



GOOD HOPE FM ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS GOOD HOPE FM

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.

This report is intended to give account of Good Hope FM’s compliance with the terms and conditions as set out in its license, for the 2018/2019 financial year. Aspects of compliance that are measured comprise of Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Regulations, Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

Good Hope 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 sound broadcasting service in the Cape Town Metropolitan with a Contemporary Hit Radio Rhythmic format. Good Hope FM 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. The radio station broadcasts from its studios in Cape Town (situated at 209 Beach Road, Sea Point).

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

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1 of Good Hope FM's licence provides that:

"1.1 Name of Company/Entity: The South African Broadcasting Corporation

1.2 Shareholders: The State 100%

*1.3 Ownership held by persons from historically disadvantaged groups:
N/A"*

Good Hope FM forms part of the commercial service of the SABC and is 100% owned by the State.

The Licensee complies with clause 1 of its licence.

3.2 Geographic Coverage Area

Clause 2 of the Schedule to Good Hope FM's licence provides that:

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

The radio frequency spectrum licence states that the coverage area of the licence is the Cape Town Metropolitan including Cape Town, Paarl, Tygerberg, Sea Point, Stellenbosch, Franschoek, Table Mountain, Houtbay and Simonstown.

During the period under review, the Authority did not receive complaints indicating that the Licensee is operating outside of its geographic coverage area.

The Licensee complies with clause 2 of the Schedule to its licence.

3.3 Language(s)

Clause 3 of the Schedule of Good FM's licence provides that:

"Principal Language: English and Afrikaans"

The monitoring exercise found that the principal language of the Licensee, during the period under review, is English and Afrikaans.

The Licensee complies with clause 3 of the Schedule to its Licence.

3.4 Format

Clause 4 of the Schedule to Good Hope FM's licence provides that:

- "4.1 The service authorised by this licence forms part of the commercial service division of the Licensee.*
- 4.2 The licensed service shall be a sound broadcasting service in Contemporary Hit Radio Rhythmic format."*

The Licensee confirms that Good Hope FM is a commercial radio station that forms part of the commercial service division of the SABC. The Licensee further confirms that the service offered is a sound broadcasting service in Contemporary Hit Radio Rhythmic format.

The Licensee complies with clause 4 of the Schedule to its Licence.

3.5 Local Content Obligations

Clause 5 of the Schedule to Good Hope FM's licence provides that:

"In each year, the Licensee shall, within thirty (30) days of end of the quarter, submit to the Authority written records indicating the extent of:

- 5.1 the different genres; and*
- 5.2 the South African music content, in programming material broadcast on the service during that quarter, in each instance, distinguishing between the genres, providing the relevant details in relation to prime time and the period between 05h00 and 23h00 daily ("the South African broadcast period"), and expressing the 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 written records indicating the different genres, the South African music content and programming material for the period under review. The information contained in the quarterly reports was compared to the findings of the monitoring exercise and the conclusions thereof is outlined below.

The Licensee complies with clause 5 of the Schedule to its Licence.

3.6 General Programming Obligations

Clause 6 of the Schedule to Good Hope FM's licence provides that:

"6.1 General

6.1.1 To the extent that the Licensee provides programming of a religious nature, the Licensee shall ensure that the programming adequately reflects the diversity of South Africa's religions."

The Licensee does not carry any religious programming and therefore does not need to comply with the clause as outlined above.

The Licensee complies with clause 6.1.1 of the Schedule to its licence.

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

The monitoring exercise found that the Licensee broadcast *programming that reflects the cultural and traditional needs of its audience*. The music that is broadcast caters to various age groups as it features old school and current music. Further, the interviews and information that is broadcast by the Licensee covers a range of diverse topics. The Licensee has an interactive approach to its audience with regular call in's by means of WhatsApp voice notes whereby audience members can share their stories that relate to the various topics that were discussed during the period under review. Further, the audience is regularly given an opportunity to make music requests.

The Licensee complies with clause 6.1.2 of its licence.

