



RADIO SONDER GRENSE ANNUAL COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS RADIO SONDER GRENSE

Licence Period: 18 December 2018 to 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 Radio Sonder Grense’s compliance with the terms and conditions as set out in its license, for the 2020/2021 financial year. Aspects of compliance that are measured comprise of the service licence’s 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 Fee, 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

Radio Sonder Grense ("RSG") is an individual public sound broadcasting service Licensee⁵, broadcasting on a full spectrum nationwide. It forms part of the South African Broadcasting Corporation's ("SABC") public service mandate. The radio station's mandate is to provide a full-spectrum service to the geographic areas of Gauteng, Free State, Western Cape, Northern Cape, Eastern Cape, North West, Kwa-Zulu Natal, Mpumalanga and Limpopo Provinces.

RSG 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, via the Brixton Tower high site. 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 the service licence of RSG 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 confirms that the information reflected in clause 1 of the service licence of RSG has not changed.

The Licensee complies with clauses 1 of its licence.

3.2 Geographic Coverage Area

Clause 1 of the Schedule to the service licence of RSG provides that:

"1. Name of the Station: RSG"

The monitoring exercise as undertaken during the period under review, confirmed and verified that the station broadcasts under the station name of RSG.

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

3.3 Licence Period

⁵ Appendix A: Service and Frequency spectrum licences

Clause 2 of the Schedule to the service licence of RSG provides that:

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

2.2 The Licence shall expire on 17 December 2028."

The licence of RSG is up to date and valid until 2028.

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

3.4 Geographic Coverage Area

Clause 3 of the Schedule to the service licence of RSG provides that:

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

The monitoring exercise confirmed that the Licensee operates within the geographic areas as defined in the map attached to the radio frequency spectrum licence.

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

3.5 Languages

Clause 4 of the Schedule to the service licence of RSG provides that:

"Principal Language: Afrikaans"

The monitoring exercise confirmed that the principal language of broadcast of RSG was Afrikaans.

The Licensee complies with clause 4 of the Schedule of its licence.

3.6 Format

Clause 5 of the Schedule to the service licence of RSG 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 monitoring exercise confirmed that the service authorised by the licence of RSG forms part of the public service division of the Licensee and that the service is a full-spectrum service.

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

3.5 Local Content Obligations

Clause 6 of the Schedule to the service licence of RSG 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.”

The ICT Covid Regulations exempt Licensee’s 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 Radio Sonder Grense’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.

3.6 General Programming Obligations

Clause 7.1 of the Schedule to the service licence of RSG provides that:

“7.1 General

7.1.1 The Licensee shall ensure that it’s programming adequately reflects the diversity of South African religions.

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

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 found that the RSG’s programming adequately reflects the diversity of South African religions. Religious programming amounting to on

average two-hundred and fifty (250) minutes per week, including the following programming: "Sonddagjoernaal" and "Oggenddiens".

RSG broadcast a diverse range of programme material that caters and has due regard for all interest of all sectors of South African society. Examples of the diverse programming includes:

"RSG Landbou" (agriculture); "Taaldinge", (language); "Hoe verklaar jy dit?" (science); "Kat en hond" (pet feature); "Rand en Sent" (finance); Leefwereld van die gestremde (people living with disability).

The programming adequately reflects the cultural and traditional needs of its listeners. Programming on health related and gender issues of relevance to all age group was found during the broadcast of "Alhoebekker" and "Driesestig".

The Licensee complies with the entirety of clause 7.1 of the Schedule to its license.

Clause 7.2 of the Schedule to the service Licence of RSG state that:

"7.2 News and Current Affairs

7.2.1 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 Radio Sonder Grense broadcasts ninety (90) minutes of news programming per day on weekdays and sixty (60) minutes on weekends, during the South African performance period. The following were among the news stories covered found by the monitoring exercise during the period under review:

- "Nog 38 sterftes weens COVID-19 is in die jongste verslag periode aangemeld wat Suid Afrika se dodetal op 16976 te staan bring. Die land se totale bevestigde gevalle het ook met 1573 gestyg tot 681 000. In die afgelope vyf dae is tussen 1500 en 1800 nuwe gevalle per dag aangemeld. Die herstelkoers staan steeds op 90%."*
- "'n Voormalige polisie kommissaris van KZN en 'n polisie kaptein wat na bewering betrokke was by tender bedrog sal hulself na verwagting teen agt uur by die polisie in Durban oorgee. Dit volg nadat die Nasionale Vervolgingsgesag die naweek n lasbrief vir hul inhegtenisneming uitgereik het."*

