

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
NOTICE 285 OF 2017**



2016 MUNICIPAL ELECTIONS COVERAGE: COMPLIANCE REPORT



DECEMBER 2016



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Table of Contents

ACKNOWLEDGEMENTS	4-6
SECTION 1 PROJECT REPORT	7-12
1.1 Introduction and Background.....	8
1.2. Legislative Framework	8-9
1.3. Process and Methodology	9-12
4. Limitations.....	13
SECTION 2: DATA AND MONITORING ANALYSIS	13-28
2.1. Political Adverts.....	15-17
2.2. Party Election Broadcasts.....	17-22
2.3. News and Current Affairs.....	22-26
2.4. Statistical Reports.....	27
2.5. Gross Language Distribution.....	28
SECTION 3: COMPLAINTS AND COMPLAINTS COMMITTEE.....	29
3.1. Processing of Complaints.....	30-32
3.2. Matters Before the CCC.....	39-44
3.3 Matters Before ICASA.....	44-45
3.4 Complaints Trends.....	46-49
4. Conclusion.....	49-50

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INDEPENDENT ELECTORAL COMMISSION (IEC)

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SECTION 1

PROJECT REPORT

1.1 INTRODUCTION AND BACKGROUND

Since 1994 with the first democratic elections, South Africa has seen a well-established tradition of democratic elections just like other countries in developed and some developing countries. The municipal elections held on 3 August 2016 were conducted in pursuit of this tradition and by and large demonstrated the credibility of the municipal elections process in South Africa; characterized by a transparent elections process conducted by the Independent Electoral Commission ("IEC").

The August 3, 2016 municipal elections were the 5th municipal elections held in South Africa after the democratic dispensation. These elections (2016 municipal elections) came five years after the previous municipal elections held in 2011. Over 200 political parties contested the 2016 municipal elections. Whereas the 2011 municipal elections had seen the ruling party ("ANC") emerge as the strongest force followed by the Democratic Alliance (DA) and other parties respectively; the 2016 municipal elections demonstrated a change in South Africa's political landscape as evidenced in the IEC's elections results.

1.2 LEGISLATIVE FRAMEWORK

The Electronic Communications Act No. 36 of 2005 (the "ECA"), and more specifically sections 56, 57, 58 and 59; is the primarily law that empowers the Authority to regulate and monitor Party Elections Broadcasts ("PEB's"), Political Advertisements ("PA's") and treatment of political parties by broadcasting Licensees during election period. Coupled to this are the Regulations on Party Election Broadcasts, Political Advertisements, the Equitable treatment of Political Parties by Broadcasting Licensees and Related Matters as published by the Authority from time to time. In this regard the regulations applicable are the Regulations on Party Election Broadcasts, Political Advertisements, the Equitable treatment of Political Parties by Broadcasting Licensees and Related Matters in Respect of

Municipal Elections Broadcasting, as amended in 2016¹ (the "2016 Regulations").

Section 2 of the ECA sets out the primary objects of the legislation and require the Authority, in its regulatory framework, to ensure *amongst others*; that broadcasting services, viewed collectively, provide for regular news services; actuality programmes on matters of public interest; programmes on political issues of public interest; and programmes on matters of international, national, regional and local significance.

In addition, the Constitution of the Republic of South Africa Act No. 108 of 1996 (the "Constitution"), serves as the central legislative framework which the Authority uses to regulate elections as it comprises guarantees protecting rights as set out in Chapter 2 thereof, including but not limited to the right to freedom of expression². The right to freedom of expression includes not only the right to express one's views but also the freedom to impart or receive expression and ideas which right is essential "for the effective expression of political opinions and views during an election"³.

Accordingly, it is within this legislated jurisdiction that the Authority's report provides a detailed account of the performance of broadcasting service Licensees in giving effect to the afore-mentioned constitutionally enshrined right. In addition to the SABC which is enjoined in terms of section 57 of the ECA to cover elections and specifically broadcast PAs and PEBs during the election period, this report covers the performance of all other Licensees during this period.

1.3 THE PROJECT PROCESS AND METHODOLY

1.3.1 Council Committee

A Committee of Council, the Elections Monitoring Committee ("the Committee") was established in terms of Section 17 of the ICASA Act No. 13 of 2000 as amended (the "ICASA Act") to deal with the monitoring of broadcasting licensees' coverage of the 2016 municipal elections. The

¹ Government Gazette No. 39738 Notice No. 3 of 26 February 2016

² Section 16 of the Constitution

³ Canada parliamentary elections report dated 23 January 2006.

Committee comprised of three Councillors as well as representatives from Policy Research and Analysis ("PRA"), Licensing, Compliance and Consumer Affairs ("CCA"), Legal, Risk and CCC divisions. The Committee commenced its work from 21 April 2016.

1.3.2 Workshops, Number of Participating Licensees and Monitored Period

The Authority conducted workshops with broadcasting Licensees from 18-31 March 2016 in all 9 provinces. The purpose of the workshop was to educate the Licensees of their rights and obligations during the election period.

Assessment of broadcasters' coverage of the 2016 municipal elections commenced in April -12 August 2016. The rationale for commencing in April was to determine whether licensees broadcast PAs prior to the proclamation of the election date. As will be discussed later in this report, certain licensees were found to be in contravention of the ECA and the 2016 Regulations for broadcasting PAs outside of an election period.

A total of 104 broadcasting Licensees participated during this period as follows:

- 70 community sound and TV broadcasting licensees;
- 12 commercial radio stations;
- E.tv;
- 18 public sound broadcasting services (SABC radio stations); and
- 3 SABC TV channels.

Of the above Licensees, a sizable number (73 community Licensees, 1 commercial Licensee excluding SABC which is enjoined by law to participate) elected to broadcast PEBs, PAs, news and current affairs programmes during the election period and the rest elected not to broadcast PEBs.

1.3.3. Methodology

1.3.3.1 Design Methodology

In order to fulfil its mandate effectively, efficiently and timeously, the Authority contracted Salovy Square (Pty) Ltd to develop the software to capture and analyse data monitored by the compliance team during the monitoring process and to perform on-going data analysis and audit functions to ensure the integrity and safety of all information monitored and captured. The design methodology for the monitoring process and accompanying software was intended to make the process as simple and efficient as possible. The approach relied on a simple yet effective use of technology to capture information in standard format. This format was predefined using master data sheets and preformatted capture format. This approach guaranteed a high level of monitoring and capture accuracy thereby providing a high-quality volume of data that could be quantitatively and qualitatively analysed. Salovy Square (Pty) Ltd conducted training workshop with the monitoring team to ensure thorough understanding by the entire team of the process that would be used throughout the monitoring period.

1.3.3.2 Capture Process

Drawing from the legal prescripts governing the elections, the Authority's capture process entailed the following during the performance period:

- Programme name, where applicable
- Broadcast Time
- Broadcast Type:
 - PEB;
 - PA;
 - Current Affairs broadcast;
 - News item; and
 - PSA (Public Service Announcement)

- The geographic focus of the election material (i.e. national or provincial)
- Language – the process allowed for up to 4 languages per item should that be required
- Duration of item – minutes and seconds (up to a maximum of 99 minutes)
- Primary Topic – the primary topic of the specific item being monitored
- Secondary Topic – if the item or persons in the item covered other issues outside of the primary topic
- Relevance Flag (subjective) – this would be marked if the secondary topic was discussed at a detailed level yet was still not the primary topic – e.g. Municipal Corruption as a primary topic and Tender irregularities as a secondary topic.
- Political Parties – this referred to the political parties involved in the specific item being monitored. The item line allowed for up to 10 different political parties or specifically identified political or non-political parties who may have had a significant impact on the 2016 municipal elections.

1.4 Limitations

The major limitation pertaining to the monitoring period revolved around the fact that some recordings received from community broadcasting service Licensees were either blank or damaged resulting in the Authority's inability to monitor election related content and coverage thereof by the affected Licensees. Notwithstanding this limitation, the Authority was able to monitor a total of 34010 items during the elections period which in the Authority's assessment is significantly representative of coverage of elections by participating Licensees.

