



SA FM ANNUAL COMPLIANCE REPORT

MARCH 2024

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 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.

The purpose of the report is to give an account of the compliance status of SA FM's compliance with the terms and conditions of its license, for the 2022/2023 financial year. Aspects of compliance that are measured comprise the Geographic Coverage, Community Participation, Programming, Format, News and Information, Local Content Obligations, Language(s), South African Music Regulations, and 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 all nine provinces in South Africa.

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 by Sentech (Pty) Ltd.

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.

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 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 information relating to the ownership and control of the Licensee 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 name of the station of the Licensee remained unchanged during the period under review.

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 licence is valid until 2028.

3.4 Geographic coverage area

Clause 3 of the schedule to the licence of the licensee states that:

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

The Licensee's geographic coverage meets the requirements of the geographic coverage area as defined in 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 confirmed that during the period under review, English was the principal language of broadcast of the Licensee.

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 of the Licensee forms part of its public service division 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 programming that adequately reflects the diversity of South African religions. An example of such programming is "Facts of Faith" which is broadcast every Sunday between 19h00 and 20h00.

The programme is a platform for discussion on various topics from the perspective of religions such as Christianity, Islam, Judaism, Hinduism and Rastafarianism amongst others.

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 monitoring exercise confirmed that the Licensee takes reasonable steps to provide programming that reflects the cultural and traditional needs of its audience. The licensee enables its audience to participate in its programming through its call-in programming as well as providing a platform where the audience can share their thoughts and views on issues affecting them through social media.

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 monitoring exercise found that the programming material broadcast by the Licensee caters and has due regard for the interests of all sectors of South African society. Programmes such as "Talking Points"; "Life Happens"; "the Viewpoint"; "The Meeting Point"; "Late Night Conversation", "Facts of Faith", and its children's programming, when viewed collectively address socio, economic, political and lifestyle topics that are relevant for different age groups and 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:

- *"A charge of attempted murder has been added following the arrest of a 56-year-old bus driver who allegedly assaulted a 17-year-old learner. The suspect is also facing a common assault charge. According to police the learner was waiting for the bus to school with other learners at a bus stop in Oranjekuil Farm in Hoopstad. When the driver arrived and started reading the names list that excluded the learner's name. The boy then went into the bus to ask the driver why his name was not on the list when the bus driver allegedly started to assault and strangle him."*
- *"The ANC has announced that it hopes that a crime free South Africa can be achieved by 2030. The party announced the outcomes of its NEC Lekgotla earlier this week. The newly elected NEC gathered to elect the National Working Committee members and to also discuss issues affecting the country. Activists however are not convinced that the party's goal to rid the country of crime in seven years is achievable."*
- *"Police have arrested a couple with a total of 11 alleged illegal firearms, ammunition, and police uniforms in Bizana in the Eastern Cape. Spokesperson, Priscella Naidoo says police acted on information about firearms in a house. She says upon searching the house, they found 11 firearms in different sizes and 460 rounds of various types of ammunition as well as other items."*
- *"Car manufacturers say that the destructive higher stages of loadshedding have an amplified negative impact on vehicle production and component manufacturing in South Africa. NAAMSA's new vehicle statistics indicate that the new vehicle market started the year on a positive but weak note with low sales on new vehicles."*

The quarterly reports as submitted by the Licensee indicate on average SA FM broadcasts 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 bulletins 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 Sunday's 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 found the following current affairs programming was broadcast throughout the day during weekdays. Current affairs content 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 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 broadcasts 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 during weekdays exceeds the sixty (60) minutes per day requirement while the Licensee broadcasts the required (60) minutes of current affairs programming per day on weekends.

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 monitoring exercise found that the news and current affairs programming of the Licensee includes matters of international, national, regional and local significance and that such news coverage is fair, unbiased, impartial and balanced. Further, the editorial policy of the Licensee confirms its full editorial control in respect of its news and current affairs programming and requires a high standard of journalistic professionalism. The monitoring exercise further confirms that the news and current affairs programming of the Licensee enables the public to receive a variety of points

of view on matters of public concern as the Licensee regularly hosts discussions held with experts from various fields on these matters.

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 "Kid's Corner" and "Nal'iBali". The before-mentioned programming is broadcast after 13h50 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 week 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 confirmed that the children's programming broadcast by the Licensee is broadcast at times of the day when children are available to listen to the programming and that such programming is targeted and appropriate for children

aged between naught (0) and twelve (12) years. The monitoring exercise further confirms that the children's programming is education and is made from a child's point of view.

