

COMPLIANCE REPORT

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 and the Electronic Communications Act³ (“EC Act”) to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the terms and conditions of their License, the Electronic Communications Act (“EC Act”), the ICASA Act and any relevant legislation.

The following report is intended to give account of Good Hope FM’s performance for the period 2009 – 2010. Aspects of compliance that are measured comprise of geographic coverage, languages, format, local content obligations, general programming obligations, training and skills development obligations, finances, South African music content regulations and regulations regarding standard terms and conditions.

2. BACKGROUND

Good Hope FM is a commercial radio station of the South African Broadcasting Corporation (“the SABC”). Good Hope FM provides a service in a Contemporary Hit Radio Rhythmic format to Cape Town, Franschhoek, Hout Bay, Paarl, Sea Point,

¹ The Constitution of the Republic no 108, 1996

² ICASA Act no 13 , 2000 as amended

³ Electronic Communications Act no 36, 2005

Simonstown, Stellenbosch, Table Mountain and Tygerberg (see *broadcasting service licence and spectrum licence attached as Appendix A*).

3. COMPLIANCE ASSESSMENT

3.1 Geographic Coverage Area

Clause 2 of the licence stipulates that:

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

According to the frequency spectrum licence, the radio station covers the following areas: Cape Town, Franschhoek, Hout Bay, Paarl, Sea Point, Simonstown, Stellenbosch, Table Mountain and Tygerberg.

Good Hope FM complies with clause 2 of its frequency spectrum licence.

3.2 Language(s)

Clause 3 of the licence stipulates that:

“Principal Language: English and Afrikaans”.

Good Hope FM broadcasts its programmes in English and Afrikaans.

The radio station complies with clause 3 above.

3.3 Format

Clause 4.1 of the licence stipulates that:

“The service authorised by this licence forms part of the commercial service division of the Licensee”.

Good Hope FM is categorised as a commercial radio station of the SABC.

The radio station complies with clause 4.1 of its licence.

Clause 4.2 of the licence stipulates that:

“The licensed service shall be a sound broadcasting service in a Contemporary Hit Radio Rhythmic format”.

Good Hope FM offers a Contemporary Hit Radio Rhythmic format to its audience. The radio station complies with clause 4.2 of its service licence.

3.4 Local Content Obligations

Clause 5 of the licence stipulates that:

“In each licence year, the Licensee shall, within 30 days of end of the quarter, submit to the Authority written records indicating the extent of:

5.2.1 the different genres; and

5.2.2 The South African music content, in programme material broadcast on the licensed service during the quarter, in each instance, distinguishing between genres, providing the relevant detailing relation to prime time and the period between 05h00 and 23h00 daily (“the South African performance period”), and expressing an aggregate in minutes and as a percentage of the total of all such programming material”.

According to the SABC, commercial radio stations are not required to submit the above information⁴. Further, the SABC states that the original licences did not require the SABC commercial radio to report quarterly. This provision was erroneously carried over from the public broadcasting radio licences. Commercial

⁴ Submission by SABC extrapolated from the SABC’s quarterly reports in respect of radio services.

radio stations do not have quotas for programming genres to comply with other than news and music. To this end the SABC indicates that it was never the intention of the regulations on local content and music to prescribe reporting by a broadcaster on different genres of music, but it has always about the principle of whether the music is foreign or local.

The SABC has further indicated that section 93 (1) of the ECA provides that the Authority cannot grant licences with less favourable terms when converting existing licences. Such an additional provision requiring quarterly reporting by commercial radio would be construed as less favourable to the SABC.

3.2 General programming obligations

3.2.1 General

Clause 6.1.1 of the licence stipulates that:

“The Licensee shall ensure that its programming adequately reflects the diversity of South Africa’s Religion.”

The radio station’s programme schedule does not reflect religious programming. Monitoring conducted by the Authority from 01August 2009 -07 August 2009 did not identify any religious programmes (see footnote 4 for further details).

Based on the above, the Authority is unable to draw a conclusion on whether the licensee has complied with clause 6.11 of its licence.

Clause 6.1.2 of the licence stipulates that:

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

The monitoring conducted by the Authority did not identify any programmes that reflect cultural and traditional needs of Good Hope FM. (refer footnote 4 for further details).

