



GOOD HOPE FM ANNUAL COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS GOOD HOPE 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 seeks to give an account of Good Hope FM’s compliance with the terms and conditions, as set out in its license, during the financial year ending March 2021. Aspects of compliance that are measured comprise of the service licence conditions of Geographic Coverage Area, Broadcast Language, Format, Local content Obligations, General Programming Obligations, Training and Skills developments and Ownership and Control Obligations.

Furthermore, the report will measure compliance with regulations that includes South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fees, Code of Conduct for Broadcasters, and the ICT Covid-19 Regulations first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.

The ICT Covid-19 Regulations as amended have introduced exemptions with specific service licence conditions and/or revised quotas and such will be reflected in the body of the report accordingly.

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

2. BACKGROUND

Good Hope FM is an Individual Public Sound Broadcasting Service Licensee⁵ of the South African Broadcasting Corporation ("SABC"). The radio station's mandate is to provide a sound broadcasting service with an Urban Contemporary Music format to the geographic coverage area as defined in the map attached to its radio frequency spectrum licence.

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 physical address in Cape Town, situated at 209 Beach Road, Sea Point.

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"*

The monitoring exercise confirmed that the information as reflected in clause 1 of Good Hope FM's licence remained unchanged for the period under review.

The Licensee complies with clause 1 of its licence.

3.2 Name of Station

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

"1. Name of Station: Good Hope FM."

The monitoring exercise confirmed that Good Hope FM broadcast under the station name of Good Hope FM.

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

⁵ Appendix A: Service and Frequency spectrum licences

3.3 Licence Period

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

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

2.2 The licence shall expire on 17 December 2028."

During the period under review, the licence was still valid as it only expires on 17 December 2028.

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

3.4 Geographic Coverage Area

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

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

The monitoring exercise confirmed that Good Hope FM operates within the geographic coverage area as defined in the map attached to its radio frequency spectrum.

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

3.5 Language(s)

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

"Principal Language: English and Afrikaans"

The monitoring exercise confirmed that the principal language of Good Hope FM was English and Afrikaans.

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

3.6 Format

Clause 5 of the Schedule to Good Hope 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 provide a service with an Urban Contemporary Music format."

The monitoring exercise confirmed that the service authorised by the licence forms part of the public service division of the Licensee and that the service is of an Urban Contemporary format.

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

3.7 Local Content Obligations

Clause 6 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:

6.1 the different genres; and

6.2 the South African music content, in programme 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 ICT Covid Regulations exempt Licensees from submitting quarterly reports as stipulated in their licence terms and conditions. However, Licensees were required to keep the information and submit to the Authority upon request. The SABC submitted Good Hope FM's quarterly reports for the period under review in line with the ICT Covid Regulations. The Reports indicated the different genres, the South African music content and programming material for the period under review.

3.8 General Programming Obligations

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

"7.1 General

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

Good Hope FM does not carry any religious programming and therefore does not have to comply with the clause as outlined above.

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 confirms that the programming as broadcast by Good Hope FM reflects the cultural and traditional needs of its listeners.

The Licensee complies with clause 7.1.2 of 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 confirmed that the programme material of Good Hope FM caters and has due regard for the interest of all sectors of South African society. Programmes such as *"The Mid-morning Show"* hosted by Leigh-Anne Williams is broadcast weekdays between 09h00 and 12h00 covers various topics including health related issues, community matters, business, fitness, and lifestyle while the interactive *"The Great Drive"* hosted by Kyeezi keeps the listeners entertained by news and interviews as well as input from the listeners.

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

7.2 News

Clause 7.2.1 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."

The monitoring exercise found a minimum of thirty (30) minutes of news programming each day during the South African performance period. The following were among the news stories covered found by the monitoring exercise during the period under review:

- *"Three suspects are expected to appear in Athlone's magistrates court today in connect with the alleged kidnapping of two Chinese women resulting in the death of one of them. Police spokesperson Andre Trout says the circumstances surrounding the death of the 51-year-old Chinese woman is being investigated after her body was discovered in a residence in Gugulethu."*

- *"The ANC NEC will resume the second day of its virtual lekgotla today. Issues that are expected to top the agenda are the economic recovery plan and corruption. This comes at a time when some ANC leaders are involved in allegations of corruption linked to PPE contracts that were awarded during the COVID-19 lockdown. The lekgotla brings together alliance partners and ANC employees in national, provincial and local sphere government."*
- *"The South African and Indian governments have asked the World Trade Organisation to waive the intellectual property rules to make it easier for developing countries to produce or import drugs for the treat of COVID-19. In a letter to the WTO, the two countries called on the global trade body to waive parts of the agreement on trade related aspects of intellectual property rights or trips which governs patents, trademarks, copy rights and other intellectual property rights globally."*

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not determined.

