

2011/2012 ANNUAL COMPLIANCE REPORT

THOBELA FM

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 Thobela FM's performance for the period 2011/2012 fiscal 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 and the Standard Terms and Conditions, Universal Service Fund Regulations and Licence Fees Regulations.

2. BACKGROUND

Thobela 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 and Limpopo Provinces. The radio station's principal language is Sepedi (*See broadcasting service licence and spectrum licence attached as Appendix A*).

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

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"

Thobela FM forms part of the public service of the SABC and is 100% owned by the State. The Licensee does not have persons from historically disadvantaged groups in its ownership.

The Licensee complies with clauses 1.1, 1.2 and 1.3 of 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 and Limpopo. The Licensee confirms that its coverage area is as defined in its licence.

The Licensee complies with clause 2 of its licence.

3.3 Language(s)

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

"Principal Language: Sepedi".

The monitoring exercise confirmed that Thobela FM broadcasts its programmes principally in Sepedi.

The Licensee complies with clause 3 of its licence.

3.3 Format

Clause 4.1 of the schedule to the licence 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 a full-spectrum service".

Thobela FM is categorised as a public radio station of the SABC and offers a full-spectrum service to its audience. This was confirmed during the Authority's monitoring exercise.

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 stipulates 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 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 Thobela FM's compliance with the quotas set by the Authority. The figures were verified during the Authority's monitoring exercise 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)	Thobela FM' Provision (Minutes Daily/Weekly)	Thobela FM's Compliance(%)
News (daily)	60 min (daily)	208 min	355%
News (Sat)	60 min (Sat)	(Weekdays)	183%
News (Sun)	60 min (Sun)	110 min (Sat) 80 min (Sun)	133%
Current Affairs (daily)	60 min (Daily)	96min (Weekdays)	168%
Current Affairs (Sat)	60 min (Sat)	60 min (Sat)	100%
Current Affairs (Sun)	60 min (Sun)	60 min (Sun)	100%
IKB (weekly)	180 min (Weekly)	1750 min(Weekly)	925%
Educational (weekly)	300 min (Weekly)	420 min (Weekly)	140%
Children's (weekly)	60 min (Weekly)	420 min (Weekly)	133%
Drama (weekly)	150 min (Weekly)	160min (Weekly)	107%

Second Quarter July – September 2011

Content/Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	Thobela FM's Provision <i>(Minutes Daily/Weekly)</i>	Thobela FM's Compliance <i>(%)</i>
<i>News daily (M-F)</i>	<i>60 min (daily)</i>	<i>208 min (daily)</i>	<i>346%</i>
<i>News (Sat)</i>	<i>60 min (Sat)</i>	<i>110 min (Sat)</i>	<i>183%</i>
<i>News (Sun)</i>	<i>60 min (Sun)</i>	<i>80 min (Sun)</i>	<i>133%</i>
<i>Current Affairs (daily)</i>	<i>60 min (daily)</i>	<i>96 min (daily)</i>	<i>160%</i>
<i>Current Affairs (Sat)</i>	<i>60 min (Sat)</i>	<i>60 min (Sat)</i>	<i>100%</i>
<i>Current Affairs (Sun)</i>	<i>60 min (Sun)</i>	<i>60 min (Sun)</i>	<i>100%</i>
<i>IKB (weekly)</i>	<i>180 min (weekly)</i>	<i>1750 min (weekly)</i>	<i>972%</i>
<i>Education (weekly)</i>	<i>300 min (weekly)</i>	<i>420 min (weekly)</i>	<i>140%</i>
<i>Children (weekly)</i>	<i>60 min (weekly)</i>	<i>420 min (weekly)</i>	<i>700%</i>
<i>Drama (weekly)</i>	<i>150 min (weekly)</i>	<i>160 min (weekly)</i>	<i>106%</i>

