



RADIO 2000 ANNUAL COMPLIANCE REPORT

MARCH 2018

2016/2017 ANNUAL COMPLIANCE REPORT

Radio 2000

LICENCE PERIOD : 18 DECEMBER 2008 - 17 DECEMBER 2018

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ (ECA) and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or regulations.

The purpose of the report is to give an account of Radio 2000's compliance with the terms and conditions as set out in its licence for the 2016/2017 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations, Training and Skills Development, Finances, Complaints, South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions, Universal Service and Access Fund (USAF) Regulations, Regulations on the Code on People with Disabilities and Licence Fees Regulations.

2. BACKGROUND

Radio 2000 is an Individual Broadcasting Service Licensee of the South African Broadcasting Corporation (SABC). The radio station's mandate is to provide a full radio spectrum service in South Africa. In other words, the radio station provides a balanced range of broadcast content such as educational programming, drama programming, news and current affairs programming, sports and content of national interest. According to the Broadcast Research Council of South Africa (BRC), the listenership figures for the last quarter of the period under review was 371 000⁵.

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² Act No. 13 of 2000, as amended

³ Act No. 36 of 2005

⁴ Act No. 4 of 1999

⁵ <http://www.brcsa.org.za/brc-ram-radio-listening-jul-16-dec-16-oct-16-mar-17/>

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1 of the licence stipulates that:

- 1.1 *Name of company/entity: The South African Broadcasting Corporation*
- 1.2 *Shareholders: The State shall hold one hundred (100%) percent of the shares of the Corporation*
- 1.3 *Ownership by persons from historically disadvantaged groups: N/A*

There were no changes on the name and shareholding of the Licensee. Radio 2000 forms part of the public service division of the SABC and is 100% owned by the State.

The Licensee complied with clauses 1.1, 1.2 and 1.3 of its licence.

3.2 Geographic Coverage

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, the radio station has a national coverage. For the period under review, there were no complaints that the Authority is aware of, that were lodged against the Licensee regarding its coverage area.

The Licensee complied with clause 2 of the schedule of its licence.

3.3 Language(s)

Clause 3 of the schedule to the service licence states that the language of broadcast is as follows:

"The principal language is a balanced range of official languages".

The radio station broadcasts primarily in English consistently through its programming. This was confirmed during the monitoring exercise. Furthermore, most presenters who are

multilingual and have a broad audience from all corners of South Africa, tend to interchange between languages especially when taking calls from the listeners. This was evident on *Emlanjeni* with KG Moeketsi as well as *Planet Haibo* with Just Ice.

The Licensee complied with clause 3 above.

3.4 Format

Clause 4.1 of the schedule to the licence states that:

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

Radio 2000 forms part of the public service station of the SABC and offers a full-spectrum service to its audience as outlined in the licence. This was confirmed during the Authority's monitoring exercise which found that the station broadcasts different topical issues of national interest.

Clause 4.2 of the schedule to the licence states that:

"The licensed service shall be a facility service in a balanced range of genres (including education, sports, religious programming and music) broadcast in a balanced range of official languages".

The Licensee's programming line-up reflects a broad and balanced range of genres that appeals to various audiences. The following shows are examples of Radio 2000's diverse programme content:

Tsheko 9to12 – An entertainment show that deals with light topics and interviews with personalities from different walks of life. The show airs on weekends between 09:00 – 12:00.

Weekend Sports Live – A segment dedicated to weekend live games from the premier soccer league to live cricket games between the hours 15:00 – 18:00.

Talk on 2000 – a weekly current affairs show that tackles a wide range of topical issues of the day and engages with listeners through various mediums. It airs weekdays between 19:00 – 21:00.

The Licensee complied with clause 4.1 and 4.2 of the schedule to its licence.

3.5 General programming obligations

3.5.1 General

Clause 6.1 of the schedule to its licence states that:

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

The Licensee's editorial policy in terms of religious diversity provides 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, on a show called *Tribe* which airs on weekends between 06:00 and 09:00 there is a segment called *the sermon* where a Christian pastor provides a religious sermon for approximately five (5) minutes. This segment satisfies the spiritual and religious content or information featured on the Licensee's line-up.