Clause 7.2.2 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 Licensee submitted its editorial policy to the Authority⁶. The monitoring exercise confirmed that Licensee's broadcast of news and current affairs is aligned to its editorial policy.

The policy places particular emphasis that full editorial control will vest in the licensee and that it will aim to meet the highest standard of journalistic professionalism and that coverage of news and current affairs should be fair, unbiased, impartial and balanced without any governmental, commercial or other interference.

The monitoring exercise also found that matters of international, national, regional, and local significance are included in the broadcast of news and current affairs.

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

3.7 Training and Skills Development Obligations

Clause 8 of the Schedule to Good Hope FM's licence stipulates that:

- "8.1 The Licensee must adopt and implement equal opportunity employment Practice.*
- 8.2 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.*
- 8.3 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*
- 8.4 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."*

⁶ Appendix B: Editorial Policy

The Licensee submitted its Employment Equity and Transformation plan⁷ 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 review⁸ within 30 days of the end of the financial year.

These reports indicate that the Licensee has adopted and implemented equal opportunity employment Practice and showed that the Licensee has remained committed to diversity and inclusion in the workplace. Its workforce represents the different groups of South African society.

The report further shows that the licensee delivered 765 training interventions for 690 employees. Of the total 690 employees, 491 were Africans, 67 were Coloureds, 41 were Indians, 91 were whites and 14 employees living with disabilities. The Licensee further endeavours to ensure that females are empowered and therefore 53,62% of the total employees trained were female.

Thus, confirming that the Licensee's policies consider the development of managerial, production, technical and other skills and expertise, particularly regarding the historically disadvantaged persons.

Fair and reasonable participation by historically disadvantaged persons is evident at all occupational levels and in decision-making positions.

The Licensee complies with the entirety of clause 8 of the Schedule of its Licence.

3.8. Provision of audited financial statements to the Authority:

Clause 9 of the service licence provides 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 an extension."

The Licensee submitted its audited annual financial statements to the Authority within the prescribed time.

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

⁷ Appendix C: SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2020 – 31 March 2021.

⁸ Appendix D: Skills and Development Report.

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”⁹.*

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

Nasty C “Eazy”; Holly Rey “Fire”; Janice Now “Be Your Girl”; Goodluck & Kav Verhouzer “Rum & Cola”; AKA & Youngsta Cpt “Main Ou’s”; Black Coffee feat. Celeste “Ready For You”; Goldfish “Away Game”; Khaya “Move”; Miza “The Look of Love”.

The monitoring exercise as undertaken during the period under review, found that the Licensee broadcast a minimum of forty percent (40%) South African music content.

The Authority has taken into consideration the impact of the reduced performance period on compliance with this clause and therefore findings on compliance with this clause of the licence has not been determined.

4.2 Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A¹⁰ 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”).

⁹ Appendix D: ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016.

¹⁰ ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

The Licensee complies with the Compliance Procedure Manual Regulations.

4.4 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 Licences¹¹.

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

4.5 Universal Service and Access Fund Regulations, 2011

Regulation 3 of the USAF Regulations¹² 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 directly to the MDDA and submitted proof thereof to the Authority.

The Licensee complies with Regulations 3(1) and 3(2) of the USAF Regulations.

5. CONCLUSION

The monitoring exercise as undertaken during the period under review, has confirmed the Licensee's compliance with its licence conditions and relevant Regulations. The detail of its compliance is captured and reflected in this report. There are no areas of non-compliance that require intervention by the Authority.

¹¹ Standard Terms and Conditions for Individual Licences, 2010 as published in *Government Gazette* No. 33294 dated, 14 June 2010, as amended.

¹² USAF Regulations, 2011 as published in *Government Gazette* No. 34010 dated, 10 February 2011.

The exemptions and suspensions imposed on Licensees due to the National State of Disaster have been lifted for the next review period. Complete monitoring of compliance with licence conditions and regulations will be conducted in the next review.

6. TERMS OF REFERENCE

Appendix A: Service and Frequency spectrum licences

Appendix B: Editorial policies

Appendix C: SABC Employment Equity and Transformation: Report to ICASA,
Reporting period: 1 April 2020 – 31 March 2021.

Appendix D: Skills and Development Report

Appendix E: South African Music Content Regulations

Appendix F: Compliance Procedure Manual Regulations

Appendix G: Regulations Regarding Standard Terms and Conditions

Appendix H: Universal Service Obligation Fund Regulations

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