Third Quarter October – December 2011

Content/Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	Thobela FM's Provision <i>(Minutes Daily/Weekly)</i>	Thobela FM's Compliance <i>(%)</i>
<i>News daily (M-F)</i>	<i>60 min (daily)</i>	<i>208 min (daily)</i>	<i>346%</i>
<i>News (Sat)</i>	<i>60 min (Sat)</i>	<i>110 min (Sat)</i>	<i>183%</i>
<i>News (Sun)</i>	<i>60 min (Sun)</i>	<i>80 min (Sun)</i>	<i>133%</i>
<i>Current Affairs (daily)</i>	<i>60 min (daily)</i>	<i>96 min (daily)</i>	<i>160%</i>
<i>Current Affairs (Sat)</i>	<i>60 min (Sat)</i>	<i>60 min (Sat)</i>	<i>100%</i>
<i>Current Affairs (Sun)</i>	<i>60 min (Sun)</i>	<i>60 min (Sun)</i>	<i>100%</i>
<i>IKB (weekly)</i>	<i>180 min (weekly)</i>	<i>1750 min (weekly)</i>	<i>972%</i>
<i>Education (weekly)</i>	<i>300 min (weekly)</i>	<i>420 min (weekly)</i>	<i>140%</i>
<i>Children (weekly)</i>	<i>60 min (weekly)</i>	<i>420 min (weekly)</i>	<i>700%</i>
<i>Drama (weekly)</i>	<i>150 min (weekly)</i>	<i>160 min (weekly)</i>	<i>106%</i>

Fourth Quarter January – March 2012

Content/Genre	ICASA Quota <i>(Minutes Daily/Weekly)</i>	Thobela FM's Provision <i>(Minutes Daily/Weekly)</i>	Thobela FM's Compliance <i>(%)</i>
<i>News daily (M-F)</i>	<i>60 min (daily)</i>	<i>208 min (daily)</i>	<i>346%</i>
<i>News (Sat)</i>	<i>60 min (Sat)</i>	<i>110 min (Sat)</i>	<i>183%</i>
<i>News (Sun)</i>	<i>60 min (Sun)</i>	<i>80 min (Sun)</i>	<i>133%</i>
<i>Current Affairs (daily)</i>	<i>60 min (daily)</i>	<i>96 min (daily)</i>	<i>160%</i>
<i>Current Affairs (Sat)</i>	<i>60 min (Sat)</i>	<i>60 min (Sat)</i>	<i>100%</i>
<i>Current Affairs (Sun)</i>	<i>60 min (Sun)</i>	<i>60 min (Sun)</i>	<i>100%</i>
<i>IKB (weekly)</i>	<i>180 min (weekly)</i>	<i>1750 min (weekly)</i>	<i>972%</i>
<i>Education (weekly)</i>	<i>300 min (weekly)</i>	<i>420 min (weekly)</i>	<i>140%</i>
<i>Children (weekly)</i>	<i>60 min (weekly)</i>	<i>420 min (weekly)</i>	<i>700%</i>
<i>Drama (weekly)</i>	<i>150 min (weekly)</i>	<i>160 min (weekly)</i>	<i>106%</i>

The table above indicate compliance by Thobela FM with the set quotas during the 2011/2012 financial year.

3.5 General programming obligations

3.5.1 General

Clause 6.1.1 stipulates that:

"The Licensee shall ensure that its programming adequately reflects the 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".

Thobela FM broadcasts a variety of religious programmes. A significant number of religious programmes are broadcast on Sundays. The following programmes were identified during the Authority's monitoring exercise:

- "A re tumisheng Morena" broadcast between 08h00 to 11h00;and
- "Ma-Afrika Tumelong" broadcast between 20h00 to 21h00.

"Thobamatswalo" was identified as another programme addressing the needs of Thobela FM's audience. The programme includes motivational discussions and words of encouragement to its audience.

The Licensee complies with clause 6.1.1 of its licence.

Clause 6.1.2 stipulates that:

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

Thobela FM's target audience is primarily the Sepedi speaking people. The Authority's monitoring confirmed that "Ma-Afrika Tumelong" discussed the cultural and traditional issues relevant to Thobela FM's audience. The relationship between ancestors and God was one of the issues discussed. This was a very participatory programme with listeners phoning in and providing their opinions, advice and testimonies.

