



SA FM ANNUAL COMPLIANCE REPORT

MARCH 2021

2019/2020 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS SA FM

Licence Period: 18 December 2018 – 17 December 2028

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 SA FM's compliance with the terms and conditions as set out in its license, for the 2019/2020 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

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.

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

SA 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 studio's situated at the SABC's premises in Auckland Park, Johannesburg, to the various regions throughout the country.

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1 of SA 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"*

The Licensee confirmed that the information contained in clause 1 is accurate and true. The monitoring exercise as undertaken during the period under review, found no evidence pointing to the contrary.

The Licensee complies with clause 1 of its licence.

3.2 Name of the station

Clause 1 of the Schedule to SA FM's licence provides that:

"Name of Station: SA FM"

The monitoring exercise as undertaken during the period under review confirmed that the Licensee was broadcasting under the name SA FM.

The Licensee complies with clause 1 of the Schedule to its licence.

3.3 Licence Period

Clause 2 of the Schedule to the licence of SA FM states that:

"2.1 The effective date of the Licence is 18 December 2018.

2.2 The Licence shall expire on 17 December 2028".

The licensee is up to date.

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

3.4 Geographic coverage area

Clause 3 of the schedule to the licence of the licensee states that:

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

The monitoring exercise as undertaken during the period under review did not find any complaints lodged with the Authority of the licensee broadcasting outside of the defined coverage area as per the map attached to the frequency spectrum licence.

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

3.5 Language(s)

Clause 4 of SA FM's licence provides that:

"Principal Language: English"

The monitoring exercise as undertaken during the period of review found that the principal language of broadcast was English.

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

3.6 Format

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

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

5.2 The licensed service shall be a full-spectrum service."

The Licensee confirmed that SA FM is a public radio station that forms part of the public service division of the SABC. The Licensee further confirmed that for the period under review the service offered is a full-spectrum service.

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

3.7 Local Content Obligations

Clause 6 of the Schedule to SA 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:

6.1 the different genres; and

6.2 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."

During the period under review, the licensee submitted its quarterly written records indicating the extent of the different genres, the South African music content. The records expressed the relevant details of the beforementioned as an aggregate in minutes and as a percentage of the total of all the programming material.

The monitoring exercise as undertaken during the period under review compared the information as submitted to the information obtained through the monitoring exercise. The details of the comparison are outlined below.

The Licensee complies with clause 6 of the Schedule to its Licence.

3.8 General Programming Obligations

Clause 7 of the Schedule to SA FM's licence provides that:

"7.1 General

7.1.1 The Licensee shall ensure that its programming adequately reflects the diversity of South African religions."

The monitoring exercise as undertaken during the period under review found that the Licensee broadcasts religious content that adequately reflect the diversity of South Africa's religions. The program "Facts of Faith" focuses on interfaith religious

discussions and tackles various topics from the perspective of different religions as represented in South Africa such as Christianity, Islam and Hinduism, among others. The program is broadcast on Sundays during the 19h00 and 20h00 slot, with an average duration of fifty-five (55) minutes.

The Licensee complies with clause 7.1.1 of the Schedule to its licence.

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

The monitoring exercise as undertaken during the period under review found that the Licensee broadcast *"The World Stage"* on Sundays between the 10h00 and 13h00 timeslot. The focus of this program is to shed light on arts and culture, traditional African systems, African music and African cuisine. Further, the overall programming of the Licensee has a South African identity, providing its audience with local music, interviews with local experts in various roles and sectors of society. The Licensee further allows its audience to express views through its various call-in segments and social media accounts.

The Licensee complies with clause 7.1.2 of the Schedule to its licence.

"7.1.3 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."

The monitoring exercise as undertaken during the period under review, found that the Licensee broadcast various programme material that is of relevance for the different sectors of South African society. These programme material includes programmes dedicated to lifestyle issues through programmes such as *"The Jetset Breakfast"*, educational content through programmes such as *"The Headspace"*, social, economic and political content through programmes such as *"The Viewpoint"*; and health and gender issues through programmes such as *"Life Happens"*.

The Licensee complies with clause 7.1.3 of the Schedule of its licence.

