- "Market Update" broadcast Monday to Friday between 18h00 to 18h30; and
- "Mandate Hour" which is broadcast Monday to Friday between 21h00 and 22h00.

The following are amongst the various educational issues that were discussed during the abovementioned programmes: How to save energy, forensics in criminal law, health matters – kidney diseases, endometriosis the causes and symptoms, emerging markets and Investors and how that impacts on the economy, to rent or to buy, which one is viable and the impact of interest rates.

**SA FM has complied with clause 6.4 of the Schedule to its licence.**

### **3.6.6 Drama**

Clause 6.5 of the schedule to 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".*

The Drama identified during the period under review are called "CRAZY", the "Files of Mood", "Adventures of life" and "Redeeming the past". The stories are about social issues such as bribes, nepotism, maintain your dignity, story of a soldiers experience during war, love, happy endings, etc.

The Authority's monitoring exercise revealed that the Licensee also broadcast Drama in the form of Book reading during the "Morning Talk" show broadcast Monday to Thursday between 09h00 and 12h00. The Book reading runs for 15 minutes only.

During the period under review, the Authority's monitoring exercise revealed that the Licensee broadcasts at least 122 minutes of drama programming weekdays and 55 minutes of drama played on Saturday.

In total, 177 minutes which amounts to 2 hours 57 minutes.

**SA FM has complied with clause 6.5 of the schedule to its licence.**

### **3.6.7 Informal Knowledge Building (IKB)**

Clause 6.6 of the Schedule to the licence stipulates that:

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

The Authority's monitoring exercise identified at least 2775 minutes of IKB programming per week. This totalled at least 46 hours of IKB programming per week which exceeds the quota mentioned above.

The following programmes were identified as having informal knowledge building:

- "Morning Talk" broadcast between 09h05 and 12h00 during the week;
- "Otherwise" broadcast Monday to Friday between 13h05 and 14h00;
- "Afternoon Talk" broadcast Monday to Friday between 14h05 and 16h00;
- "Market Update" broadcast Monday to Friday between 18h00 and 18h30;
- "The Talk Shop" broadcast Monday to Thursday between 19h00 and 21h00;



- "Mandate Hour" broadcast Monday to Thursday between 21h00 and 22h00; and
- "SA FM Lifestyle" broadcast on Saturday only between 09h00 and 12h00

The following are amongst other topics that were discussed on the above-mentioned programmes:

- "The history of Vasco da Gama as a Portuguese Explorer in Africa";
- "The role of language in preserving identity";
- "Property issues – buyer and seller and the outstanding rates on the property";
- "The employee and the work environment"; and
- "General Health issues like Down Syndrome, Diabetes, Nutrients food"
- "Food Gardening"

**SA FM has complied with clause 6.4 of the Schedule to its licence.**

### **3.6.8 Training and Skills Developments Obligations**

Clause 7 of the schedule attached to the licence provides 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 take into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons.*

*7.3 The Licensee shall endeavour to achieve fair and reasonable participation by historically disadvantaged persons with respect to:*

*(a) Its management and control structures*

*(b) Skills development*

*(c) Enterprise development; and*

*(d) Procurement*

7.4 *The Licensee must, within thirty (30) days of the end of each financial year, provide the Authority the written information regarding its compliance with the above requirements.”*

The 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.<sup>8</sup>

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.<sup>9</sup>

**The Authority is satisfied that the Licensee has complied with the provisions of clause 7 of the Schedule to its licence.**

### **3.7 Audited Financial Statements**

Clause 8 of the Schedule to the licence provides that:

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

<sup>9</sup> Ibid

*"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 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.

#### **4. REGULATIONS**

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

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A<sup>10</sup> which reports on all complaints received in the course of each financial year. In April 2014, the SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees.

During the period under review, the Licensee submit to have handled at least 1 complaint against SA FM's on air conduct. The complaint was about the lack of balance in an interview with a guest on the 'Morning Talk' programme.

The Licensee submitted that the complaint was dismissed.

##### **4.2 South African Music Content Regulations**

The Regulations on South African Music Content as published on 31 January 2006 stipulate 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*

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<sup>10</sup> SABC Form 12A

*period consist of South African music and that South African music is spread reasonably evenly throughout the said period*<sup>11</sup>.

During the period under review, the Authority's monitoring exercise observed that the Licensee broadcasts at least 55% South African music.

The following are amongst other South African Artists identified on the various programmes: Lira - 'Mali'; Monewa - 'Love me like you used to'; Ringo Mandlingozi - 'Ulwimi'; Lucky Dube - 'Different colors one, people `'; Jonas Ngwangwa - 'Morwa'; Siphso Mabuse - 'Shikisha'; Brenda Fassie - 'Weekend Special', EL featuring HHP - 'Everything will be alright', etc.

The Licensee also conducts interviews with local artists. An interview with legends of Mbaqanga and Afrosoul jazz music, that is, Abigail Kubheka and Dorothy Masuka were identified during the period under review.

### **SA FM has complied with the South African Music Content Regulations.**

#### **4.3 Regulations regarding Standard Terms and Conditions for Individual Broadcasting Licensees**

The Licensee's jingles/announcements were broadcast frequently during the period under review and these broadcasts were at intervals of not more than ten (10) minutes apart.

The jingles/announcements always carried the name and frequency location of the Licensee. There also was no other non-compliance with the Standard Terms and Conditions for Individual Licences Regulations.

### **The Licensee has complied with the Regulations on Standard Terms and Conditions for Individual Licensees.**

#### **4.4 Universal Service and Access Fund Regulations**

Regulation 3 of the USAF Regulations provides that:

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<sup>11</sup> Annexure 6.4: Regulations on South African Music

- 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 USAF contribution 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. **Accordingly, the Licensee was found to have complied with the Universal Service and Access Fund Regulations.**

## **5. CONCLUSION**

The Licensee has sufficiently complied with its licence terms and conditions, except for compliance with the following:

1. Clause 6.1.1 of schedule of its licence
2. Clause 6.3.2 of schedule of its licence

As indicated earlier, the Authority will again endeavour to ensure that the Licensee complies fully with the above-mentioned clauses as stipulated.

## **6. TERMS OF REFERENCE**

- 6.1 SAFM Licence.