



RSG ANNUAL COMPLIANCE REPORT

MARCH 2023

2021/2022 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 Independent Communications Authority of South Africa Act (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 an account of Radio Sonder Grense's compliance with the terms and conditions as set out in its license, for the 2021/2022 financial year. Aspects of compliance that are measured comprise 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 include South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fee, Code of Conduct for Broadcasters.

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 studios 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 confirmed that the Licensee broadcasts under the station name RSG.

⁵ Appendix A: Service and Frequency spectrum licences

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

3.3 Licence Period

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.

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 for RSG is 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 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.

3.6 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 its 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 religious programming such as "Sondagjoernaal" and "Loof die Here" focus on Christianity while programming such as "Ikra" and "Islam in Fokus" focus on Islam religion. Viewed collectively the programming of the Licensee adequately reflects the diversity of South African religions.

The Licensee ensures that its audience has a participatory role in its programming. The Licensee further invites experts in various fields to join in on discussions, this ensures that the audience receives views that speak to their cultural and traditional needs. These are reasonable steps to ensure its programming reflects the cultural and traditional needs of its audience.

RSG broadcasts a diverse range of programme material that caters to and has due regard for all interests of all sectors of South African society. Examples of diverse programming include:

"Driesestig" – Lifestyle and gender related issues; "Spektrum" – Current Affairs; "RSG Sport" – Sport; "Reis Sonder Grense" – Travel; "Rand en Sent" – Finance; "Saterdagreseep" – Cooking; and "Gesondheid" – Health related issues.

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

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. Below were among the news stories covered and found by the monitoring exercise during the period under review.

- *"President Cyril Ramaphosa se woordvoerder, Khusela Diko, sal nie na haar pos terugkeer nie. Die presidensie sê in 'n verklaring Diko het 'n skriftelike waarskuwing ontvang na 'n tugsak oor haar versuim om finansiële belange en belange in ander maatskappye te verklaar. Haar man Thandisizwe Diko het 'n tender van R150 000,00 ontvang vir die lewering van COVID-19 persoonlike beskermende toerusting aan die Guatengse departement van gesondheid. Diko is tans met kraamverlof."*
- *"Die regering sê hy kan nie die moontlikheid uitskakel van gedwinge inenting teen COVID-19 nie. Die Minister van Gesondheid, Joe Phaahla, het aan die portefeulje komitee oor gesondheid gesê 'n debat oor die kwessie word beplan. Die Minister sê regsadvies word ook hieroor ingewin. Phaahla sê die teiken is steeds om teen 16 Desember 28 miljoen mense teen die virus in te ent."*
- *"Nog 431 mense is in tussen aan covid-19 en covid-19 verwante oorsake dood. En 7086 nuwe gevalle is in die jongste verslagstydperk aangemeld. Die kumulatiewe dodetal staan tans op 82261. KwaZulu-Natal het die meeste gevalle met 1803 gevolg deur die Oos-Kaap met 1585. Die Wes-Kaap het 1220 gevalle. In Gauteng is 571 infeksies aangemeld. Die positiwiteitskoers is tans 14,4%."*
- *"Die gewese Direkteur van die Life Esidemeni Groep, Morgan Mkhathshwa, sal vandag sy getuienis in die geregtelike ondersoek in die Hooggeregshof in Pretoria voortsit. Mkhathshwa sal oor 144 psigiatriese pasiënte getuig wat tydens sy termyn by die sentrum dood is. Mkhathshwa het gister getuig dat hy nie ten gunste was van die gewese Gautengse LUR van gesondheid, Qedani Mahlangu, se besluit om pasiënte na ander inrigtings oor te plaas nie"*.

The monitoring exercise found that news is broadcast between 06h00 and 23h00 daily. The average news bulletin has a duration of four (4) minutes. On average the daily news broadcast by the Licensee, totals sixty (60) minutes.

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

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 fifteen (215) minutes of current affairs programming per day on weekdays and sixty (60) minutes per day on weekends, during the South African performance period.

The following current affairs programming was found during the period under review:

- "Monitor" broadcast between 06h00 and 08h00 on weekdays;
- "Spektrum" broadcast between 13h00 and 14h00 on weekdays;
- "Naweekaktueel" broadcast between 12h00 and 14h00 on Saturdays; and
- "Kommentaar" broadcast between 20h00 and 21h00 on Sundays.

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

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

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 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 service Licence.

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;
(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.

⁶ Appendix B: SABC Editorial Policy.

The following programming targeted at children were found during the period under review:

- "Nal'ibali" broadcast between 19h20 and 19h30 on Mondays, Wednesday and Fridays;
- "Skuif Nader" broadcast between 19h20 and 19h30 on Tuesdays and Thursdays; and
- "Kiskenades" broadcast between 19h05 and 19h15 on Saturdays.

