



SA FM ANNUAL COMPLIANCE REPORT

MARCH 2023

2021/2022 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS SA 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 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 SA FM'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 of Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Regulations, Regulations Regarding Standard Terms and Conditions.

2. BACKGROUND

SA FM is an Individual Public Sound Broadcasting Service Licensee of the South African Broadcasting Corporation ("SABC"). The radio station's mandate is to provide a full spectrum service to the following provinces: Gauteng, Mpumalanga, Northern Cape, Limpopo, Northwest, Western Cape, Kwa-Zulu Natal, Free State and the Eastern Cape.

SA 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

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

by Sentech (Pty) Ltd. 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 SA 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 SA FM's licence remained unchanged during the period under review.

The Licensee complies with clause 1 of its licence.

3.2 Name of the station

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

"Name of Station: SA FM"

The monitoring exercise confirmed that the name of the station is as per the licence namely, SA 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 the licence of SA FM states 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 the licence of SA FM states that:

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

The geographic coverage of SA 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 SA FM's licence provides that:

"Principal Language: English"

The monitoring exercise as undertaken during the period of review found that the principal language of broadcast was English.

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

3.6 Format

Clause 5 of the Schedule to SA 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 be a full-spectrum service."

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 a full-spectrum service.

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

3.7 Local Content Obligations

Clause 6 of the Schedule to SA 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 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.

3.8 General Programming Obligations

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

"7.1 General

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

The monitoring exercise found that the Licensee carries a religious programme "Facts of Faith" on Sundays between 19h00 and 20h00. This programme is a platform for religious and faith communities to discuss issues such as social, political, cultural, sexual and general issues. The monitoring exercise found that this program

adequately reflects the diversity of South African religions such as Christianity, Muslim, Hindu, Jewish or of other faiths.

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 steps that the licensee takes to ensure that its audience have a participatory role in its programming and the fact that the Licensee invites experts from various sectors in society, to 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."

The Licensee broadcasts programmes such as "Talking Points"; "Life Happens"; "the Viewpoint"; "The Meeting Point"; "Late Night Conversation" and "Facts of Faith". These programmes cover various socio, economic, political and lifestyle issues. The licensee further broadcasts children's programming, educational programming, radio dramas and a daily book reading. When viewed collectively the programme material provided by the Licensee caters for and has due regard for the interest of all sectors of South African society.

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

7.2 News and Current Affairs

Clause 7.2.1 of SA FM's licensee states that:

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

Some of the news that was broadcasted by the Licensee include:

- *"Former Managing Director of the Life Esidemeni Group, Dr. Morgan Mkhathshwa, will continue to testify before the inquest that is underway in the High Court in Pretoria. Yesterday Mkhathshwa told the inquest that he did not support the decision by the former Gauteng Health MEC Qedani Mahlangu to transfer patients to other facilities. Most of the patients later died due to starvation and negligence. Mkhathshwa was cross-examined by Advocate Russel Sibara, legal representative of former Gauteng Health Director Makgabo Manamela."*
- *"Fifteen suspects including former Mogalakwena mayor and the ANC MPL arrested for corruption related to tender irregularities will appear in the Mokopane Magistrate's Court in Limpopo today. The suspects and some companies allegedly benefitted from tenders awarded by their municipalities but no services were rendered. The municipality incurred a loss amount of fifteen million rand. The suspects were arrested by the Hawks on Monday."*
- *"The South African Social Security Agency says its investigations have found that only thirty-one thousand people were incorrectly paid the R350,00 monthly special relief grant when it was first implemented. SASSA says the number of people paid is less than of the sixty-seven thousand that the Auditor-General initially found to be incorrectly paid. This has been revealed during a virtual briefing of the select committee on health and social services."*
- *"ESKOM says it is still facing challenges of non-payment from municipalities. The power utility has reported that arrears in municipal debt grew by 7.3 billion to 35.3 billion in the last financial year. Chief Executive Officer, Andre de Ruyter, released the power utility's annual results in Johannesburg today."*

The quarterly reports as submitted by the Licensee indicate on average SA FM broadcast a minimum total of four hundred and fifty (450) minutes of news during the week and eighty (80) minutes on Saturdays and Sundays, respectively.