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:

- "Night Talk": broadcast between 22h00 and 23h00 on Mondays to Thursdays;
- "Kids Corner": broadcast after 13h30 on weekdays;
- "Facts of Faith": broadcast between 19h00 and 20h00 on Sundays; 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 broadcasts a daily book reading on weekdays at 11h45 with an average duration of fifteen (15) minutes. *"Sitting Pretty"* written by Christi van der Westhuizen is an example of the daily book reading that was found during the period under review.
- On Saturdays, the Licensee broadcasts *"The Saturday Play"* after 21h00 with an average duration of fifty (50) minutes. *"Psychotic Minds"* is an example of the radio play that was found during the period under review.
- On Sundays, the Licensee broadcast *"The Sunday Play"* drama between 21h00 and 22h00 with an average duration of fifty (50) minutes. *"The Escape From Marshall Square"* by Anothony Ackerman is an example of a Sunday drama that was found during the period of review.

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

The monitoring exercise as undertaken during the period under review found the average total drama programming per week of the Licensee to be at least two (2) hours and fifty (50) minutes 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."

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

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 on weekdays between 09h00 – 12h00 and discusses topics such as the political economy of mining, discipline in schools and the law; tax savings and limitations; financial future of women; consumer matters such as rental disputes; and post-high school education.
- *"Living Redefined"* is broadcast on weekdays between 13h00 and 15h00 with a focus on lifestyle and social issues. The show featured topics such as 'Afrikaner masculinity'; 'socio-economic status discrimination'; and 'parenting while going through a divorce'.

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 SABC's Employment Equity and Transformation report for the year ended February 2023 outlines the licensee's efforts to comply with clause 8 and the subclauses. The Licensee continues to maximise its employment of people from historically disadvantaged backgrounds. In the year that ended February 2023, the SABC absorbed, into its workforce, one hundred and twenty six (126) interns out of one hundred and sixty-three (163) that completed the 2022/2023 internship programme with the Licensee.

Women continue to get into high positions within the Licensee and people from previously disadvantaged groups make up the majority at the executive level. The Licensee's five-year target is to have at least 51.7% women making up the entire workforce by September 2025. The SABC has already reached the 2025 target; currently, women make up 52% of the Licensee's employees, and they are represented at all occupational levels. The SABC's Employment Equity report shows that the Licensee's employment practices strive to promote a fair and equitable representation of race and gender at all levels.

Table 1: SABC's 2025 Employment Equity Targets (Control/Management Echelon) against 2023 Actuals

Employment Category	September 2025 Target	February 2023 Actual
Black Board of Directors with Voting Rights	50%	85.72%
Female Board of Directors with Voting Rights	25%	33%
Black Executive Directors (GCEO, COO, CFO)	50%	66.67%
Black Female Executive Directors (GCEO, COO, CFO)	25%	0%
Black Executive Managers / Senior Management	60%	88 %

Black Female Executive Managers/Senior Management	30%	32%
Black Middle Management	75%	83%
Black Female Middle Management	38%	42%
Black Junior Managers	88%	93%
Black Female Junior Managers	44%	49%
Black People with Disabilities	2%	2%

Towards its obligation as laid out in clause 8.3 (b) and its Workplace Skills Plan, the SABC delivered one thousand three hundred and sixty-eight (1368) training interventions in the past reporting year. Eight hundred and seventy-six (876) employees took part in the training interventions and 96.5% of the participants were persons from historically disadvantaged groups.

The SABC's reports on employment equity and skills development were received within the time frame specified in the License, thus complying with clause 8.4.

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 on 30 September 2023. The submission was 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:

Thandiswa "Ndilinde"; Yvonne Chaka Chaka "Makoti"; Mandisi Dyantyi "Molo Sis"; The Muffinz "Sound Check"; Bongeziwe Mabandla "Khangela"; Victor Ntoni "Nomalizo"; MXO "Zinathi"; Ami Faku "Ebhayi"; Caiphus Semenya "Ziph'inkomo"; Vusi Nova "Nguwe"; Kaylow "The Soul Café"; Unathi Nkayi "We Thembisile".

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

The monitoring exercise confirmed that the Licensee broadcasts an average of seventy percent (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 monitoring exercise confirms that 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").

The Licensee complies with the Compliance Procedure Manual Regulations.

4.3 Regulations Regarding Standard Terms and Conditions for Individual Broadcasting 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 Licences⁵.

The Licensee complies with the Regulations on Standard Terms and Conditions for Individual Licences.

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*

⁵ Standard Terms and Conditions for Individual Licences, 2010 as published in *Government Gazette* No. 33294 dated, 14 June 2010, as amended.

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 on 31 October 2023.

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.

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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