The monitoring confirmed that the programming outlined above totalled sixty (60) minutes of programming targeted at children per week during the South African performance period. Further, it was confirmed that the production and presentation of the programming is broadcast at times of the day when children are available to listen, targeted at and appropriate for children between the ages of nought (0) to six (6) years and seven (7) to twelve (12) years and educational and is made from the children's point of view.

The Licensee complies with the entirety of clause 7.3 of the Schedule to its Licence.

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 seven (7) hours of educational programming per week during the South African performance period.

The following educational programming was found during the period under review:

- "RSG Landbou" broadcast between 05h00 and 05h30 on weekdays;
- "Kompas" broadcast between 19h30 and 20h00 on weekdays;
- "RSG dokumentêr" broadcast between 20h00 and 20h30 on Thursdays;
- "Hoe Verklaar Jy Dit" broadcast between 11h30 and 12h00 on Sundays; and
- "Ons en die Onderwys" broadcast between 15h30 and 16h00 on Sundays.

The monitoring exercise confirmed that the programming outlined above, average a total of seven (7) hours of educational programming per week during the South African performance period. The licensee, therefore, met and exceeded its obligation to broadcast at least five (5) hours of educational programming per week.

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

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 four (4) hours of drama per week during the South African performance period.

The following drama programming was found during the period under review:

- "Middagvervolgverhaal" broadcast between 14h45 and 15h00 weekdays;
- "Aandboekvoorlesing" broadcast between 19h05 and 19h15 weekdays;
- "Laataandboekvoorlesing" broadcast between 21h10 and 21h20 weekdays;
- "Vers en Klank" broadcast between 21h20 and 21h50 on Tuesdays; and
- "Kortom" broadcast between 21h50 and 22h10 on Tuesdays.

During the programming identified above dramas such as "My Naam is Vincent" by Lee Doubell and "Hartebreker" by Leon van Nierop and readings such as "Sifdruk van bome" and "Bella van Bosrand" by Elsa Joubert, amongst others, was broadcast. The monitoring exercise confirmed that the Licensee met the obligation to broadcast at least two and a half (2½) hours of drama per week during the South African performance period.

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

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 twenty-three (23) hours of informal knowledge-building programmes per week during the South African performance period.

The following informal knowledge-building programming was found during the period under review:

- "Driesestig" broadcast between 12h00 and 13h00 on weekdays;
- "Regsake" broadcast between 11h30 and 12h00 on Mondays;
- "Finansies" broadcast between 11h30 and 12h00 on Tuesdays;
- "RSG Kuns" broadcast between 20h00 and 21h00 on Tuesdays;
- "Gesondheid" broadcast between 11h30 and 12h00 on Wednesdays;
- "Groeipyne" broadcast between 11h30 and 12h00 on Thursdays;
- "Saterdagresep" broadcast between 14h00 and 14h30;
- "Tegnologie" broadcast between 14h30 and 15h00;
- "Leefwêreld van die gestremdes" broadcast between 16h30 and 17h00 on Saturdays;
- "My mooi dorp" broadcast between 15h00 and 15h30 on Saturdays;
- "Taaldinge" broadcast between 11h05 and 11h30 on Sundays;
- "Nal'ibali" broadcast between 19h20 and 19h30 on Mondays, Wednesday and Fridays;
- "Skuif Nader" broadcast between 19h20 and 19h30 on Tuesdays and Thursdays;
- "Kiskenades" broadcast between 19h05 and 19h15 on Saturdays; and
- "Sterre en planete" broadcast between 19h30 and 20h00 on Sundays

The monitoring exercise found that the programming as outlined above on average total twelve (12) hours of informal knowledge building per week. The Licensee, therefore, met and exceeded its obligation to broadcast at least three (3) hours of informal knowledge-building programming per week during the South African performance period.

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

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

These 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. The SABC employment equity profile remains healthy, 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:

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

⁸ Appendix D: Skills and Development Report.

- 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 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:

"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 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 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: Nichos Joubert "Someone New"; Orson Mile "Don't think twice"; Wesna "Tuis"; Will Linley "Miss Me"; Alter Ego "Verniel My Maar"; Bongi Archi "Excuse Me"; Wayne Cumming "Until I forget"; Posduif "Niks Vergelyk"; Simone Roetse "Dans in die donker"; Charlie Syntari "Memories".

The monitoring exercise confirmed that South African music content makes up an average of seventy percent (70%) of all the music tracks broadcast by the Licensee. The music is further spread reasonably evenly throughout the performance period.

The Licensee complies with South African Music Content Regulations.

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 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").

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.

4.3 Regulations regarding Standard Terms and Conditions for Individual 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 Licensees¹¹.

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

4.4 Universal Service and Access Fund Regulations

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.

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.

5. CONCLUSION

The monitoring exercise as undertaken during the period under review confirmed the Licensee's compliance with all its licence conditions and relevant regulations. The detail of its compliance is captured and reflected in this report.

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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