"6.1.3 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."

During the period under review, the monitoring exercise found that the Licensee's programme material caters for the interests of all sectors of the South African society. The Licensee broadcast "*The Works*" during weekdays between 09h00 and 12h00 that covers various health, fitness and lifestyle related topics such as Autism and marathon preparations amongst others. "*The DJ Ready D Show*" has inserts about the motoring industry. The Licensee further provides sports updates throughout the day.

The Licensee complies with clause 6.1.3 of the Schedule to its licence.

6.2 News

Clause 6.2.1 of the Schedule to Good Hope FM's licensee states that:

"The Licensee shall broadcast at least thirty (30) minutes of news programming each day during the South African performance period."

Some of the news inserts broadcasted by the Licensee include:

- *"The ANC says it's unfortunate that sources within the SABC are alleged to have leaked to a Sunday newspaper, what it describes as a false narrative regarding its meeting with the public broadcaster. The ruling party says in a statement that such behavior should be nipped in the bud. The newspaper report quotes sources at the public broadcaster as saying the ANC's Head of Elections, Fikile Mbalula, complained to senior SABC news staff about coverage of the party's campaign ahead of the May general elections."*
- *"Die polisie ondersoek 'n moordsaak na 'n driejarige seun in Rylands dood geskiet is. Die polisie woorvoerder, Fredrick van Wyk sê niemand is nog in verband met die voorval in hegtenis geneem nie. Die kind het vermoedelik in die kruisvuur beland toe mans uit 'n voertuig geskied het na die huis waar die kind was. Hy is in die kop gewond en is later in die hospitaal oorlede."*
- *"A 35-year-old Constable has been released on bail of R500 in the Worcester Magistrate's Court, after appearing on charges of theft and defeating the course of justice. Police spokesperson, FC van Wyk, says she was arrested on Monday while on duty at the Worcester Community Centre. She was caught on camera while allegedly concealing a case docket and terminating drug evidence attached to it."*
- *"Drie buitelanders is in Paarl in hegtenis geneem na die polisie se honed eenheid toegeslaan het op onwettige aanleg waar perlemoen verwerk is. 'n Polisie woordvoerder, FC Van Wyk, sê beslag is gelê op verskeie houers en sake perlemoen, sakke sout, gas silinders en ander toerusting wat gebruik word in die verwerking van perlemoen."*

The quarterly reports, as submitted by the Licensee, indicate that the Licensee broadcast an average of forty-four (44) minutes of news per day.

The monitoring exercise found that the Licensee broadcasts a minimum of forty (40) minutes of news programming per day on weekdays.

The Licensee complies with clause 6.2.1 of the Schedule to its licence.

Clause 6.2.3 of the Schedule to Good Hope FM's licence states that:

"The Licensee shall in its production of news and current affairs programming:

(i) Exercise full editorial control in respect to 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 stipulates that full editorial control vests with the Licensee. Further, the policy indicates that emphasis is placed on meeting the highest standard of journalistic professionalism and that coverage should be fair, unbiased, impartial and balanced without any governmental, commercial or other interference.

The monitoring exercise found that the news as broadcast by the Licensee is in line with its editorial policy.

The Licensee complies with clause 6.2.3 of its licence.

3.7 Training and Skills Development Obligations

Clause 7 of the schedule to Good Hope FM's licence stipulates that:

7.1 The Licensee must adopt and implement equal opportunity employment Practice.

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 Licensee is in its third year of its three (3) year employment equity plan. During the period under review, the Licensee submits that it successfully implemented employment equity and transformation objectives in line with the relevant legislation which ensured that diversity and inclusion is managed in a non-discriminatory environment. The Licensee implemented various initiatives that was aligned to its employment equity plan and was intended to create awareness, to educate and to challenge employees understanding on different topics relating to diversity and inclusion.

The Licensee submitted its Employment Equity and Transformation report for the period under review. The report indicated that the Licensee made significant progress against its employment equity targets and goals as set out in the employment equity plan⁵.