The Licensee complies with clause 6.1.2 of its licence.

Clause 6.1.3 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".

Thobela FM has various programmes that cater for the interest of the South African society. During the period under review, the Authority's monitoring

identified programmes dealing with rheumatism, stress and issues affecting people with disabilities.

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 attached to the licence stipulates that:

"The Licensee shall broadcast at least sixty (60) minutes of news programming each day during the South African performance period".

The quarterly reports submitted by the SABC indicate that during performance period the Thobela FM broadcasts a minimum of two hundred and eight (208) minutes of news on weekdays, one hundred and ten (110) minutes of news on Saturdays and eighty minutes of news on Sundays.

The Authority's monitoring confirmed that Thobela FM broadcasts news bulletins every hour on the hour from 06h00 to 22h00 and headlines every half hour except for the following times: 18h30, 19h30, 20h30 and 21h30. Thobela FM broadcasts local, national and international news bulletins. A total of two hundred and eight (208) minutes of news was monitored on weekdays and at least eighty five (85) minutes of news was monitored on the weekend.

The Licensee complies with clause 6.2.1 of its licence.

Clause 6.2.2 stipulates that:

"The Licensee shall broadcast at least sixty (60) minutes of current affairs programming each day during the South African performance period".

The SABC's quarterly reports indicate that Thobela FM, broadcasts ninety six (96) minutes of news programming on weekdays and sixty (60) minutes on Saturdays and Sundays during the South African performance period.

The Authority's monitoring identified "Lehloka la tsela" as one of the current affairs programmes broadcast by Thobela FM on a weekly basis as follows:

- in the mornings between 06h00 to 07h00; and
- in the evenings between 18h00 to 19h00.

One of the discussions was about the National Youth Development Agency (NYDA)'s lack of Leadership and competence in the development of the youth of South Africa. Youth Leaders from opposition parties namely, the Democratic Alliance (DA), Inkatha Freedom Party (IFP) and Congress Of the People (COPE) were reported to have come together in a call for the complete disbandment of NYDA.

In total, ninety (90) minutes (1 hour 30 minutes) of current affairs programming was monitored on week days and sixty (60) minutes (1hour) on weekend.

The Licensee complies with clause 6.2.3 of its licence.

Clause 6.2.3 of the schedule to the licence stipulates as follows:

"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) meets the highest standards of journalistic professionalism;*
- (iv) provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference*

- (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.

The Authority’s monitoring exercise confirmed that Thobela FM 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 a variety of points of view from different analysts and experts 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 Thobela 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 of 1999.

3.5.3 Programming targeted at Children

Clause 6.3.1 of the schedule attached to 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 SABC’s quarterly reports indicate that Thobela FM broadcasts four hundred and twenty (420) minutes of programming targeting children per week, during the South African performance.

Authority’s monitoring exercise confirmed that Thobela FM broadcasts children’s programmes. The following programmes were identified:

- "Lesang Bana" broadcast on Sundays between 07h00 to 08h00
- "Takalani Sesame" broadcast Monday to Friday from 14h50 to 15h00.

In total, one hundred and ten (110) minutes (1hour 50 minutes) of programming targeted at children was monitored.

The Licensee complies with clause 6.3.1 of its licence.

Clause 6.3.2 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".*

"Lesang Bana" is broadcast on Sunday between 07h00 to 08h00, when children are at home and caters for the target group as stipulated above.

The Licensee complies with clause 6.3.2 of its licence.

3.5.4 Educational Programming

Clause 6.4 of the schedule attached to the licence stipulates that:

"The Licensee shall broadcast at least five (5) hours of educational programming (as contemplated in section 10 (1) (e) of the Broadcasting Act) per week within the South African performance period".

The SABC's quarterly reports indicate that Thobela FM broadcasts four hundred and twenty (420) minutes (7 hours) of educational programming on weekly basis during the South African performance period.