Consequently, the Authority cannot conclude that the radio station does not comply with clause 6.1.1 of its licence.

Clause 6.1.3 of the licence stipulates that:

“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 Authority’s monitoring of the radio station’s programming profile revealed that the radio station’s programming for health and gender related issues is relevant to all age groups. A women’s programme broadcast on 04 August (during International Breast feeding week) between 10h00 and 10h30 discussed health issues affecting women for example how women should take care of their infant babies. Another programme on how to prevent breast cancer was discussed on 06 August 2009 between 11h30 and 12h00. Other programmes on gender related issues were discussed by the radio station.

The radio station complies with clause 6.1.3 of its licence.

3.2.2 News and Current Affairs

Clause 6.2.1 stipulates that:

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

As indicated in the preceding sections, no information was received from the SABC. However, from the recordings monitored the radio station consistently broadcast sixty (60) minutes of news. Monitoring showed that on average the radio station broadcast sixty (60) minutes of news on week days and on weekends forty-five (45)

minutes excluding headline bulletins. News bulletins include international, national and regional news. An example of news bulletin identified is as follows:

'Newly Appointed Police Commissioner, Bheki Cele said he wants incidents such as murder to shock the country rather than become the norm'; 'Sicelo Shiceka said there is a need to formulate the code of conduct that will govern protests'.

During the period under review, the radio station complied with the requirement in terms of clause 6.2.1 of its licence.

Clause 6.2.2 of the licence stipulates that:

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

- (i) Exercise full editorial control in respect of the contents of such programming*
- (ii) Include matters of international, national, regional and where appropriate local significance*
- (iii) Meets the highest standards of journalistic professionalism*
- (iv) Provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference*
- (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 provides that the licensee must exercise full editorial control in respect of contents of its programming. The editorial policy further indicate that the licensee endeavours to meet the highest standards of journalistic professionalism. Further, the policy provides for fair, unbiased and impartial coverage independent from government, commercial or other interference. Furthermore, in its news and programming content it includes matters of international national, regional and local significance (*see Appendix B*).

The monitoring conducted revealed that the radio station broadcast matters of international national, regional and local significance.

The radio station complies with clause 6.2.1 and 6.2.2 of its licence.

3.3. Training and Skills development Obligations

Clause 7 of Good Hope FM's service licence stipulates as follows:

“7.1 The Licensee must adopt and implement equal opportunity employment practices.

7.2 The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies takes 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 with written information regarding its compliance with the above requirements”.

The SABC submitted a training and skills development report indicating that its management and staff is representative of South African society. The report further indicated that for the period under review there was reasonable participation by historically disadvantaged people in management and skills development.

The Authority confirms that the licensee has complied with the provisions of this clause (see skills development report attached as Appendix C).

3.6. Provision of Audited financial statements to the Authority

Clause 8 of the licence stipulates 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 ground shown apply to the Authority for extension”.

The SABC submitted their Audited statements for the 2009/10 financial year.

The Licensee has complied with clause 8 of its licence.

4. REGULATIONS

4.1. South African Music Content Regulations

Regulation 3.2 of the Regulations on South African Music Content as published on 31 January 2006 stipulate that:

“Every holder of a commercial sound broadcasting licence to which these regulations apply must ensure that a minimum of 25% 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”.

Monitoring conducted revealed that the radio station plays approximately 20% of South African music which is below the minimum requirement (See *Regulations on South African Music Content attached as Appendix D*).

From the monitoring conducted, the radio station did not comply with the regulation regarding South African Music Content.

4.2. Regulations regarding Standard Terms and Conditions for individual broadcasting licences

During the year under review, the Authority did not identify any non compliance by the Licensee with the standard terms and conditions for individual licensees (See *Regulations regarding Standard Terms and Conditions for Individual Licences attached as Appendix E*).

5. CONCLUSION

Good Hope has sufficiently complied with its licence terms and conditions save for the compliance with the 25% local content music.

6. APPENDICES

Appendix A: Sound broadcasting service and frequency spectrum licences

Appendix B: SABC's Editorial Policy

Appendix C: Skills Development Report

Appendix D: Regulations on South African Music Content

Appendix E: Regulations regarding Standard Terms and Conditions for Individual Licences