The Licensee during the period under review achieved a level two (2) BBEE status and received a total score of 19,61 out of 20 for its Management Control/Employment equity element.

The Licensee delivered 2534 training interventions to 1567 employees during the period under review. Of the 1567 employees, 1088 was trained in accordance with the Workplace Skills Programme and 479 where trained based on operational requirements.

The Licensee submitted that 88% of employees that were trained were from the designated groups (Black, Coloured, Indian). 54,56% were females and 2,55% were employees with disabilities. The Licensee submitted its Training and Skills Development that provides a detailed breakdown of its compliance with the above requirements, for the period under review, to the Authority for the period under review⁶.

The Licensee complies with its training and skills developments obligations.

3.8 Provision of audited financial statements to the Authority

Clause 8 of the service licence provides that:

⁵ SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2018 – end March 2019.

⁶ Appendix C: Skills and Development Report

"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 an extension."

The Licensee submitted its Audited Financial Statements for the 2018/2019 financial year within the stipulated timeframe.

The Licensee complies with clause 8 of the schedule to its licence.

4. REGULATIONS

4.1 ICASA South African Music Content Regulations, 2016

Regulation 3.3 of the Regulations on South African Music Content provides that:

*"Every holder of a commercial sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 35% 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"*⁷.

Some of the South African music tracks that were broadcast during the period under review include:

The Soil "Korobela"; Soweto String Quartet "Imbube"; TK "Sweet Love"; Black Coffee ft Samthing Soweto "Ndod'emnyama"; Low Deep T "Feelings for You"; Eternal ft Amanda Faku "Maradona"; KB "Life is Good"; and Lebo Mathosa "I Love Music".

The quarterly reports, as submitted by the Licensee, show that the Licensee broadcast an average of thirty-five (35) percent of South African music.

The monitoring exercise found that the Licensee broadcast a minimum of thirty-five percent (35%) South African music.

The Licensee complies with the Regulations on South African Music Content.

⁷ Appendix D: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016.

4.2 Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A⁸ which reports on all complaints received during each financial year.

The Licensee submitted the required Form 12A. Further, the Licensee is a member of the National Association of Broadcasters (“NAB”) and complaints in relation to the Code of Conduct by Broadcasters are administered by the Broadcasting Complaints Commission of South Africa (“BCCSA”).

The Licensee complies with the Compliance Procedure Manual Regulations.

4.3 Regulations regarding Standard Terms and Conditions for Individual Licensees

The Authority is satisfied that during the period under review the Licensee did not contravene the regulation in respect of the Standard Terms and Conditions for Individual Licences⁹.

The Licensee complies with the Regulations on Standard Terms and Conditions for Individual Licences.

4.4 Universal Service and Access Fund Regulations, 2011

Regulation 3 of the USAF Regulations¹⁰ provides 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 Broadcasting Service Licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF Contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year”.*

The Licensee paid its annual contribution to the USAF and duly submitted proof to the Authority.

The Licensee complies with the USAF Regulations.

⁸ ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

⁹ Standard Terms and Conditions for Individual Licences, 2010 as published in *Government Gazette* No. 33294 dated, 14 June 2010, as amended.

¹⁰ USAF Regulations, 2011 as published in *Government Gazette* No. 34010 dated, 10 February 2011.

5. CONCLUSION

The monitoring exercise found that Good Hope FM is compliant with all its licence terms obligations, as set out in its license as well as applicable Regulations.

6. TERMS OF REFERENCE

- 6.1** Appendix A: Service and Frequency spectrum licence;
- 6.2** Appendix B: Editorial policies;
- 6.3** Appendix C: Skills and Training Development Report 2018/2019;
- 6.4** Appendix D: ICASA South African Music Content Regulations, 2016;
- 6.5** Appendix E: Regulations Regarding Standard Terms and Conditions for Individual Broadcasting Licensees, 2010 as amended; and
- 6.6** Appendix F: Universal Service Obligation Fund Regulations, 2011.