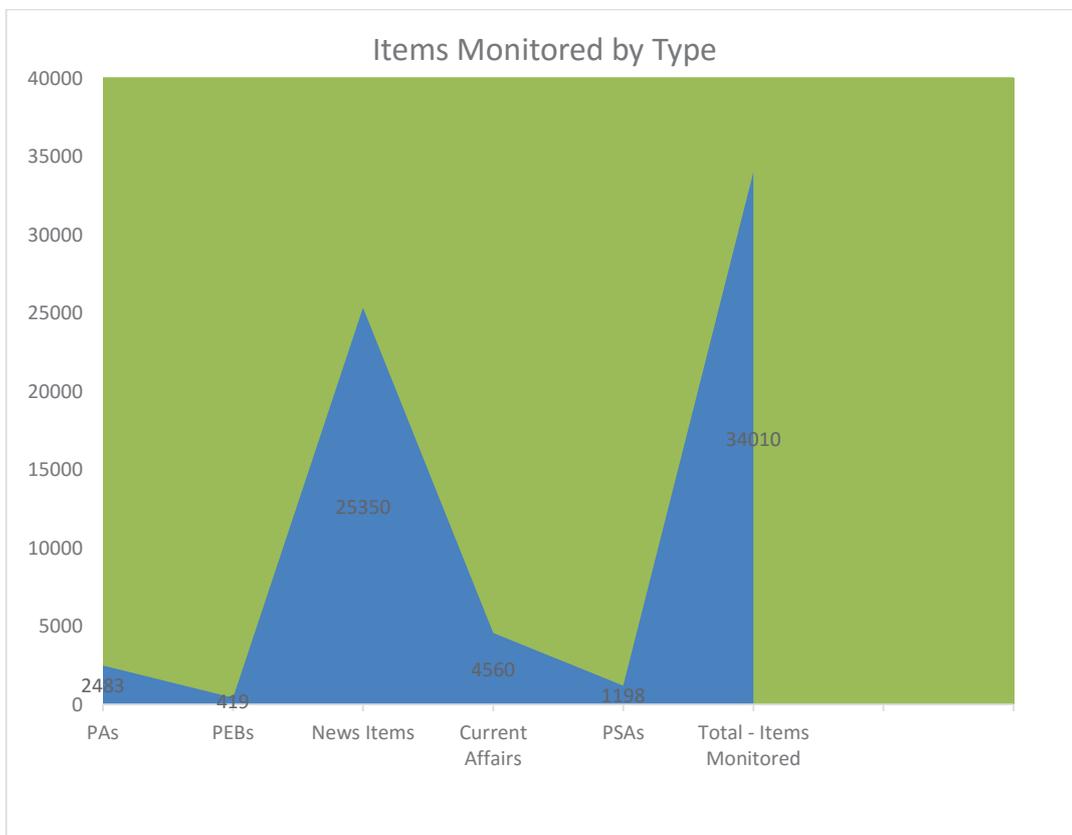
SECTION 2

DATA AND MONITORING ANALYSIS

2. FINDINGS ON BROADCAST OF POLITICAL ADVERTISEMENTS, PARTY ELECTION BROADCASTS, CURRENT AFFAIRS, NEWS AND PUBLIC SERVICE ANNOUNCEMENTS

This section provides a summary of the findings relating to broadcast content on TV and radio during the elections period. The total items monitored as well as breakdown of each category are reflected in Graph 1 below.

Graph 1: Total Items Monitored



2.1 Political Advertisements (PAs)

The ECA (2005) defines a political advert as “ an advertisement broadcast on a broadcasting service which is intended or calculated to advance the interests of any particular political party, for which advertisement the relevant broadcasting service licensee has received or is to receive, directly or indirectly, any money or other consideration” (ECA, 2005, p.79) In defining political advertising, Tak, Kaid and Lee (2008, p. 175)⁴ posit that it is “an overt function to persuade voters”. On the other hand, McNair (1999)⁵, states that this refers to the buying and usage of advertising space, paid for at a commercial rate, to convey political messages to an audience. Whilst not dismissing these definitions, Cheng (2014, Sec 27, para. 2)⁶ argues that political advertising “can be seen as a mirror of political culture, playing an active role in the construction of political reality”.

With these definitions in mind, and taking into cognisance McNair’s understanding of political advertising, during elections arrangements for paid airtime lie solely with broadcasters. Accordingly, each party places its PAs within the limits of its election budget and expenses. Whilst the Authority’s role is to regulate elections coverage by Licensees, its regulation of PAs does not necessarily focus on how the images portrayed or messages broadcast on these services persuade voters to vote for political parties. Rather the focus of the regulation is on whether these images and broadcast messages are likely or calculated to incite violence during the election period (and thus fall beyond the scope of constitutionally protected guarantee to freedom of expression) and whether Licensees adhere to the principles of independence and impartiality for this type of broadcast (which principles are applicable to PEBs, news and current affairs).

During the 2016 elections period, a total of 2483 PAs were monitored. Most political parties could not afford to have their political adverts broadcast, an

⁴ Tak, J., Kaid, L., and Lee, S. (1997). “A cross-cultural study of political advertising in the United States and Korea. *Communication Research*, 24, pp.413–430.

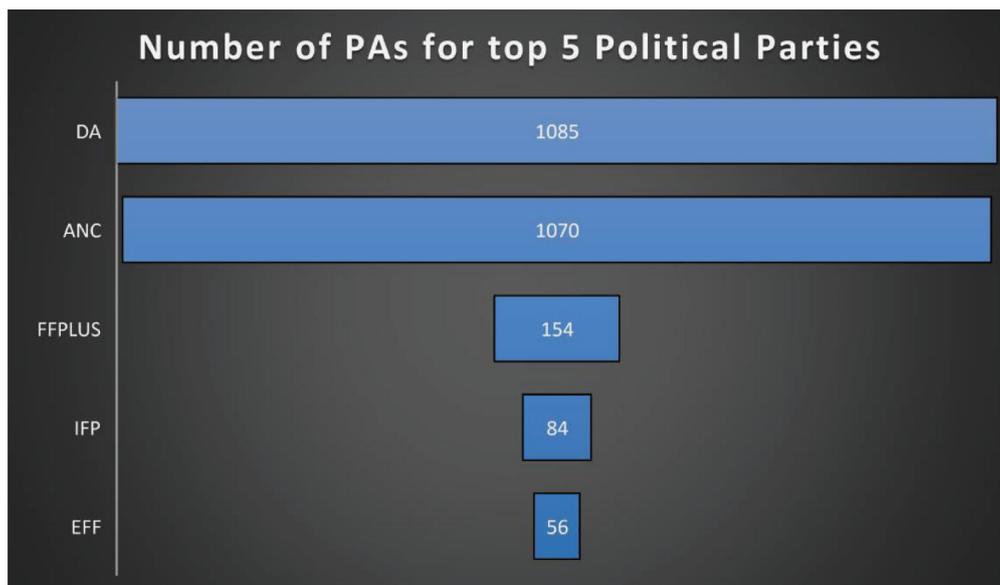
⁵ McNair, B. (1999). *An introduction to political communication*. 2nd edition. London: Routledge.

⁶ Cheng, H. (Ed.). (2014). *The handbook of international advertising research*. John Wiley & Sons. Accessed on 18 November 2016 from <https://books.google.co.za/books?isbn=1118378458>

indication that the system of PAs seems to favour more developed political parties with financial muscle or some degree of financial muscle. Graph 2 below shows the top 5 political parties who received more airtime compared to other political parties or perhaps smaller parties. The DA had the highest number of PAs (43,6%) compared to other parties, followed by the ANC (43,09%), FFPlus (6.2%), IFP (3.3%) and EFF (2.2%).

What is interesting to note is that although the DA had the highest number of PAs, the ANC had more airtime for its PAs (18: 55: 39) compared to DA (14:56:47), EFF (02: 22: 22), FFPlus (01:09:46) and IFP (00:53:44). This is attributed to the actual length of the PAs per political party, resulting in the variance in this regard which has no bearing on fair coverage per party in respect of PAs.

Graph2: PAs for top 5 Political Parties



What is also interesting is the increase in the number of PAs for political parties from the 2011 elections but more so the number of PAs by the new kid on the block entering the municipal elections for the first time (the EFF), albeit few when compared to the first 4. By way of comparison, the Authority's statistics for the 2011 municipal elections reveal that of the overall 999 PAs monitored, the ANC was leading with 456 (45.6%) PAs

followed closely by DA with 420 (42%) PAs, FFPlus came third with 68 (6.8%) PAs, Minority Front with 35 (3.5%) PAs and IFP with 4 (0.4%) PAs.

Sections 56 and 58(2) and (6) of the ECA read with regulation 6(1) and (13) of the 2016 Regulations prescribes the following in respect of broadcast of PAs:

- A broadcasting licensee may broadcast a political advertisement only during an election period and then only if it has been submitted to such licensee on behalf of a political party by its duly authorised representative;
- No political advertisement may be broadcast later than 48 hours prior to commencing of polling period; and
- A broadcasting service licensee must not transmit a PA immediately before or after another PA.

While many of the Licensees complied with both the ECA and the 2016 Regulations during this period, the Authority's monitoring revealed that 6 Licensees (5 community radio stations and 1 SABC radio station) did not comply with the above-mentioned prescripts. The affected Licensees are listed below as follows:

- Motheo FM;
- Jozi FM;
- Kasie FM;
- Voice of Tembisa (VOT) FM 87.6;
- Soshanguve Community Radio; and
- SABC's Radio SonderGrense (RSG).

Details of contraventions and the outcomes thereof are contained in Section 3 of this report dealing with processing of complaints and Complaints and Compliance Committee matters.