- *"Suid-Afrika se grootste vakbond federasie COSATU en die vakverbond SATU hoop om vandag talle hoofsentra tot stillstand te bring met hul staking oor kwessies soos korrupsie, werksverlies, die salaris verkil in die staatsdiens asook die regering se versuim om gesondheidswerkers toe te rus met persoonlike beskermde drag te midde van die corona virus pandemie."*
- *"Minstens vyf mense is vermoedelik dood nadat 'n ongebruikte diamantmyn in Namakwaland in die Noord-Kaap vanoggend ineengestort het. Dit is onduidelik wat gelei het tot die ineenstorting van die myn en hoeveel mense – vermoedelik onwettige mynwerkers – nog daarin vasgekeer is. Duisende onwettige mynwerkers is die afgelope paar jaar bedrywig by Kleinsee, 'n voormalige De Beers-myndorp."*

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 the service Licence of RSG state that:

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

The quarterly reports submitted by the SABC indicate that Radio Sonder Grense broadcasts two hundred and twenty (220) minutes of current affairs programming per day on weekdays and sixty (60) minutes per day on weekends, during the South African performance period.

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 7.2.3 of the Schedule to the service Licence of RSG state that:

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

- (i) exercise full editorial control in respect of its 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 service license.

Clause 7.3 of the Schedule to the service Licence of RSG state that:

“7.3 Programming targeted at Children

7.3.1 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.

7.3.2 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;*

⁶ Appendix B: Editorial Policy

(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;

And

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

The quarterly reports submitted by the SABC indicate that Radio Sonder Grense broadcasts sixty (60) minutes of programming targeted at children per week, during the South African performance period.

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 7.4 of the Schedule to the service Licence of RSG state that:

"7.4 Educational Programming

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 quarterly reports submitted by the SABC indicate that Radio Sonder Grense broadcasts an average of four hundred (400) minutes of educational programming per week during the South African performance period.

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 7.5 of the Schedule to the service Licence of RSG state that:

"7.5 Drama

The Licensee shall broadcast at least two and a half (2½) hours of drama per week within the South African performance period."

The quarterly reports submitted by the SABC indicate that Radio Sonder Grense broadcasts an average of three hundred and ninety-five (395) minutes drama per week during the South African performance period.

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 7.6 of the Schedule to the service Licence of RSG state that:

"7.6 Informal Knowledge-Building Programmes

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

The quarterly reports submitted by the SABC indicate that Radio Sonder Grense broadcasts an average of one thousand five hundred and fifty-five (1555) minutes of informal knowledge-building programmes per week during the South African performance period.

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.

3.7 Training and Skills Development Obligations

Clause 8 of the schedule to Radio Sonder Grense'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."

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.

The reports indicate that the Licensee has adopted and implemented equal opportunity employment practices 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:

"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

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.

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.

4. REGULATIONS

4.1 South African Music Content Regulations

Regulation 3.1 of the Regulations on South African Music Content as published on 31 January 2006 provides that:

“A holder of a public sound broadcasting service licence must ensure that after eighteen (18) months of the 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 music and that such South African music is spread reasonably evenly throughout the said period”⁹.

Some of the South African music tracks, during the period under review, include: *Wouter Kellerman & Ndlovu Youth Choir "Shape Of You"; Desmond Wells "Bloubergstrand"; Connell Cruise "I Am Your Man"; Brendan Peyper "Vasdanslyf"; Arno Carstens "Tjoepstil"; Ruhan du Toit "As Jy Dink Jy Weet"; Elvis Blue "Werner"; Steve Hofmeyr "Kol Op Die Maan"; ADAM & Daniel Baron "Say What You Want"; Gerhard Steyn feat. Nadine "Ons2".*

Some of the interviews held with South African musicians, during the period under review, include:

Jennifer Zamudio; Jan Blohm; Tobi Jooste; Manuel Escorcio; Vicki du Preez; Arno Cartens; Francois van Coke; Jakkie Louw; Kurt Darren; Rina Hugo; Karin Hougaard; Riaan Niewenhuis.

The monitoring exercise as undertaken during the period under review, found that South African music content make up an average of seventy (70) percent of all the music tracks as broadcast by the Licensee. The music is further spread reasonably even throughout the performance period.

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

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 Regulations¹⁰, to submit a Form 12A which reports on all complaints received during each financial year.

The Licensee submitted the required Form 12A within the prescribed period.

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 Regulations on the Standard Terms and Conditions for Individual Licences¹¹.

The Licensee complies with the Standard Terms and Conditions for Individual Broadcasting Licensees.

4.4 Universal Service and Access Fund Regulations

Regulation 3(1) of the Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund ("USAF") as published in the *Government Gazette* No. 34010 on 10 February 2011, stipulates that:

"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".

Further, Regulation 3(2) provides that:

"A BS Licensee who has paid an annual contribution to the Media Development and Diversity Agency (MDDA) must set off that contribution

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

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

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 confirmed the Licensee’s compliance with most of its licence conditions and relevant Regulations. The detail of its compliance is captured and reflected in this report.

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.

END.