The monitoring exercise found that the Licensee broadcast news on the hour from 05h00 until 23h00, amounting to eighteen (18) news bulletins, during weekdays. The average duration of these news bulletin totals five (5) minutes. The monitoring

exercise confirmed that the Licensee broadcast on average ninety (90) minutes of news per day during weekdays.

On Saturdays and Sundays news is broadcast from 06h00 until 21h00 with the average news bulletin having a duration of five (5) minutes, amounting to sixteen (16) news bulletins and a total of eighty (80) minutes of news.

The Licensee exceeds the required sixty (60) minutes of news per day during the South African performance period as outlined above.

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

Clause 7.2.2 of the Schedule to SA FM's Licence states that:

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

The monitoring exercise as undertaken during the period under review, found the following current affairs programming was broadcast throughout the day during weekdays. Current Affairs programming was found during the following programmes:

- *"First Take SA"*: broadcast between 05h00 and 06h00;
- *"The Talking Point"*: broadcast between 09h00 and 12h00;
- *"Update at Noon"*: broadcast between 12h00 and 13h00;
- *"The Focal Point"*: broadcast between 15h00 and 18h00; and
- *"The Viewpoint"*: broadcast between 20h00 and 22h00.

During weekends, the monitoring exercise found current affairs programming was broadcast throughout the day with a focus during the following programmes:

- *"Weekend View"*: broadcast Saturdays between 06h00 and 07h00; and
- *"Weekend View"*: broadcast Sundays between 06h00 and 07h00.

The quarterly reports as submitted by the Licensee indicate that the licensee broadcast Licensee broadcast an average total of six hundred (600) minutes of current affairs on weekdays and sixty (60) minutes on Saturdays and Sundays, respectively.

The monitoring exercise confirmed that the total average current affairs programming as broadcast by the Licensee amounts to sixty (60) minutes per day.

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

Clause 7.2.3 of SA 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. 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 licence.

7.3 Programming targeted at Children

Clause 7.3.1 of the Schedule to SA FM's Licence states that:

"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."

The monitoring found that the Licensee broadcast the following programming targeted at children:

- *"Kids Corner" is broadcast after 13h30.*

The above-mentioned programming is broadcast after 13h30 for a total broadcast average duration of nine (9) minutes per day.

The quarterly reports as submitted by the Licensee show that the Licensee broadcast an average of sixty (60) minutes per day during the period under review.

The monitoring exercise confirmed that the Licensee broadcast an average of sixty (60) minutes of programming targeted at children per week.

The Licensee complies with clause 7.3.1 of the Schedule to its licence.

Clause 7.3.2 of the Schedule to SA FM's licence states that:

"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) target at and appropriate for children between the ages of naught (0) and six (6) years and seven (7) and twelve (12) years, respectively; and

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

The monitoring exercise found that the children's programming identified above was geared towards children between the ages of 0 – 12. The programme utilizes children to teach each other about issues affecting the lives of children and therefore is made from the children's point of view. Further, the time of broadcast is a time of the day when children are available to listen to the programme.

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

7.4 Educational Programming

Clause 7.4 of SA FM's licence states that:

"The Licensee shall broadcast at least four (4) hours of educational programming (as contemplated in section 10 (1)(e) of the Broadcasting Act) per week within the South African performance period."

The monitoring exercise found that the Licensee broadcast the following educational programming:

- *"Late Night Conversation": broadcast between 22h00 and 23h00;*
- *"Kids Corner": broadcast after 13h30; and*
- *"SAFm Market Update": broadcast between 18h00 and 19h00.*

The quarterly reports as submitted by the Licensee show that the Licensee broadcast an average of three hundred and seventy-five (375) minutes, amounting to over six (6) hours of education programming per week.

The monitoring exercise confirmed that the Licensee exceeds the requirement to broadcast a minimum of four (4) hours of educational programming per week.

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

7.5 Drama

Clause 7.5 of the Schedule to SA FM's licence states that:

"The Licensee shall broadcast at least two and a half (2 ½) hours of drama per week within the South African performance period."

