



# **GOOD HOPE FM ANNUAL COMPLIANCE REPORT**

**MARCH 2023**

# **2021/2022 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 Constitution<sup>1</sup>, the Independent Communications Authority of South Africa Act (ICASA Act<sup>2</sup>), the Electronic Communications Act<sup>3</sup> ("ECA") and the Broadcasting Act<sup>4</sup> 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.

#### **2. BACKGROUND**

Good Hope FM is an Individual Public Sound Broadcasting Service Licensee<sup>5</sup> 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.

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<sup>1</sup> The Constitution of the Republic of South Africa, No 108 of 1996

<sup>2</sup> Act No. 13 of 2000, as amended

<sup>3</sup> Act No. 36 of 2005

<sup>4</sup> Act No. 4 of 1999

<sup>5</sup> Appendix A: Service and Frequency spectrum licences

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 during 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 the name of the station is as prescribed by the licence namely Good Hope FM. This name is used on-air as well as throughout the licensee's branding on its various social media platforms.

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

#### **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."*

The renewed licence as issued to the licensee is valid until 17 December 2028 and is only due for renewal in 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 geographic coverage of Good Hope FM is aligned to the geographic coverage area as per the map attached to the radio frequency spectrum licence of the Licensee.

**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 found that the programming and music as broadcast by the Licensee is either English or 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 SABC submitted its quarterly written records indicating the different genres, its South African music content and programming material for the period under review. The quarterly written records expressed the relevant details as an aggregate in minutes as well as a percentage of the total of all such programming material.

Further, the information contained in the quarterly reports was compared to the findings of the monitoring exercise as undertaken during the period under review and the conclusion of this comparison is outlined in the report below.

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

### **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."*

**The Licensee does not carry any religious programming and therefore a finding in terms of the clause as outlined above is not required.**

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

The steps that the licensee takes to ensure that its audience have a participatory role in its programming ensure that the cultural and traditional needs of its audience is reflected throughout its programming.

**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."*

Shows such as *"The Morning Show with Leigh-Anne Williams"* features segments such as Travel Tuesday, Money Matters, Wellness Wednesday, Warrior Woman and Mind Your Business amongst others. While shows such as *"The Big Breakfast Show with Stan Mars"* and *"The Great Drive with Kyeezi"* focuses on current affairs, community affairs, humor, and interviews. When viewed collectively, the programming material of the Licensee caters and has due regard for the interests of all sectors of South African society.

**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-five (35) minutes of news programming each day during the South African performance period. The news broadcast was further found to be dominated by local news. The following were among the news stories covered found by the monitoring exercise during the period under review:

- *"Die Nasionale Instituut vir Oordragbare Siektes sê 300 nuwe COVID-19 gevalle is in die jongste verslagsperiode bevestig wat 'n toets positiwiteitskoers van 1,4% verteenwoordig. Daarvan is 96 gevalle in KwaZulu-Natal aangemeld en 57 gevalle elk in Gauteng en die Wes-Kaap. Die dodetal het in dieselde tydperk tot 88925 gestyg. Landswyd is daar net meer as 19 000 COVID-19 aktiewe aangetekende gevalle."*
- *"Die SAKP sê dat die ANC se kandidate in die komende plaaslike regerings verkiesing het die vermoë om mense se lewens in arme gebiede te verbeter. Die SAKP het stemme in die Wes-Kaap gewerf ter ondersteuning van die ANC. 'n Lid van die SAKP se sentrale kommittee, Buthi Manamela, het 'n deur tot deur veldtog by Mbekweni in Paarl gelei."*
- *"Business Unity South Africa (BUSA) says that Eksom's failure to address the ongoing rolling blackouts has led to the country's lowest business confidence in 13 years."*

*According to the recent Business Partners' Small and Medium Enterprises Index (SME Index), loadshedding has affected 49% of small businesses in South Africa. Almost 60% of the businesses say that scheduled power outages pose a significant to their daily operations and ultimately their revenue."*

- *"The Free State education department says it will be offering psychosocial support to the community around the Bloemfontein Oos School as well as learners and their parents. This follows the death of a grade 3 learner after being struck by lightning while walking home from school with other learners. Free State education department spokesperson, Howard Ndaba, says the incident happened close to the learner's home."*

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

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 Authority<sup>6</sup>. 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 shall vest in the licensee and that it shall 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.

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<sup>6</sup> Appendix B: Editorial Policy

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."*

The Licensee revised its Employment Equity and Transformation plan<sup>7</sup> during the 2021/22 financial year and submitted the updated plan 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 review<sup>8</sup> 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.

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<sup>7</sup> Appendix C: SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2021 – 31 March 2022.

<sup>8</sup> Appendix D: Skills and Development Report.



The SABC employment equity profile remains in place and all groups are well represented in the organisation. The SABC's employment practices and non-discriminatory environment promote reasonable progress towards a fair and equitable representation, from both a gender and race perspective at all occupational levels and in decision making positions. This is confirmed by the following statistics:

- Females represent 51.5% of the entire workforce and at Skilled level 53.18% of the workforce are females. At a Professional Qualified, Experience Specialist and Middle Management level females represent 50.33%; and
- Employees living with disabilities represent 2.35% of the entire workforce. These employees are employed across the organisation on different occupational levels and in all SABC provinces.

Further, the SABC is well represented in the Black Executive Managers and Black Senior Managers as well as Female Black Middle Managers.

In terms of training and skills development, the SABC delivered 967 training interventions for 810 employees during the reporting period. This is despite of challenges resulting from its section 189 process, procuring suitable service providers and COVID-19. Statistically the 810 employees who received training were 84.44% African, 6.81% Coloured, 4.24% Indian and 4.51% were White employees. Further, 56% of the employees who were trained were women and 2% were employees living with disabilities.

**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.**

#### **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”<sup>9</sup>.*

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

*DND feat. Nicole Mason “How Far”; Jarrad Ricketts feat. Mr Mllum “Mama I Made It”; Professor feat. Charactor “Imoto”; Sketchy Bongo feat. Kyle Deutson “Melody”; AKA feat. Gemini Major “Energy”; Mikhaela Faye “Love On Repeat”; Tim ODV “Find My Way”; Shekhinah “Questions”; Zakes Bantwini & Kasango “Osama”; NALU feat. Youngsta CPT “Deeper”; Amy Tjasink feat. Jimmy Nevis “Game Over”.*

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 Licensee complies with the South African Music Content Regulations.**

##### **4.2 Compliance Procedure Manual – Form 12A**

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A<sup>10</sup> 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”).

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

<sup>10</sup> 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 Licences<sup>11</sup>.

**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 Regulations<sup>12</sup> 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.**

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

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

## **5. CONCLUSION**

The monitoring exercise as undertaken during the period under review 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.

## **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**