7.2 News and Current Affairs

Clause 7.2.1 of SA FM's licensee states that:

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

Some of the news that was broadcasted by the Licensee include:

- *"The Congress of the People, COPE, has challenged the President of the ANC in the country Cyril Ramaphosa to condemn and distance himself from the statement that ANC Secretary General Ace Magashule made at the weekend. Yesterday in his address to ANC structures in Cape Town, Magashule reiterated the support for former president Jacob Zuma, saying it was an ANC position. Magashule also referred to former president F.W de Klerk's comments that apartheid was not a crime against humanity."*
- *"Transport Minister, Fikile Mbalula, has warned that heads will roll if the bus company is found to blame for the crash in which twenty-five (25) were killed in the Eastern Cape yesterday. The bus driver was amongst the dead and sixty-one (61) other people were injured. The bus which belongs to the company Africa's Best 350 was on its way to Butterworth when it veered off the road and plunged into a ravine. Speeding and overloading are suspected to be the causes of the crash. Mbalula says an investigation is underway."*
- *"President Cyril Ramaphosa says Eskom's electricity supply issues are the biggest stumbling block for the economy. Ramaphosa's comments come on the back of figures released by Stats SA yesterday which have revealed that the country has fallen into a technical recession. Stats SA figures have revealed that the Gross Domestic Product (GDP) decreased by 1.4 percent in the fourth quarter of last year following a contraction of 0.8 percent in the third quarter of the same year. "*
- *"The Gauteng Department of Education says disciplinary action will be taken against all those implicated in the forensic report into the death of Enoch Mpianzi. The sixty-one-page report reveals that both the Nyati Bush and River Breakaway in Brits, North West and the headmaster and five educators from Parktown Boys High School were reckless and negligent. The investigation also found that Enoch was the fifth child to die due to water activity at Nyati."*

The quarterly reports as submitted by the Licensee indicate on average SA FM broadcast a minimum total of four hundred and fifty (450) minutes during weekdays and sixty (60) minutes of news on Saturdays and Sundays, respectively.

The monitoring exercise as undertaken during the period of review found that the Licensee broadcast the minimum of sixty (60) minutes of news programming per day. Further, news is spread evenly throughout the performance period.

The Licensee complies with clause 7.2.1 of the Schedule to its licence.

Clause 7.2.2 of the Schedule to SA FM's 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 as undertaken during the period under review, found the following current affairs programming was broadcast weekdays by the Licensee:

- "First Take SA": broadcast between 05h00 and 06h00;
- "The Talking Point": broadcast between 09h00 and 12h00;
- "Update at Noon": broadcast between 12h00 and 13h00; and
- "The Viewpoint": broadcast between 20h00 and 22h00.

The monitoring exercise found the following current affairs programming was broadcast weekends by the Licensee:

- "Weekend View": broadcast Saturdays between 06h00 and 07h00;
- "Weekend View": broadcast Sundays between 06h00 and 07h00.

The quarterly reports as submitted by the Licensee indicate that the licensee broadcast an average total of six hundred (600) minutes of current affairs on weekdays and eighty (80) minutes on Saturdays and Sundays respectively.

The monitoring exercise as undertaken during the period under review found that the total average current affairs programming as broadcast by the Licensee amounts to sixty (60) minutes per day.

The Licensee complies with clause 7.2.2 of the Schedule to its licence.

Clause 7.2.3 of SA 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 Licensee submitted its editorial policy to the Authority. The policy states that full editorial control vests with the Licensee. Further, the policy places emphasis 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 as undertaken during the period under review found that the news and current affairs programming as broadcast by the Licensee is in line with its editorial policy.

The Licensee complies with clause 7.2.3 of the Schedule to its licence.

7.3 Programming targeted at Children

Clause 7.3.1 of the Schedule to SA FM's Licence states that:

"The Licensee shall, in the provision of the licensed service, broadcast at least one (1) hour of programming targeted at children (as contemplated in section 10 (1)(g) of the Broadcasting Act) per week during the South African performance period."

The monitoring exercise as undertaken during the period under review found that the Licensee broadcast the following programming targeted at children:

- *"Kids Corner" is broadcast after 13h30.*

The above-mentioned programming is broadcast weekdays after 13h30 for a total broadcast average duration of eight (8) minutes. As well as on Saturday and Sunday for an average duration of ten (10) minutes respectively.

The quarterly reports as submitted by the Licensee show that the Licensee broadcast an average of sixty (60) minutes per day during the period under review.