2.2 Party Election Broadcasts (PEBS)

The ECA (2005, p.79) defines a PEB as “a direct address or message broadcast free of charge on a broadcasting service and which is intended or calculated to advance the interests of any particular political party”. The obligation to allocate PEBs (free airtime) to contesting political parties⁷ during an election broadcast period lies with the Authority. This is done per the formula based on the principles set out in the Regulations (in this instance the 2016 Municipal Elections Regulations as referred to above). The main concept that serve as the foundation for the allocation of PEBs by the Authority is the principle of equity in covering the several political parties over and above coverage in respect of news and current affairs programming.

With the growth in the number of contesting political parties, there has been an increase in the overall number of PEBs allocated to political parties, despite the limited time frames within which the final list of contesting parties has been released by the IEC. However, the IEC has had to contend with some legal issues including waiting for a court decision on the National Freedom Party (NFP)’s exclusion from participating in the municipal elections and other incidental matters before the final list could be released and submitted to the Authority.

For these elections, a total of 2144 PEBs were allocated to 201 registered and contesting political parties, for use by the political parties to not only lobby for votes but to allow the citizens to make informed decisions on which party to vote for between the election broadcast period and 48 hours before polling day. It must be noted that smaller parties have during this period, rarely, if ever, used any of the PEBs apportioned to them. This could be attributed to them being unable to afford such things as high production costs. In the same vein, some of the larger parties did not use their full allocation on other stations due to failure to meet the 5-working day deadline within which to submit their PEBs prior to broadcasts.

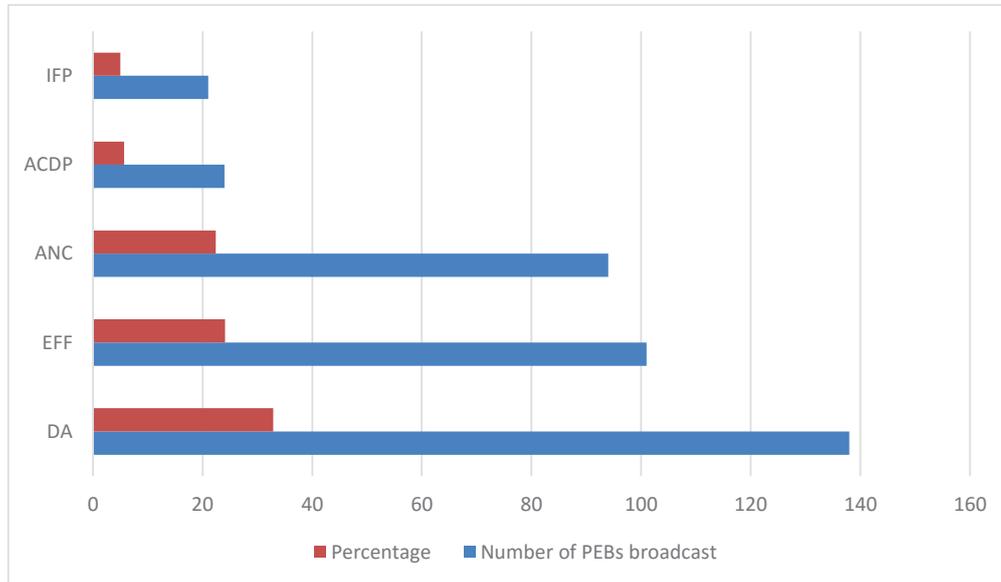
⁷ According to the current legislative framework, independent candidates are not entitled to free airtime/PEBs.

Consequently, the Authority monitored a total of 419 PEBs as reflected in Table 1 below:

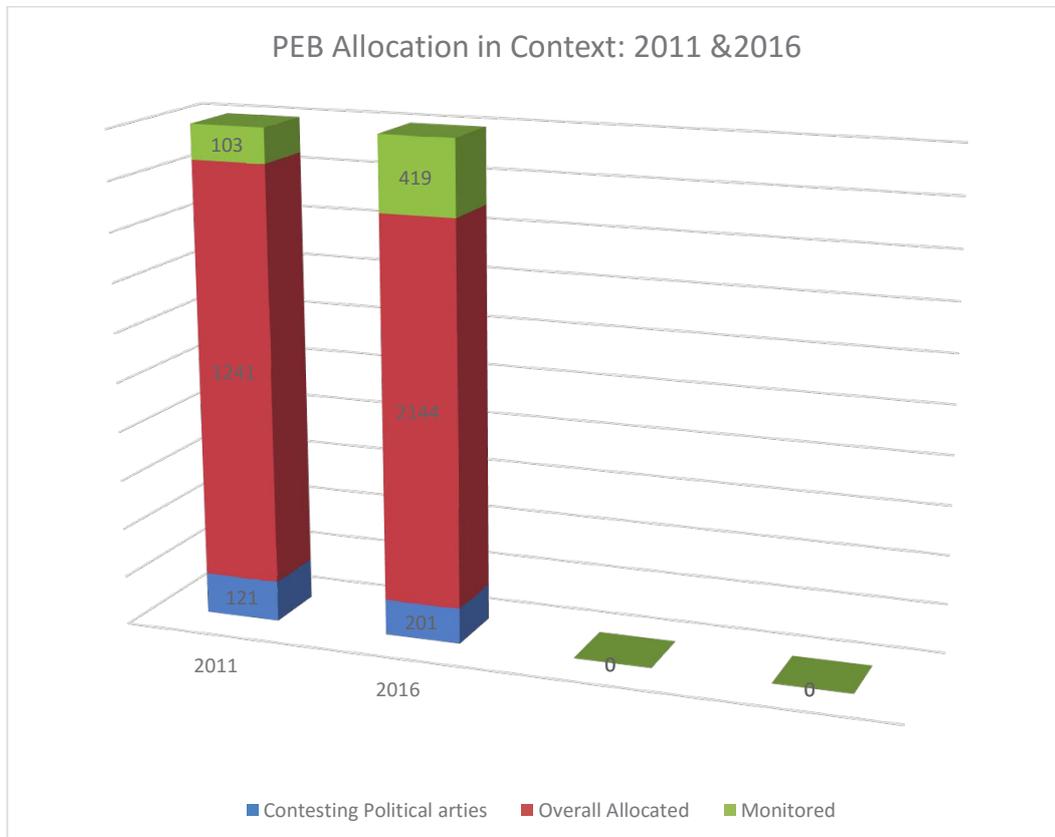
Table 1: PEBs Monitored per Political Party

Party	Number of PEB's Monitored
African National Congress (ANC)	94
African Independent Congress (AIC)	6
Democratic Alliance (DA)	138
Economic Freedom Fighters (EFF)	101
African Christian Democratic Party (ACDP)	24
Congress of the People (COPE)	17
Inkatha Freedom Party (IFP)	21
African People's Convention (APC)	8
Bushbuckridge Resident's Association	3
African Moderates Congress (AMC)	1
United Democratic Movement (UDM)	1
United Residents Front	5
Grand Total	419

The Authority's monitoring revealed that the DA had the highest number of PEBs transmitted at 33% followed by EFF at 24.1%. The ANC came third at 22.4% with ACDP being number four at 5.7% followed by the IFP with 5%. The top 5 parties are shown in graph 3 below.

Graph 3: top 5 Political Parties Receiving PEB Coverage

The above comparison is made with caution and is treated as indicative of the PEBs submitted to participating Licensees and not necessarily indicative of the number of PEBs allocated per party for the duration of the PEB period. Further, it is also necessary to highlight the trend/s in the allocation of PEBs by the Authority as this can be used as a measuring yardstick as to the effectiveness of this system. As indicated above, with the increase in the number of political parties at municipal level, there has also been a corresponding increase in the number of PEBs allocated by the Authority. The graph below shows the breakdown in respect of the PEBs allocated against those that were monitored.

Graph 4: PEBs in Context

This graph shows that whilst strides have been made by the Authority to provide free air time to contesting political parties as contemplated in section 57(2) of the ECA, more still needs to be done from the political parties' perspective to ensure optimal use of the airtime allocated, notwithstanding challenges that smaller parties might encounter related to production costs as alluded to above. This can be achieved through attendance by smaller and bigger political parties of all the workshops conducted by the Authority from consultative process/es leading to allocation of PEBs.

As regards compliance by Licensees with the broadcast of PEBs during the elections, there are three main provisions of the 2016 Regulations which

were contravened by Licensees. These are regulation 4(13), regulation 4(15) and regulation 4(18) of the 2016 Regulations. The contraventions were by Aganang FM, Ukhozi FM, Ligwalagwala FM and Metro FM respectively. Details of all contraventions are outlined under Section 3 of this report dealing with processing of complaints and Complaints and Compliance Committee matters.

2.3 News and Current Affairs Programming

Section 2 of the ECA states that the primary purpose of the Act is to *amongst others*; provide for the regulation of electronic communications within the Republic in the public interest and for that purpose to, *inter alia*:

- Ensure that broadcasting services, viewed collectively, provide for regular news services; actuality programmes on matters of public interest; programmes on political issues of public interest; and programmes on matters of international, national, regional and local significance.

On this basis, the analysis of the sections below in relation to news and current affairs is premised on the overall political parties' coverage by broadcasting service Licensees who participated as a collective as opposed to individual Licensees.