The monitoring exercise confirmed that Thobela FM broadcasts a variety of educational programmes, most of which overlap with Informal Knowledge Building programmes. The following educational programmes were identified:

- "Sedibeng" broadcast weekdays between 09h00 to 11h45;
- "Moswa le bokamoso" broadcast weekdays between 14h00 to 14h50;
- "Molao o reng" broadcast on Sundays only between 18h00 to 19h00
- SABC Education programme broadcast weekdays between 21h30 to 22h00.

In total, seven hundred and seventy (770) minutes (12 hours 50 minutes) of educational programming was monitored weekly, during the South African performance period.

The Licensee complies with clause 6.5 of its licence.

3.5.5 Drama

Clause 6.5 of the schedule attached to the licence stipulates 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 Thobela FM broadcasts one hundred and sixty (160) minutes (2 hours 40 minutes) of drama programming per week.

The Authority's monitoring identified "*Mahlakung*" as the only drama programme broadcast by Thobela FM. The drama is broadcast as follows:

- Mondays to Fridays between 19h30 and 19h40;
- Mondays to Fridays between 11h45 and 12h00 (repeats); and
- Sundays between 22h00 and 23h00

In total, one hundred and eighty five (185) minutes (3hours 5 minutes) of drama programming was monitored.

The Licensee complies with clause 6.5 of its licence.

3.5.6 Informal Knowledge Building Programmes

Clause 6.6 of the schedule attached to the licence stipulates that:

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

The SABC's quarterly reports indicate that Thobela FM broadcasts one thousand, seven hundred and fifty (1750) minutes (29 hours 10 minutes) of Informal Knowledge Building programming per week during South African performance period.

The Authority's monitoring confirmed that Thobela FM broadcasts amongst others, the following:

- "*Sedibeng*" broadcast weekdays between 09h00 and 11h45;
- "*Ntshirogele*" broadcast weekdays between 15h00 and 18h00;
- "*Moswa le bokamoso*" broadcast weekdays between 14h00 and 14h50; and
- "*Molao o reng*" broadcast Sundays only between 18h00 and 19h00.

A total of eight hundred and eighty (880) minutes (14 Hours 40 minutes) of Informal Knowledge Building 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 provides that:

- "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 (*See skills development report attached as Appendix B*).

3.6 Provision of Audited financial statements to the Authority

Clause 8 of the licence stipulates that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within four (4) months of the end of the licensee's financial year, provided that the licensee may on good cause apply to the Authority for extension".

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

During the period under review the Licensee has complied 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 provides that:

"Every holder of a public sound broadcasting licence to which these regulations apply must ensure that after eighteen months of gazetting of these regulations, a minimum of forty percent (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" (See attached as Appendix C).

Monitoring conducted by the Authority confirmed that the radio station plays approximately sixty five percent (65%) of South African music. The following local artists were identified Zahara, Stimela, Rythmic Element, Big Nuz, Professor, Rebecca Malope, Siphokazi, Hugh Masekela, Lesego and Winnie Mashaba.

The Licensee complies with the regulations on South African Music Content Regulations *(See Regulations on South African Music Content attached as Appendix C).*

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 licensees (*See Regulations regarding Standard Terms and Conditions for Individual Licences attached as Appendix D*).

4.3 Universal Service and Access Fund Regulations

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".*
- (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 fee of eight million fifty seven thousand, seven hundred and fifty two rand (R 8, 057 752. 00) to the fund 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.

Thobela FM is part of Public Broadcasting Services, and is thus exempted from paying licence fees.

5. CONCLUSION

The Licensee has sufficiently complied with the licence terms and conditions and relevant regulations.

6. APPENDICES

Appendix A: Sound Broadcasting services and Frequency spectrum Licence

Appendix B: Skills Development Report

Appendix C: Regulations on South African Music Content

Appendix D: Regulations on Standard Terms and Conditions

Appendix E: USAF Regulations