The Licensee complied with clause 6.1 above.

Clause 6.1.2 of the licence stipulates that:

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

The monitoring exercise found that the cultural and traditional needs of different audiences are covered through the introduction of various topics. On the weekday evening programme *'In the Mix'*, a topic on lobola and what informs different amounts of a dowry, was discussed. This is one way of ensuring that content reflects cultural and tradition needs of the listeners.

The Licensee complied with clause 6.1.2 above.

Clause 6.1.3 of the licence stipulates that:

"The licensee shall during the South African performance period, provide programme material that caters and has due regard for the interests of all sectors of South African

society and shall provide programming on health-related issues, gender issues relevant to all age groups”.

The programme line-up of the radio station reflects the provisions of the above clauses. In addition, the programming content of Radio 2000 is made up of a variety of material that is aimed at catering for the interests of South Africans. During the monitoring exercise, there were many programmes discussing diversified topics.

For example, on the weekday show *Emlanjani*, there was a discussion about the dangers of consuming high sugar content foods. This was based on a study that advised people on how to overcome food cravings at certain hours of the day, which will go a long way in preventing the consumption of high sugary content.

3.6 News

Although the licence terms and conditions do not have a specific requirement in terms of the amount of news, Radio 2000 broadcasts news from 06h00 to 22h00. Full news bulletins at the top of the hour and news headlines at the bottom of the hour.

During the period under review, the following news excerpts were monitored:

“Suspended national police commissioner Riah Phiyega has applied to the high court in Pretoria to review and set aside the findings and recommendations of the Farlam Commission of Inquiry into Marikana. The commission was set up by President Jacob Zuma to investigate the events at Lonmin mine in Marikana which led to the deaths of a total of 44 people. Phiyega listed Judge Ian Farlam, advocate Pingla Devi Hemraj and advocate Bantubonke Tokota as respondents. Retired Judge Farlam was the chairman of the commission and Hemraj and Tokota additional members. The notice of motion stated that Phiyega wants the findings and respondents’ recommendations during the commission reviewed and set aside. She and her team are now waiting for a court date to be set. Currently the high court is in recess”;

“The African National Congress (ANC) has called Communications Minister Faith Muthambi to a meeting in a bid to tackle what the party called the “unconstitutional” new editorial policy of the SABC which bans the broadcast of violent protests, a decision which saw senior

journalists at the public broadcaster speaking out and subsequently being suspended. ANC chief whip and chairman of its communications sub-committee, Jackson Mthembu, on Tuesday distanced the ANC from the controversial decisions by SABC chief operating officer Hlaudi Motsoeneng, and further apologised for the contradicting statements from ANC leaders regarding what was happening at the public broadcaster. In the ANC we are of the view that you cannot take a policy decision that contradicts the Constitution. There will not be another view from the ANC regarding what is happening at the SABC except this one. If there has been crossing of the lines among ourselves on this matter, well we apologise for that," Mthembu told reporters at Luthuli House in Johannesburg. "We cannot allow our Constitution to be messed with and contradicted, we cannot allow the ANC policy to be undermined, and that is why we are meeting with the minister [Muthambi] on Monday next week";

"Former Azanian People's Liberation Army (Apla) commander Kenny Motsamai regrets killing a white traffic officer during the fight against apartheid. "I regret that I killed someone. Though it was a white person, his family lost a member. I was involved in a liberation struggle. We were fighting against the apartheid system. It was a war, someone was to be killed. I feel sorry for his family but it was a war," Motsamai said. Yesterday, Motsamai, who was released on day parole this week, said before returning to Boksburg prison where he is serving the remaining part of his sentence at night that the killing was part of the war freedom fighters were engaged in against apartheid. "If I had to apologise to his family I would. I killed him because of the war against [an] oppressive apartheid system. It is the nature of the war that there are casualties." Motsamai, 56, was serving a life sentence for the murder of a traffic police officer he killed in Rustenburg, North West, in 1989. The robbery was sanctioned by Apla, the Pan Africanist Congress's military wing. He was initially sentenced to death, which was commuted to a life sentence after 1994. Motsamai eventually acceded to his bail conditions following a protracted court battle with the Department of Justice and Correctional Services in which he argued that they were an infringement of his freedom. He cited his ill health as the reason for dropping the fight against Minister Michael Masutha. The conditions include that he reports to prison at 4pm and checks out the following day at 7am"; and