The monitoring exercise as undertaken during the period under review found that the Licensee broadcast an average of sixty (60) minutes of programming targeted at children per week.

The Licensee complies with clause 7.3.1 of the Schedule to its licence.

Clause 7.3.2 of the Schedule to SA FM's licence states that:

"In the production and presentation of its children's programming, the Licensee shall ensure that such children's programming is:

(i) broadcast at times of the day when children are available to listen;

(ii) target at and appropriate for children between the ages of naught (0) and six (6) years and seven (7) and twelve (12) years, respectively; and

(iii) educational and is made from children's point of views."

The monitoring exercise as undertaken during the period under review found that the children's programming identified in paragraph 7.3.1 is broadcast at times of the day when children are available to listen, is targeted at children between the ages of naught (0) and twelve (12) years and is educational whilst being made from a child's perspective.

The Licensee complies with clause 7.2.3 of the Schedule to its licence.

7.4 Educational Programming

Clause 7.4 of SA FM's licence states 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 confirms that the Licensee broadcast the following educational programming, amongst others:

- *"The Headspace"* is broadcast Monday to Thursdays at 22h00 for an average duration of fifty-five (55) minutes. The program covers topics relating to health, science, the environment and the law amongst other things.
- *"The Jet Set Breakfast"* is broadcast on Saturdays and Sundays between 07h00 and 10h00 for an average duration of.
- *"SAFM Market Update"* is broadcast weekdays between 18h00 and 19h00 with an average duration of fifty (50) minutes. The program covers financial topics.
- *"Facts of Faith"* is broadcast on Sundays between 19h00 and 20h00 and covers various topics relating to inter- and intra-faith for an average of fifty (50) minutes.

The quarterly reports as submitted by the Licensee show that the Licensee broadcast an average of three hundred and seventy-five (375) minutes of education programming per week.

The monitoring exercise as undertaken during the period under review found that the Licensee exceeds the requirement to broadcast a minimum of four (4) hours of educational programming per week.

The Licensee complies with clause 7.4 of the Schedule to its licence.

7.5 Drama

Clause 7.5 of the Schedule to SA FM's licence states that:

"The Licensee shall broadcast at least two and a half (2 ½) hours of drama per week within the South African performance period."

The monitoring exercise as undertaken during the period under review found that the following drama programming was broadcast:

- *"Why you were taken"* by J.T Lawrence is a daily serial broadcast at 21h45.
- A daily book reading is broadcast after 11h45. *"To Quote Myself: A memoir"* by Khaya Dlanga was one of the books that was read during this section.

- On Sundays the Licensee broadcast the Sunday Play after 20h30. "*Banned and silenced: Drummers in exile*" by Mari Snyman is an example of a Sunday play that was found under the period of review.

The quarterly reports as submitted by the Licensee indicate that the Licensee broadcast one hundred and seventy-five (175) minutes of news per week.

The monitoring exercise as undertaken during the period under review found that the daily book reading and daily radio drama along with the Sunday play amount to an average total drama programming per week of at least two and a half (2 ½) hours within the South African performance period.

The Licensee complies with clause 7.5 of the Schedule to its licence.

7.6 Informal Knowledge-Building Programmes

Clause 7.6 of the Schedule to SA FM's licence states that:

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

Some of the informal knowledge-building programmes that were confirmed to be broadcast by the Licensee during the monitoring exercise, include amongst others:

- "SA FM Market Update" is broadcast daily during weekdays between 18h00 and 19h00 for an average duration of fifty-five (55) minutes per broadcast. The program provides information on subjects such as economies around the world, stock exchanges and business developments amongst others.
- "Life Happens" is broadcast weekdays between 13h00 and 15h00 with a focus on lifestyle and social issues.
- "The World Stage" is broadcast on Sundays between 10h00 and 13h00 and covers various subjects relating to arts and culture, for an average duration of sixty (60) minutes.
- "SA FM Documentary" is broadcast on Sundays for an average duration of twenty-five (25) minutes. During the period under review the documentary touched on topics such as *climate change and its implications* and *the impact of air pollution on the world's health*, amongst others.

The quarterly reports as submitted by the Licensee shows that the Licensee broadcast an average of one thousand two hundred and seventy-five (1275) minutes of informal knowledge building programming per week.