2.3.1 Current Affairs Programming

A total of 4,560 current affairs items were monitored for 11,070 incidences of parties or organisations (79 parties / organisations represented). The table below shows coverage for the top 15 political parties excluding other organisations such as NGOs, IEC, Religious Leaders etc.

Table 2: Political Party Coverage- Current Affairs

Party	Number of Current Affairs Items	Total Duration
African National Congress (ANC)	2356	356:45:39
Economic Freedom Fighters (EFF)	1124	198:43:04
Democratic Alliance (DA)	1065	194:00:52
Inkatha Freedom Party (IFP)	194	42:00:37
Congress of the People - COPE	174	39:29:55
UDM	132	32:41:01
National Freedom Party	101	17:24:04
Freedom Front Plus	67	15:37:55
Pan Africanist Congress OF Azania	60	13:34:20
African Christian Democratic Party	60	17:00:55
Contralesa	25	6:37:57
African Independent Congress	20	4:06:10
African People's Convention	19	4:55:13
Agang	16	1:43:29
Azanian People's Organisation	16	6:02:28

Based on the above top 15 political parties, it is evident that the ANC received the most coverage followed by the EFF, DA, IFP, COPE, UDM, NFP and FFPlus. Some Licensees performed better than others in terms of reasonable spread and coverage of political parties' current affairs programmes during this period. Nevertheless, it can be argued that as a collective, Licensees endeavoured to cover a range of political parties during the election period thereby ensuring diversity of views as contemplated in section 192 the Constitution.

As indicated above, at the heart of regulation of current affairs and news programming are the principles of independence, meeting highest standards of journalistic professionalism and impartiality by broadcasting

Licensees. According to the European Broadcasting Union (EBU) (2005)⁸ these aspects are some of the critical factors which determine, "the success of any election coverage" (p.10).

One Licensee, Rhodes Music Radio, was found to have contravened regulation 11(2) the Code of Conduct for Broadcasting Licensees⁹ as well as section 59 of the ECA (and directly the above-mentioned principles), by broadcasting a commentary which amounted to a scathing attack against a political party without giving such party a right of reply. Details in this regard are found in Section 3 of this report.

2.3.2 News Programming

A total of 25,350 News items were monitored for 43,803 incidences of parties or organisations (104 parties / organisations represented). The table below shows the News items for the top 16 parties and their respective duration.

Table 3: Political Party Coverage-News

Party	Number of News Items	Total Duration
African National Congress (ANC)	12349	245:00:10
Democratic Alliance (DA)	5231	104:32:13
Economic Freedom Fighters (EFF)	4224	90:01:37
Inkatha Freedom Party (IFP)	616	12:53:57
Congress OF the People - COPE	566	12:17:31
National Freedom Party	539	10:09:34
United Democratic Movement (UDM)	391	9:08:39
Freedom Front Plus (FFPlus)	249	5:20:52
African Christian Democratic Party (ACDP)	197	3:46:35
Pan Africanist Congress OF Azania	191	4:05:24
Contralesa	143	3:15:22
Agang	43	0:45:26
African People's Convention	43	2:04:43
Pan Africanist Movement	31	0:33:20
independent	30	1:14:20

⁸ EBU. (2014, February). Public service broadcasting: A best practices sourcebook. Retrieved on 17 November 2016 from <http://unesdoc.unesco.org/images/0014/001415/141584e.pdf>

⁹ The ICASA Code of Conduct for Broadcasting Licensees Regulations gazette No 32381, 6 July 2009.

Party	Number of News Items	Total Duration
African independent congress	24	0:30:28

As with the preceding section on current affairs, the ANC received the overwhelming coverage followed by DA, EFF, IFP, COPE, NFP and UDM. These figures alone - notwithstanding the limitations in the coverage of smaller parties by broadcasting licensees - point to the fact that Licensees collectively managed to broadcast a diverse range of information programming pertaining to elections and with local and regional significance during the elections period. This occurred despite initial attempts by the SABC to curtail broadcasts of footage of destruction of public property during protests. The Media Monitoring Africa ("MMA") lodged a complaint with the CCC in respect of this incident. The details in this regard are fully outlined under the complaints section of this report.

Having regard to the above, it is important to note that there were several major issues that seemed to dominate the headlines leading up to the elections. These issues dominated the headlines in the months leading up to the elections and were expected to dominate most broadcasts, whether led by the ruling party or by opposition parties getting ready for the elections.

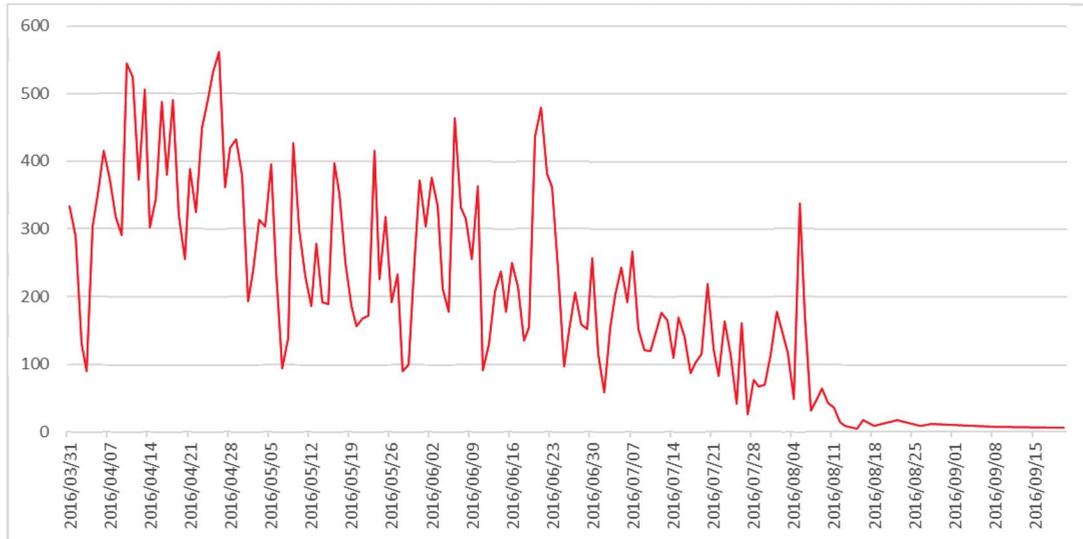
Some Major issues that Seemed to Dominate the Headlines:

- Infrastructure and service delivery – particularly electricity and the proposed plan of building nuclear power stations at the cost of R1 trillion by 2030;
- Consistent downgrading of South Africa's international credit rating by Moodies, S&P and Fitch;
- Fraud and corruption in government – mostly focused on the spend of over R250 million on so called "Security Improvements" at the President's private residence in Nkandla;

- Various reports from the Public Protector implicating government officials in wrong doing;
- State Capture – particularly the involvement of the Gupta family and their friendship with several ANC government officials;
- Municipality Officials incompetence, lack of accountability, inexperience, inaccessibility and nepotism;
- Accessibility of tertiary education – the “Fees Must Fall” campaign;
- Delayed rollout of fibre and high cost of internet services in South Africa;
- Possible loss of major municipalities of Johannesburg, Tshwane and Nelson Mandela Bay by the ANC to an opposition party or alliance of opposition parties to be formed where applicable; and
- The emergence of the EFF as a major political party since the last municipal election.

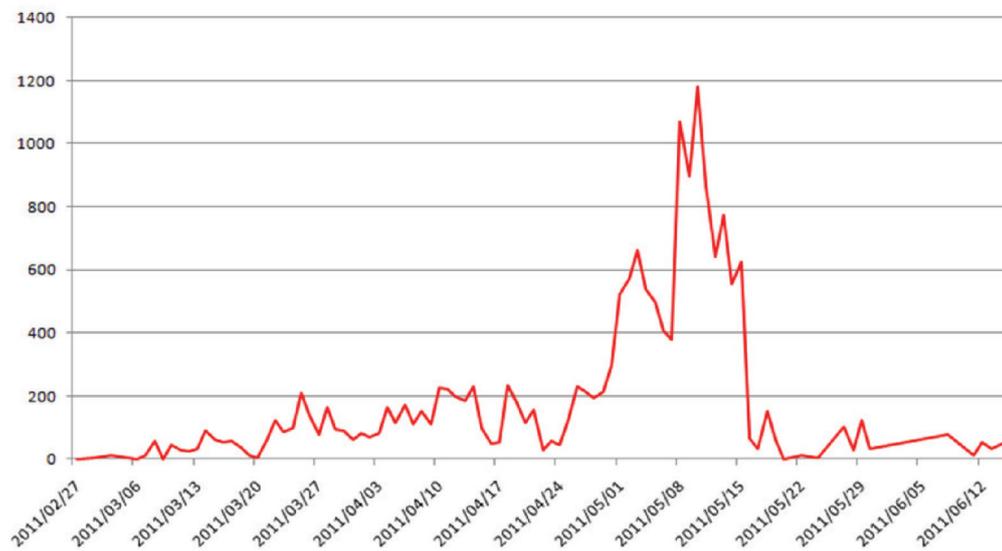
Most importantly, whereas previous experience has shown a definitive spike in political broadcasts in the 2 weeks leading up to the elections as shown in graph 6 below, the political instability during the period in the months leading up to these elections and thereafter showed no clear trend as is depicted in the graph 5 below.