The monitoring exercise found that the following was some of the drama programming that was broadcast by the Licensee:

- The Licensee broadcast a daily book reading on weekdays at 11h45.
- On Saturdays, the Licensee broadcast a radio drama after 21h00. "Awake" by Ashley Harvey is an example of the radio drama that was found during the period under review.
- On Sundays, the Licensee broadcast the Sunday Play between 20h00 and 21h00. "Betrayal" by Elma Potgieter is an example of a Sunday play that was found under the period of review.

The quarterly reports as submitted by the Licensee indicate that the Licensee broadcast one hundred and seventy-five (175) minutes of drama programming per week.

The monitoring exercise as undertaken during the period under review found that the daily book reading and daily radio drama along with the Sunday play amount to an

average total drama programming per week of at least two and a half (2 ½) hours within the South African performance period.

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

7.6 Informal Knowledge-Building Programmes

Clause 7.6 of the Schedule to SA FM's licence states that:

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

Some of the informal knowledge-building programmes that were confirmed to be broadcast by the Licensee during the monitoring exercise, include among others:

- *"The Talking Point" is broadcast weekdays between 09h00 – 12h00 with a focus on legal topics such as the rights of people living with mental illness, street trading and the impact of the Copyright Amendment Bill; health topics such as chronic fatigue syndrome, eye health and adult ADHD; and finance topics such as different procurement methods and personal finance.*
- *"Living Redefined" is broadcast weekdays between 13h00 and 15h00 with a focus on lifestyle and social issues. The show featured topics such as 'what is ancestral calling and how do we respond to it'; 'understanding Alopecia'; 'understanding vehicle repossession and the legalities around it' and 'a new way to spend quality time with pets.'*

The quarterly reports as submitted by the Licensee shows that the Licensee broadcast an average of one thousand three hundred and ninety (1390) minutes of informal knowledge building programming per week.

The monitoring exercise found that the Licensee met and exceeded the required three (3) hours per week of informal knowledge building programming per week.

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

3.9 Training and Skills Development Obligations

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

"7.1 The Licensee must adopt and implement equal opportunity employment

Practice.

7.2 *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.*

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 the written information regarding its compliance with the above requirements.”*

The Licensee revised its Employment Equity and Transformation plan⁵ 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 review⁶ 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. 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:

- 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

⁵ Appendix C: SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2021 – 31 March 2022.

⁶ Appendix D: Skills and Development Report.

- 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:

"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 from the date of 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 and that such South African music is spread evenly throughout the performance period".

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

The Muffinz "Sound Check"; Zamajobe "Sobabili"; Bayete "Ten Times Love"; Afrotraction feat. Prince Bulu "Emacala"; Vusi Mahlasela & Soweto String Quartet "Weeping"; Jonas Gwangwa "Batsumi"; Jonathan Butler "Lies"; Phuzekhemisi No Nothembi "Solo Ngiyathokoza"

The quarterly reports as submitted by the Licensee indicate that they broadcast an average of 70% South African music content during the South African performance period.

The monitoring exercise confirmed that the Licensee's broadcast an average of 70% South African music content. The monitoring exercise further found that the South African music is spread reasonably evenly throughout the said period.

The Licensee complies with the Regulations on South African Music Content.

4.2 Compliance Procedure Manual – Form 12A

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, 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").

The Licensee complies with the Compliance Procedure Manual Regulations.

4.3 Regulations regarding Standard Terms and Conditions for Individual Broadcasting Licensees

The monitoring exercise as undertaken during the period under review, found that the Licensee's compliance with the regulations regarding the Standard Terms and Conditions for Individual Broadcasting Licensees, was satisfactory.

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

4.4 Universal Service and Access Fund Regulations

Regulation 3 of the USAF Regulations 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 found that the Licensee was compliant with all its obligations as outlined in this report. The Authority will continue to monitor the compliance of the Licensee in the next financial year.

6. TERMS OF REFERENCE

Appendix A: Service and Frequency spectrum licence

Appendix B: Editorial policies

Appendix C: Skills and Training Development Report 2019/2020

Appendix D: South African Music Content Regulations of 2006

Appendix E: Regulations Regarding Standard Terms and Conditions

Appendix F: Universal Service Obligation Fund Regulations

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