The monitoring exercise as undertaken during the period under review found that the Licensee met and exceeded the required three (3) hours per week of informal knowledge building programming per week.

The Licensee complies with clause 7.6 of the Schedule to its licence.

3.9 Training and Skills Development Obligations

Clause 8 of the Schedule to SA 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 submitted its Employment Equity and Transformation report for the period under review to the Authority. The report acknowledges the importance of diversity in the workplace and that employment equity is an imperative business driver. The Licensee implements various education and awareness campaigns with the intention to create and to maintain a respectful, inclusive and non-discriminatory workplace.

The report shows that the management and staff of the Licensee are representative of South African society, including 83 employees living with disabilities. The Licensee further endeavours to ensure that females are well represented at all occupational roles and especially in decision making positions.

The Licensee through its Learning and Development department implements a workplace skills programme in alignment with the needs of the organisation. During the period under review 87% of the people that were trained were historically disadvantaged persons, with females representing 54,5% of the overall total. The total amount spent on training for the period under review was R10 332 040. The training included amongst others customer service, effective presentation skills, stress management, office administration and time management.

The report shows the extent to which historically disadvantaged people are represented throughout the organisation.

Further, the Licensee has a National employment equity forum that continues to monitor and evaluate the implementation of the Licensee's employment equity objectives.

The Licensee submitted its Employment Equity and Transformation plan⁵ report and its Training and Skills Development that provides a detailed breakdown of its compliance with the above requirements to the Authority for the period under review⁶ within 30 days of the end of the financial year.

The Licensee complies with its training and skills developments obligations.

3.8. Provision of audited financial statements to the Authority:

Clause 9 of the service licence provides that:

"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,

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

⁶ Appendix C: Skills and Development Report.

provided that the Licensee may on good cause apply to the Authority for an extension."

The Licensee submitted its audited annual financial statements. However, due to the Covid-19 pandemic, the submission of the Licensee's audited financial statements was delayed and could not be submitted within four (4) months of the end of the Licensee's financial year.

The Authority was duly informed of the delay by the Licensee and considers the covid-19 pandemic good cause for an extension of the submission deadline.

The Licensee complies with clause 9 of the schedule to its licence.

4. REGULATIONS

4.1 South African Music Content Regulations

Regulation 3(1) of the ICASA South African Music Content Regulations as published in the *Government Gazette* No. 39844 dated, 23 March 2016 stipulate that:

"A holder of a public sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of these Regulations, a minimum of 60%, increasing to 70% in the following year, of the musical works broadcast in the performance period, consist of South African and that such South African music is spread evenly throughout the performance period".

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

Miriam Makeba "Malaika"; Sylvestre Kabassidi "Brother"; Bongeziwe Mabandla "Ndokulandela"; Faka Kulu "Hlabelenai"; Hugh Masekela "Old People, Old Folkes".

The quarterly reports as submitted by the Licensee, to indicate that they broadcast an average of seventy percent (70%) South African music content during the South African performance period.

The monitoring exercise as undertaken during the period under review found that the Licensee broadcast and exceeds the minimum of forty percent (40%) of the musical

works consist of South African music. The monitoring exercise further found that the South African music is spread reasonably evenly throughout the said period.

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

4.2 Compliance Procedure Manual – Form 12A

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

The Licensee submitted the required Form 12A for the period under review. 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 Broadcasting Licensees

The monitoring exercise as undertaken during the period under review, found that the Licensee satisfied the Authority regarding its compliance with the regulations regarding the Standard Terms and Conditions for Individual Broadcasting Licensees.

4.4 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations 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 made the prescribed payment and submitted proof thereof to the Authority.

The Licensee complies with Regulation 3 of the USAF Regulations.

5. CONCLUSION

The monitoring exercise as undertaken during the period under review found that the Licensee was compliant with all its obligations as outlined in this report. The Authority will continue to monitor the compliance of the Licensee in the next financial year.

6. TERMS OF REFERENCE

Appendix A:	Service and Frequency spectrum licence
Appendix B:	Editorial policies
Appendix C:	Skills and Training Development Report 2019/2020
Appendix D:	South African Music Content Regulations of 2006
Appendix E:	Regulations Regarding Standard Terms and Conditions
Appendix F:	Universal Service Obligation Fund Regulations

End

March 2021