Graph 5: Statistical Report- 2016



The above differs from the last municipal elections as depicted below where less political uncertainty was evident and the opposition was less expected to win vital municipalities.

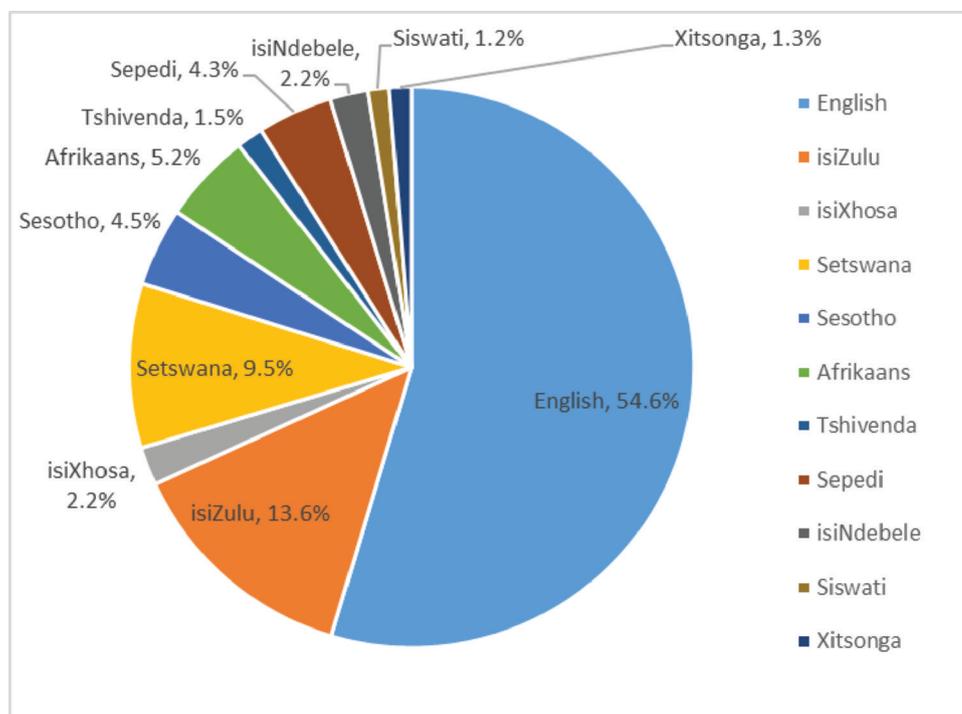
Graph 6: Statistical Report- 2011



The difference in the graphs between 2011 and 2016 could be attributed to the change in the political landscape over the intervening period in South Africa as highlighted by the following factors:

- The Public Protector's findings and Constitutional Court ruling regarding costs incurred as part of security improvements on the President Zuma's private property at Nkandla
- Significant focus on Government fraud and corruption (including various investigations by the office of the public protector)
- A stronger opposition with expectations of winning key municipalities.

2.5. GROSS LANGUAGE DISTRIBUTION



The above diagram shows the language spread across licensees. The Authority's monitoring revealed that all languages were used during the election period however, as with the previous elections, English remained the dominant language of broadcast at 54.5% followed by IsiZulu at 13.6%, Setswana 9.5%, Afrikaans 5.2%, Sesotho 4.5%, IsiXhosa 2.2%, Tshivenda 1.5%, Sepedi 4.3%, IsiNdebele 2.2%, Siswati 1.2% and Xitsonga 1.3%,

SECTION 3

COMPLAINTS AND COMPLIANCE COMMITTEE (CCC)

3.1 PROCESSING OF COMPLAINTS

Section 17C of ICASA Act sets out procedures to be followed by the Complaints and Compliance Committee (CCC). The CCC is an independent adjudicative arm of ICASA; established in terms of Section 17A of the ICASA Act and mandated to investigate and adjudicate all complaints received by it.

Regulation 6(3) of the 2016 Regulations Governing Aspects of the Procedures of the CCC of ICASA ("CCC Regulations") provides that complaints in terms of the Election Rules are deemed to be urgent unless the Chairperson determines otherwise.

The following provisions of the 2016 Regulations are central to the processing of complaints:

- Regulation 7 which provides that in the event of any person being aggrieved by any Political Advertisement (PA) or Political Elections Broadcasts (PEB), that person may lodge a complaint with the Authority within 48 hours after such broadcast occurred.
- Regulation 4(9) of which provides that a party whose PEB has been rejected and which has no intention of altering or editing the PEB, may refer the matter to the Authority and inform the concerned Licensee of the referral to the Authority, within 48 hours of being informed in writing of the rejection.
- Regulation 6(6) which provides that a party whose PA has been rejected by a broadcasting service licensee and which has no intention of altering or editing the advertisement, may refer the matter to the Authority within 48 hours of being informed of the rejection.
- Regulation 6(1) which provides that a PA must only be broadcast during an election period and no later than forty- eight (48) hours before polling commences.
- Regulation (6)(13) which provides that a broadcasting service licensee must not transmit a PA immediately before or after another PA.

- Regulation 4(13) which provides that a PEB must not exceed one (1) minute in duration.
- Regulation 4(15) which provides that a broadcasting service Licensee must not transmit a PEB immediately before or after another PEB or immediately before or after a PA.
- Regulation 4(18) which provides that in the event that a political party elects to forfeit its allocated PEB air-time, then such air-time must not be allocated to another political party but must be used by the broadcaster concerned for the purpose of broadcasting its normal programming.

Finally, regulation (11)(2) of the Regulation on the ICASA Code of Conduct for Broadcasting Licensees provides that a comment must be an honest expression of opinion and must be presented in such manner that it appears clearly to be comment, and must be made on facts truly stated or fairly indicated and referred to.

3.1. Matters Investigated by the Authority and Matters Adjudicated by the CCC

The following sections outline the complaints investigated by the Authority and complaints adjudicated by the CCC during the 2016 Municipal Elections period. A total of 15 complaints were received. Of this number, 8 complaints were against the SABC and 7 were against community broadcasters. 13 of the complaints were heard by the CCC and 2 complaints were resolved by the Authority. Table 4 below indicates the Complaints processed during the election period.

Table 4: Complaints lodged, processed and adjudicated

Complainant	Political Party concerned	Respondent	Presiding	No of Complaints
ICASA	FFP	SABC: SonderGrense	CCC	1

ICASA	DA & EFF	SABC: Metro FM	CCC	1
ICASA	ANC	SABC: Ligwalagwala FM	CCC	1
ICASA	IFP & EFF	SABC: Ukhozi FM	CCC	1
ICASA	ANC & DA	SABC: Good Hope FM	CCC	1
ICASA	ANC	Aganang	CCC	1
ICASA	ANC	Motheo	CCC	1
ICASA	EFF	Jozi FM	CCC	1
ICASA	DA & ANC	Kasie FM	CCC	1
ICASA	EFF	Soshanguve Community Radio	CCC	1
ICASA	ANC & IEC	Rhodes Music Radio	CCC	1
ICASA	DA & ANC	Voice of Tembisa (VOT)	CCC	1
Helen de Villiers	DA	SABC3	ICASA	1
Kabelo Mabeleng	ANC	SABC	ICASA	1
MMA	-	SABC	CCC	1
TOTAL				15

3.1.1. MATTERS BEFORE THE CCC: THE SOUTH AFRICAN BROADCASTING CORPORATION (SABC)

3.1.1.1. Complaint by Media Monitoring Africa (MMA) regarding an alleged contravention by SABC TV

On 24 June 2016, Media Monitoring Africa (MMA) and others lodged a complaint with the CCC which concerned the alleged omission to discharge its legal duties by the SABC. The complaint was based on the SABC's policy pronouncement / statement dated 26 May 2016 which stated that it would no longer broadcast footage of destruction of public property during protests. The complainants based their case on the legal question whether the SABC has overstepped its powers as set out in the Broadcasting Act No. 4 of 1999 and /or its licence terms and conditions. The CCC 's findings in terms of section 17D (1) of the ICASA Act was that the complaint is upheld and the order by the SABC as articulated in its Policy Statement conflicts with its duties as a public broadcaster and was invalid from inception.

The CCC recommendation as approved by the Council of ICASA directed the SABC to withdraw its resolution as published in its statement of 26 May 2016 retrospectively as from the date when the resolution was taken. The chairperson of the Board of the SABC was also instructed to confirm in writing to Council via the Office of the Coordinator of the CCC within seven calendar days from the date on which the order was emailed to him / her that the above resolution was taken as ordered.