"Tony Blair could face a motion of contempt in the House of Commons over the 2003 invasion of Iraq. A motion that Jeremy Corbyn has said he would probably support. The Conservative MP David Davis, backed by the SNP's Alex Salmond, has said he will present

on Thursday the motion accusing the former prime minister of misleading parliament. MPs could debate the issue before the summer if it is accepted by the Commons Speaker, John Bercow. Sir John Chilcot said in his long-awaited report on the Iraq invasion that the legal basis for the war was reached in a way that was "far from satisfactory", but he did not explicitly say the war was illegal. Davis told BBC1's Andrew Marr Show on Sunday that the motion would say Blair held the house in contempt over the 2003 invasion. He said that if his motion was accepted by Bercow it could be debated before parliament's summer recess. Davis said: "It's a bit like contempt of court, essentially by deceit. If you look just at the debate alone, on five different grounds the house was misled – three in terms of the weapons of mass destruction, one in terms of the way the UN votes were going, and one in terms of the threat, the risks. He might have done one of those accidentally, but five?"

3.7 Programming for People Living with Disabilities

Clause 7 of the licence stipulates that:

"The licensee shall in the provision of the licensed service, ensure that people with disabilities regularly feature and participate in its programme material in accordance with the Integrated Disability Strategy".

For the period under review, the Licensee took part in various program features that were carried under the *SABC Disability 360 Campaign* launched in December 2016 with the aim to empower People with Disabilities by providing on-going disability related content on-air, online and on the ground (events) through SABC various platforms which will be providing the sector with information about job opportunities, training opportunities and pertinent disability content, in all 11 official languages. During Transport Month for instance, the Licensee's presenters team partnered with government stakeholders to test how accessible the public transport system is, i.e. Rea Vaya, Gautrain etc and what the public can do to ensure that accessibility is improved for people with disabilities. During this campaign, there were live-crossings as well as interviews with relevant stakeholders in the disability community.

The Licensee complies with clause 7 of its licence conditions.

3.8 Training and Skills developments Obligations

Clause 7 of the schedule to the licence states the following:

- "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 increase in the productivity level at large.

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 86% of their overall staff complement are Black people; while 78% 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 less than 1% from reaching this target as it is currently sitting on 49.14%. Although 78% 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.

The Licensee submitted its Training and Skills Development Report to the Authority for the period under review.

The Licensee complied with clause 7 of its licence.

3.9 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 Licensee submitted its Audited Financial Statements for the 2016/2017 financial year within the stipulated timeframe.

The Licensee complied with clause 8 of its licence.

4. REGULATIONS

4.1. ICASA South African Music Content Regulations

Regulation 3.2 of the South African Music Content Regulations⁶ as published on 31 January 2006 stipulates that:

⁶ South African Music Content Regulations

“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 throughout the said period.”

During the period under review, Radio 2000’s music content constituted 83% of South African Music. Radio 2000 plays a variety of genres of music. It predominantly plays adult contemporary music with emphasis on old school pop, African pop, popular Reggae, soulful music, rhythm and blues, jazz, world music and a rich mix of South African golden oldies. Some of the South African artists featured on the station’s playlist are *Stimela; Bongo Muffin; Merriam Makeba; Simphiwe Dana; The Soil; Vusi Nova; K_Lo; Brenda Fassie* and many more.

The Licensee complies with regulation 3.2 of the South African Music Content Regulations.

4.2 Regulations regarding Standard Terms and Conditions for individual Licences

Regulation 11 (3) of the standard terms and conditions⁷ stipulates that:

“A station must clearly identify itself at intervals of not more than thirty (30) minutes.”

Radio 2000’s promos were identified during the period under review and these were broadcast at regular intervals. The promos carried the name of the station and frequency details.

Furthermore, there was no incident of non-compliance with the Standard Terms and Conditions for Individual Licences found.

The Licensee was therefore found to be in compliance with the Standard Terms and Conditions for Individual Licences.