3.1.1.2. Complaint by ICASA regarding an alleged contravention of section 58(6) of the ECA read with Regulation 6(6) of the 2016 Regulations by RSG

On 8 August 2016, ICASA referred an allegation of contravention to the CCC against Radio SonderGrense (RSG) on the basis that the radio station contravened section 58(6) of the ECA read with regulation 6(6) of the 2016 Regulations in that the radio station broadcast three political advertisements for the Freedom Front Plus, a registered political party,

within 48 hours before the polling period commenced on the 3rd of August 2016.

On 17 August 2016, the CCC held a public hearing into this matter and subsequently handed down its findings on 10 September 2016 and found that the SABC was grossly negligent in not having taken sufficient precautionary measures to prevent the contravention of the forbidden 48 hours rule. The CCC found that the radio station had, *in effect*, given preference to a political party in a period when fairness was crucial. Accordingly, the Licensee was fined R50,000 of which R 35,000 was suspended. The condition of suspension was that the SABC should not be found to be in contravention of section 56 read with section 56(8) of the ECA by the CCC within the next three year period, commencing from 1 December 2016 up to midnight 30 November 2019.

3.1.1.2. Complaint by ICASA regarding an alleged contravention of Regulation 4(15) of the 2016 Regulations by Metro FM

On 24 August 2016, the Authority referred an allegation of contravention to the CCC against Metro FM, a commercial radio station of the SABC on the basis that on 25 July 2016, Metro FM broadcast the DA's PA which was immediately followed by the broadcast of the EFF's PEB thus contravening regulation 4(15) of the 2016 Regulations.

During the hearing held on 16 September 2016, the SABC submitted that whilst it conceded that the broadcasts did take place as alleged, such took place as a result of a mechanical failure. The two broadcasts were not mechanically set to follow immediately upon each other, a non-political item had been programmed between them. However, owing to a mechanical failure, the item that was to have been broadcast fell away. The SABC informed the CCC that staff who were involved in the placing of advertisements, had been unaware of this problem with the system.

In its findings and judgment handed down on 15 October 2016, CCC stated that although it understands the complicated tasks of a radio station, it is nevertheless of the view that the tasked employee was or employees were, in the absence of expert evidence to the nature of the mechanical failure,

negligent in not having ensured that the failure would not take place. The mere fact of the municipal election, should have placed the radio station on special alert. The intention of the 2016 Regulations is that political advertisements and/or election broadcasts should not follow upon each other. This ensures the identification of individual broadcasts and that the listening public would not be confused – in this case, by a political advertisement and a party election broadcast. The Constitution guarantees free and fair elections, a guarantee which has been emphasised by the Constitutional Court as a cornerstone of the country's democracy. As a result, fairness requires that the said broadcasts should have been clearly distinguished from each other.

The CCC held that Metro FM was negligent in having broadcast the two items directly after each other. Consequently, Metro FM contravened regulation 4(15) of the 2016 Regulations. The CCC recommended imposition of a sanction comprising an apology to be broadcast by the radio station once per day for five consecutive days as its first item on its news service at a time between 07:00 and 20:15. Further, a fine of R5000.00 was also imposed to be paid to ICASA within thirty calendar days from the date of issuance of the judgment. The recommended sanction was ratified by the Council of ICASA.

3.1.1.3. Complaint by ICASA regarding an alleged contravention of Regulation 4(18) of the 2016 Regulations by Ligwalagwala FM

On 29 August 2016, the Authority referred an allegation of contravention to the CCC against Ligwalagwala FM on the basis that the radio station contravened regulation 4(18) of the 2016 Regulations by broadcasting the ANC's PEB on 28 July 2016 when this PEB slot was not scheduled for the party concerned.

The SABC submitted that Ligwalagwala FM did not play an unscheduled ANC PEB on the date in question. A political advertisement was erroneously labelled with a wrong billboard, resulting in it being introduced as a PEB. The SABC further submitted that this labelling happened at a time when the

SABC was heavily flooded with political materials that needed to be broadcast immediately. The SABC stated that it sincerely apologises for the contravention and was willing to provide necessary evidence to prove that there was indeed a financial transaction involving the said advertisement.

In its findings and judgment handed down on 22 October 2016, CCC stated that although it understands the complicated tasks of a radio station, it is nevertheless of the view that the tasked employee was or employees were, in the absence of expert evidence to the contrary, negligent in not having ensured that the failure would not take place. The mere fact of the municipal election, should have placed the radio station on special alert. The intention of the 2016 Regulations is that PA's and PEB's should clearly be distinguished from each other. This did not happen and listeners were brought under the wrong impression. The Constitution guarantees free and fair elections, a guarantee which has been emphasised by the Constitutional Court as a cornerstone of the country's democracy. Fairness – the CCC stated - requires that the said broadcasts should have been clearly distinguished from each other.

The CCC held that the radio station was negligent in having labelled the PA as a PEB. There was, accordingly, a contravention of the regulation 5(12), alternatively regulation 4(14). The CCC recommended imposition of a sanction comprising an apology to be broadcast by the radio station once per day for five consecutive days as its first item on its news service at a time between 07:00 and 20:15. Further, a fine of R5000.00 was also imposed, to be paid to ICASA within thirty calendar days from the date of issuance of the judgment. The recommended sanction was ratified by the Council of ICASA.

3.1.1.4. Complaint by ICASA regarding an alleged contravention of Regulation 4(15) of the 2016 Municipal Elections Regulation by Ukhozi FM

On 29 August 2016, the Authority referred an allegation of contravention to the CCC against Ukhozi FM on the basis that on 26 July 2016, Ukhozi FM

broadcast the IFP's PA which was immediately broadcast after the EFF's PEB thereby contravening regulation 4(15) of the 2016 Regulations

During the hearing held on 16 September 2016, the SABC submitted that whilst it conceded that the broadcasts did take place as alleged, such took place as a result of a mechanical failure. The two broadcasts were not mechanically set to follow immediately upon each other. There was a non-political item which had been programmed between them. However, a "technical glitch" "pushed" the IFP advertisement ahead to the segment immediately before the EFF PEB. According to the SABC, the staff who were involved in the placing of advertisements, had been unaware of this problem with the system. The SABC highlighted that plans were underway to replace the system.

In its findings and judgment handed down on 17 October 2016, the CCC stated that although it understands the complicated tasks of a radio station, it is nevertheless of the view that the tasked employee was or employees were, in the absence of expert evidence to the nature of the mechanical failure, negligent in not having ensured that the failure would not take place. The mere fact of the municipal election, should have placed the radio station on special alert. The intention of the 2016 Regulations is that political advertisements and/or election broadcasts should not follow upon each other. This ensures the identification of individual broadcasts and that the listening public would not be confused – in this case, by a political advertisement and a party election broadcast. The CCC stated that the Constitution guarantees free and fair elections, a guarantee which has been emphasised by the Constitutional Court as a cornerstone of the country's democracy. As a result, fairness requires that the said broadcasts should have been clearly distinguished from each other.

The CCC held that Ukhozi FM was negligent in having broadcast the two items directly after each other. Consequently, Ukhozi FM contravened regulation 4(15) of the 2016 Regulations. The CCC recommended imposition of a sanction comprising an apology to be broadcast by the radio station once per day for five consecutive days as its first item on its news service at a time between 07:00 and 20:15. Further, a fine of R5000.00

was also imposed to be paid to ICASA within thirty calendar days from the date of issuance of the judgment. The recommended sanction was ratified by the Council of ICASA.

3.1.1.5. Complaint by ICASA regarding an alleged contravention of Regulation 4(15) of the 2016 Regulations by Good Hope FM

On 29 August 2016, the Authority referred an allegation of contravention to the CCC against Good Hope FM, a commercial radio station of the SABC, on the basis that on 29 July 2016 Good Hope FM broadcast the ANC's PA which was immediately followed by the broadcast of the DA's PEB thus contravening regulation 4(15) of the 2016 Regulations.

During the hearing held on 16 September 2016, the SABC submitted that whereas it conceded that the broadcasts did take place as alleged, this "incident coincided with a major upgrade of the station's main broadcast studio". On the day in question the station moved from their main studio to a temporary facility and this entailed moving the hardware of the station's play-out station to a temporary studio. The initial move went well but subsequent technical problems resulted in the play-out system going off-air, and it was at this time when the scheduled items were "lost". What followed was a scramble to get the play-out system back on air and to recover the "lost" scheduled items. In the rush to get the system back on air, the compiler failed to pick up that the PA and PEB were back to back due to the labelling of the items on the system. In specific terms the PA was labelled ANC and the items TV Airtime Sales. This contributed to the error when the items were rescheduled under duress.

Having reviewed the copies of the broadcasting schedule submitted to the CCC which demonstrated that the planned schedule certainly had an intervening advertisement of Shoprite Checkers; in its findings and judgment handed down on 17 October 2016, CCC ruled that a mistake had been made by the radio station. However, a reasonable compiler could, in the same urgent circumstances, have made the same error. In the result the CCC found that the radio station was not negligent in having broadcast

the two items directly after each other. There was, accordingly, no contravention of regulation 4(15).

3.2 MATTERS BEFORE THE CCC: COMMUNITY RADIO STATIONS (CLASS SERVICE LICENSEES)

3.2.1 Complaint by ICASA regarding an alleged contravention of Regulation 4(13) of the Regulation- Aganang FM

On 24 August 2016, the Authority referred an alleged contravention of Regulation 4(13) of the 2016 Regulations by Aganang FM to the CCC. The Authority alleged that on 17, 18, 19, 20 and 21 July 2016, the radio station broadcast the ANC's PEBs in excess of the stipulated 1 minute.

During the CCC hearing held on 16 September 2016 the radio station conceded that a contravention had taken place. According to the radio station, the station manager and employee/s of the radio station had not paid attention to the length of the PEBs. They were of the view that the PEBs were within the limit of 60 seconds. It was only after the Compliance Unit of ICASA advised the radio station that the limit had been breached that the radio station became aware of the contravention.

In its finding and judgement handed down on 22 September 2016, the CCC stated that the radio station had been negligent in having broadcast 10 PEBs, which were all longer than one minute by an average of 46 seconds. Accordingly, the 2016 Regulations were contravened.

The radio station was ordered to broadcast a statement of apology as prepared by the CCC office to its listeners twice as its first item on its news service at a time between 07:00 and 21:00 in its principal language/s of broadcast. In addition, the station was ordered to pay a fine R2000 to ICASA on or before thirty days of receipt of the CCC order.

3.2.2. Complaint by ICASA regarding an alleged contravention of section 56 read with Regulation 6 (1) of the Regulation: Soshanguve Community Radio

On the 13 June 2016, the Authority referred an alleged contravention of section 56 of the ECA read with Regulation 6(1) of the 2016 Regulations by Soshanguve FM to the CCC. The Authority alleged that on 25, 26 and 27 April 2016, before the election period had commenced, the radio station broadcast four political advertisements of the EFF.

After the CCC hearing held on 05 August 2016, the CCC in its finding and judgement handed down on 9 August 2016 stated that indeed the Licensee had contravened the provisions in the ECA and the Regulation. Accordingly, the radio station was ordered to broadcast a statement of apology as prepared by the CCC office to its listeners twice as its first item on its news service at a time between 07:00 and 21:00 in its principal language/s of broadcast. In addition, the station was ordered to pay a fine R2000 to ICASA on or before thirty days of receipt of the CCC order.

3.2.3. Complaint by ICASA regarding an alleged contravention of section 56 read with Regulation 6 (1) of the Regulation: Jozi FM

On 14 June 2016, the Authority referred an alleged contravention of section 56 of the ECA read with Regulation 6(1) of the 2016 Regulations by Jozi FM to the CCC. The Authority alleged that on 25, 26 and 27 April 2016, before the election period had commenced, the radio station broadcast four political advertisements of the EFF.

During the CCC hearing held on 5 August 2016 the radio station submitted that it mistook the announcement of the election date made by the President for the beginning of an election period.

On 10 August 2016, the CCC found that Jozi FM contravened section 56 of the ECA read with Regulation 6(1) four times by broadcasting election advertisements before the commencement of the election period on 23 May

2016 and that the radio station was negligent in not abiding by provisions as contemplated in the Act and the Regulation.

The radio station was ordered to broadcast a statement of apology as prepared by the CCC office to its listeners twice as its first item on its news service at a time between 07:00 and 21:00 in its principal language/s of broadcast. In addition, the station was ordered to pay a fine R2000 to ICASA on or before thirty days of receipt of the CCC order.

3.2.4. Complaint by ICASA regarding an alleged contravention of section 56 read with Regulation 6 (1) of the Regulation: Motheo FM

On 14 June 2016, the Authority referred an alleged contravention of section 56 of the ECA read with Regulation 6(1) of the 2016 Regulations by Motheo FM to the CCC. The Authority alleged that on 13 and 14 May 2016, before the election period had commenced, the radio station broadcast four political advertisements of the ANC.

During the CCC hearing held on 5 August 2016 the radio station submitted that it mistook the announcement of the election date made by the President for the beginning of an election period.

In its finding and judgement handed down on 10 August 2016, the CCC stated that Motheo FM contravened section 56 of the ECA read with Regulation 6(1) four times by broadcasting election advertisements before the commencement of the election period on 23 May 2016 and that the radio station was negligent in not abiding by provisions as contemplated in the Act and the Regulation.

The radio station was ordered to broadcast a statement of apology as prepared by the CCC office to its listeners twice as its first item on its news service at a time between 07:00 and 21:00. In addition, the station was ordered to pay a fine R2000 to ICASA on or before thirty days of receipt of the CCC order.

3.2.5 Complaint by ICASA regarding an alleged contravention of Regulation 6(13) of the Regulation: Kasie FM

On 8 August 2016, the Authority referred an alleged contravention of section 56 of the ECA read with Regulation 6(1) of the 2016 Regulations by Kasie FM to the CCC. The Authority alleged that on 5 July 2016 the radio station broadcast the ANC PA followed immediately by the DA advert.

During the CCC hearing held on 17 August 2016 the radio station conceded to the allegation and stated that the contravention was not intentional. The radio station demonstrated with evidence in the form of a log indicating that the advertisements were in different blocks as submitted earlier in its response to the Compliance Unit. In handing down its finding and judgement on 3 September 2016, CCC stated that there was no intentional or negligent contravention of regulation 6(13) by Kasie FM. Consequently, the charge was not upheld.

3.2.6 Complaint by ICASA regarding an alleged contravention of section 56 of the ECA read with Regulation 6(1) of the Regulation: Voice Of Tembisa(VOT)

On 17 August 2016, the Authority referred an alleged contravention of section 56 of the ECA read with Regulation 6(13) of the 2016 Regulations by VOT to the CCC. The Authority alleged that on 11 July 2016, the radio station broadcast three political advertisements after each other after 21h00 in the following order- DA, ANC and DA directly after the first political advertisement.

During the CCC hearing held on 16 September 2016, the radio station conceded that the contravention had occurred and submitted the presenter of the talk show had found it necessary that evening to make a call to a listener who had called in earlier. He then pressed a button, which led to the three political advertisements following directly upon the first political advertisement. These advertisements the station argued, had not been scheduled for broadcast at that time or around that time.

In handing down its finding and judgement on 21 September 2016, the CCC stated that the radio station had been negligent in broadcasting the three advertisements directly after the first advertisement. The radio station was ordered to broadcast a statement of apology as prepared by the CCC office to its listeners once per day for five consecutive days as its first item on its news service at a time between 07:00 and 20:15. In addition, the radio station was ordered to pay a fine R2000 to ICASA on or before thirty days of receipt of the CCC order.

3.2.7 Complaint by ICASA regarding an alleged contravention of section 56 of the ECA read with Regulation 6(1) of the Regulation by Rhodes Music Radio

On 29 July 2016, the Authority referred an alleged contravention of Regulation 11(2) of the 2016 Regulations on ICASA Code of Conduct for Broadcasters by Rhodes Music Radio to the CCC. The Authority alleged that on 30 June 2016, the radio station's presenter made which were not fairly represented and were not based on facts truly stated or fairly indicated and referred to against the ANC, the IEC, and the Public Protector in contravention of Regulation (11)(2) of the 2016 Regulations. In its response to the Authority, and during the CCC hearing held on 5 August 2016, the radio station conceded to the contravention.

In handing down its finding and judgement on 10 August 2016, the CCC stated that not only was Regulation 11(2) contravened. The radio station also contravened section 59 of the ECA. The CCC's judgement took into account the clean record of the radio station as a consequence, no fine was imposed on the radio station save for an order for the radio station's manager to broadcast the following apology to the radio station's listeners:

"The Independent Communications Authority of South Africa has directed Rhodes Music Radio to apologize for having broadcast, during the election period, a commentary by one of its presenters which was in conflict with the rules that applied during the election period. The commentary amounted to a scathing attack against the ANC without having granted the ANC an opportunity to respond."

Rhodes Music Radio agrees that the broadcast was in conflict with the law and profusely apologizes to the African National Congress, the Independent Electoral Commission, listeners and ICASA for the contravention - a contravention which would also, in a non-election period, have amounted to being in conflict with the Broadcasting Code. The commentary was not authorised by Rhodes Music Radio and it distances itself from the opinions expressed."

3.3. MATTERS BEFORE ICASA: COMPLAINTS AGAINST THE SABC

3.3.1 Complaint by Helen de Villiers on the SABC's bias

On 1 August 2016, Ms Hele de Villiers lodged a complaint with the Authority alleging that on 31 August 2016 during the 18h30 news bulletin, SABC 3 gave extensive coverage to the ANC rallies and a range of 'smaller parties' but completely failed to mention the existence of the Democratic Alliance – the official opposition.