⁷ Regulations regarding the Standard Terms and Conditions for Individual Licensee’s

4.3 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations⁸ 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 Authority received confirmation of payment in a form of a Section 18A certificate from the MDDA and the Licensee submitted proof of payment⁹ to the Authority.

The Licensee complied with the regulations in respect of Universal Service and Access Fund.

4.4 Regulations on the Code for Persons with Disabilities

Form 7C: Code for Persons with Disabilities contained in the Compliance Procedure Manual Regulations requires broadcasting licensees to annually complete the form in accordance with the Licensee's financial year end.

The SABC submitted these forms consistently throughout the year in review.

Further, Regulation 3.1(a) of the Code on People with Disabilities as published in the Government Gazette, no 30441, 7 November 2007, states that:

"Broadcasting service licensees must ensure that their services are made available and are accessible to people with disabilities".

Regulation 3.1(b) stipulates that:

⁸ Universal Service and Access Fund Regulations

⁹ Proof of SABC's contribution to the USAF

"Options for making broadcasting services more accessible may include the following:

- i. Improve and/or increase subtitles and sign language;*
- ii. Expand knowledge on various adjustments such as induction loops, Minicom/text phones and alternatives computer software;*
- iii. Access to programme support such as fact sheet;*
- iv. Website to offer a range of formats (such as electronic versions, Braille and audiotape);*
- v. Use of spoken languages where economic indicators, weather details, telephone numbers and addresses or details of goods and services are shown on-screen; and*
- vi. Use of non-scheduled services such as access via Personal Video Digital Recorders (PVR's) and TV anytime".*

Regulation 3.1(c) states that:

"Broadcasting service licensees must monitor the effectiveness of their service through surveys as well as contact with organisations of and for people with disability and stakeholders".

During the period under review, the Licensee conducted the SABC National Disability Committee quarterly meetings to monitor and evaluate progress against its Disability mainstreaming objectives. The Licensee also conducted disability audits that provides an indication of the physical changes necessary to ensure an accessible workplace. From 03 November 2016 to 03 December 2016, the Licensee hosted the National Disability Rights Awareness Month campaign, at which awareness was created internally around issues related to disabilities. The campaign included disability awareness clips; a disability declaration campaign as well as a Breakfast in the Dark session for the SABC KZN management teams.

The following are the other disability awareness campaigns hosted by the Licensee:

- National Blind Buddy Day;
- Autism Awareness;
- Albinism Awareness;
- Deaf Awareness; and
- Casual day.

The Licensee further conducted verifications of all declared disabilities and identification of reasonable accommodation needs, as well as participation in career exposure initiatives for scholars with disabilities.

The SABC also reported that Employees with disabilities represent 2.13% of the entire workforce. During the reporting period, the Licensee met its target of 2% of employees with disabilities and intends to focus on this aspect where the aim is to reach 4% of employees with disabilities by 2019. Furthermore, the Licensee reports that at least 77% of its employees with disabilities are black and of those, 60% are women. Gauteng has the highest number of employees with disabilities with the Auckland Park office housing 62% of them.

Producers are encouraged to establish relationships with organisations for people with disabilities to use for content when the need arises.

The Licensee has demonstrated compliance with the Code on People with Disabilities.

4.5 COMPLAINTS

Form 12A: Complaints Report of the Compliance Procedure Manual Regulations read with the Code of Conduct for Broadcasters requires that broadcasters complete the form bi-annually in accordance with the Licensees' Financial Year. There were no complaints submitted to ICASA on the SABC's compliance with its licence terms and conditions for the year under review.

5. CONCLUSION

During the period under review, the Licensee has complied with its licence terms and conditions and related regulations that govern public broadcasters.

3. TERMS OF REFERENCE

Attachment 1	: Radio 2000's Broadcasting Service Licence;
Attachment 2	: Radio 2000's Frequency Spectrum Licence;
Attachment 3	: Extract from the Licensee's Editorial Policy;
Attachment 4	: The Licensee's training report;

Attachment 5 : Regulations regarding the Standard Terms and Condition;
Attachment 6 : Universal Service and Access Fund Regulations;
Attachment 7 : Regulations on the code for people with disabilities; and
Attachment 8 : Proof of SABC's Contribution to USAF