On 4 August, the SABC responded and conceded that the DA was indeed not covered on 31 August 2016, however, the SABC averred, the news bulletin in question focused primarily on political parties that were holding their final rallies on the day. In its response, the SABC submitted that the DA was covered on 29 July 2016 and during its final rally on 30 July 2016 in Dobsonville. The party was also covered the same day (30 July 2016) on SABC 3 at 18h30. The SABC's response was duly sent to the complainant for comment. Nevertheless, no response was received. Accordingly, this matter was closed and SABC notified accordingly.

3.3.2. Complaint by Kabelo Mabeleng against Motsweding FM

On 14 June 2016, the Authority received correspondence from Mr Kabelo Mabeleng in terms of which he set out his complaint against comments made by one of Motsweding FM's presenters on 4 June 2016 at 8h55 during a programme called "Lerethabetse". It is important to note that the

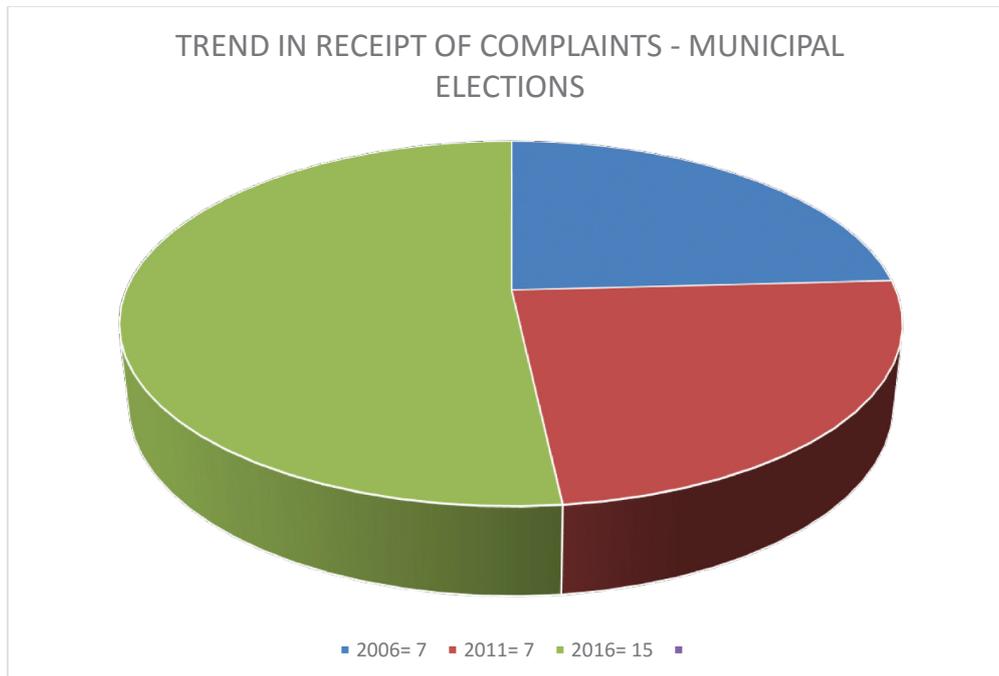
complaint had initially been lodged with the BCCSA and referred to the Authority because the BCCSA had no jurisdiction in this regard.

The complainant alleged that presenter commented that upon completing his slot for the day, he would be heading straight to the rally of the ruling party, the party of the late Mr. Mandela where he has been invited to attend. This comment was, according to the complainant, unwarranted and the radio station was not supposed to be seen as representing the views of any political party in any way, especially not at this time where the Municipal Elections were just around the corner.

On 15 June 2016, the complaint was forwarded to the SABC for its response. The SABC responded on 15 June 2016. In the main, the SABC argued that at no stage did the radio station's presenter represent the views of any political party. In addition, he did not invite listeners to join him at the rally. Furthermore, he did not call on anyone to vote for any political party, including the ANC. The SABC provided the Authority with the recording in this regard.

The Authority forwarded the SABC's response to the complainant for his comment to which the complainant maintained that as an employee of the radio station, the presenter ought to have refrained from such comments. Having reviewed the complaint, the Licensee's response and the comments from the complainant and having listened to the recordings; the Authority was satisfied that there was no substance in the complaint lodged. Consequently, this matter was closed to the parties' satisfaction.

The analysis set out in the section below represents a trend in the complaints received and adjudicated by the CCC during the past and present municipal elections namely 2006, 2011 and 2016.

Graph 7: Complaints- Previous and Current Municipal Elections

As illustrated above, there has been an increase in the number of complaints received by the Authority and those adjudicated by the CCC in 2016 than the previous elections. This increase could be attributable to various factors including but not limited to licensees not observing the rules governing the elections. In 2006, there were no complaints referred to the CCC. All 7 complaints were resolved at the department level. Below is a table containing all complaints dealt with 2006. In 2011 only 1 complaint was referred to the CCC and the other 6 were resolved at divisional level. As indicated earlier, 13 complaints were adjudicated by the CCC and only 2 were resolved at divisional level during the 2016 elections.

EXAMPLES OF NATURE OF COMPLAINTS RECEIVED AND RESOLVED- 2006

Date	09 January 2006
Complainant	Andries J van der Walt, Gauteng
Broadcaster	SABC 3

Summary	<p>Complained that SABC news broadcast referred to the Independent Democrats (ID) mayoral candidate in Cape Town as an ex-switchboard operator, while lauding the ANC candidate. The complainant criticised the SABC for being partisan to the ruling party.</p> <p>SABC responded and informed the complainant and the MCU that the news item dealt with the announcement of the ID candidate for the mayoral seat in Cape Town and did not mention candidates from other parties let alone the ANC.</p> <p>The MCU monitored the recordings and indeed the ANC candidate was not mentioned in the news broadcast. The matter was resolved.</p>
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Date	31 January 2006
Broadcaster	Sharmiela Garnie
Complainant	Highveld Stereo
Summary	<p>Complained that the prank aired by Darren Simpson of Highveld Stereo in the morning show "Rude Awakening" was in a bad taste and prejudiced other political parties in that it gave Democratic Alliance (DA) free advertisement and exposure.</p> <p>In this advert the complainant alleged that the presenter called the DA office requesting pizzas because their posters said, "the DA delivers". It also alleged that the station even called the DA leader Tony Leon with the request of the delivery of the pizzas and on 27 January 2006 the DA delivered the pizzas and this was announced on air and also posted onto the Highveld Stereo website.</p> <p>The station responded and informed the Unit and the complainant that during the "Rude Awakening" show there is what is called Whacked window" wherein Darren Simpson makes prank calls to different people and on this day he called</p>

	<p>the DA office where he spoke to one of the DA officials as well as Mr. Tony Leon on the pretext that he had an order for pizzas.</p> <p>Highveld denied that it gave free publicity and free advertisements to DA in respect of the local government elections.</p> <p>The Unit accepted the station's explanation that it did not contravene the applicable regulations relating to party elections, however, cautioned the station to exercise extra caution during the election period. The matter was resolved.</p>
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Date	10 February 2006
Broadcaster	SABC
Complainant	Shaheed Mohamed, Western Cape
Summary	<p>Complained that at the launch of the Workers International Vanguard League (WIVL) both SABC radio and television were not present to cover the launch. He requested that the process of allocating PEB slots to political parties be reversed to accommodate smaller parties.</p> <p>The complainant was informed that the process of allocating PEB's could not be reversed and that the process was informed by the regulations on municipal elections that allow the Authority to allocate air-time in respect of party elections broadcasts.</p>

Date	15 February 2006
Broadcaster	RSG
Complainant	Brink du Preez
Summary	Complained against an election campaign conduct by the Democratic Alliance (DA). He stated that RSG aired a DA advert stating that the public must not vote for the Freedom Front at

	<p>all as this would only split the opposition vote and give the ANC more power.</p> <p>The complaint was forwarded to IEC for investigation since it did not fall within the Authority's jurisdiction.</p>
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Date	24 February 2006
Complainant	George Sinclair
Broadcaster	SABC
Summary	<p>The complainant, George Sinclair, leader of the "Right Party" complained that SABC continued to give coverage to bigger parties and no coverage at all to small parties like his party.</p> <p>The Unit informed the complainant that if his political party was not allocated Party Election Broadcast (PEB's) slots by ICASA his party would not receive coverage by the public broadcaster. The matter was resolved.</p>

Date	28 February 2006
Complainant	Chris Coetzer
Broadcaster	e-tv
Summary	<p>Complained that in the news broadcast of 26 February 06 e-tv showed IFP and ANC and nothing on DA.</p> <p>The Unit responded and informed the complainant that e-tv did not contravene the regulations relating to party elections since the discrimination he referred to of the DA could not be measured on one news bulletin. The matter was resolved.</p>

4. CONCLUSION

The ECA and the 2016 Regulations governing elections direct the Authority to monitor the extent to which Licensees cover the elections in the manner consistent with the law. The 2016 municipal elections were the most highly-contested compared to the 2011 municipal elections. The Authority's findings on monitoring of broadcasters revealed that Licensees – when viewed collectively and despite a couple of noted contraventions (which were dealt with) - covered the elections fairly and in a manner largely compliant with the applicable rules.