

PROGRAMMING

PREAMBLE

The SABC is accountable to the South African public for providing relevant and diverse broadcasting services of excellent quality. In this we are guided by:

- the Charter
- the SABC's Core Editorial Values
- the SABC's Editorial Code
- our obligation to comply with the industry standard, the Code of Conduct for Broadcasters, which is administered by the BCCSA.

Formulating a programming policy is therefore an intricate process in which we are the primary, but not the only, participants.

To meet audience expectations is our priority. In this we also create an environment that respects the freedom of expression provisions of our Constitution, and encourages our programme makers to explore, to innovate and to take risks in accommodating programmes that fulfil the SABC's public mandate.


In 1995, the SABC Board approved Guidelines on Programme Content, which were applicable largely to television but had some relevance to radio. What follows seeks to update that document. It is applicable to all the SABC services, public service and commercial.

There is a need for consistency of approach across the spectrum of SABC programmes, and this policy has been developed to answer that need. It offers a frame of reference for those who are faced with difficult programming decisions, and a guide to programme commissioning, planning, production, scheduling and transmission.

THE SABC'S APPROACH TO PROGRAMMING

The SABC's approach to programming is guided by the following principles:

- The programmes are underpinned by the SABC's core editorial values of equality, editorial independence, nation building, diversity, human dignity, accountability and transparency. These influence the production, commissioning and acquisition of all its programmes
- Across our portfolio of stations and channels we aim to meet the needs of all our audience segments. This extends to young and old, urban and rural in all the provinces, speakers of all the official languages, and people of every religious persuasion. It is obviously impossible for the SABC to please everyone all the time, but we endeavour to offer a wide range of information, education and entertainment in a variety of genres and formats, in which everyone should find something of interest some of the time
- As the national public broadcaster it is our duty to encourage the development of South African expression. We therefore showcase South African talent, support South African culture, and aim to develop programmes that are identifiably South African. These should contribute to a sense of national identity and of shared experience, and to the goal of nation building
- Whereas we seek to tell the stories of South Africa in all their complexity, we also deal with African and global issues in our programmes. Our aim is to contextualise for South Africans their life as global citizens, and to bring them the very best of programmes the world has to offer
- Given our history, and that South Africa is part of Africa, we see it as our responsibility to endeavour to represent Africa and African stories fairly and diversely
- Freedom of expression is at the heart of our programmes. We provide a home for programme makers that encourages them to innovate; to take risks and to develop their craft so that audiences may be given a rich diversity of top quality programmes.



The SABC's approach to programming is further expanded in the Local Content Policy, and the Language Broadcasting Policy. It is also complemented by policies for specific genres including News, Current Affairs and Information; Educational Broadcasting, and Religious Broadcasting.

TASTE AND DECENCY

The issue of taste and decency in programmes is often controversial in that it involves judgements based solely on opinion, personal persuasions and systems of values. Until its amendment, the Code of Conduct restricted what was broadcast if it was deemed tasteless or indecent on the grounds of public morality. The new dispensation acknowledges that the notion of public morality is relative and culturally specific. The concept is therefore very difficult to define, and bears no objective criterion. In addition, the freedom of expression provisions of the Constitution are held to protect even unpopular and offensive speech. It is believed that any attempt to curb speech carries the potential to stifle artistic creativity, which is seen as fundamental to broadcasting.

Instead of placing a complete ban on material that might offend certain individuals or groups, the Code is now framed in terms of a directive to broadcasters to:

- give adequate warning beforehand when they believe material may upset some of the viewers/listeners
- be sensitive and circumspect in their scheduling of such material
- make sure material that is unsuitable for children is not broadcast outside the watershed period.

Although the SABC makes every effort to minimise what audiences might find distasteful or tasteless, the public broadcaster does have to deal frankly with controversial topics and cannot avoid tackling issues because of the risk of offending certain people.

The SABC also broadcasts programmes that some might oppose, or find offensive, but that have creative or social merit. These are aired:

- with due consideration of viewer/listener sensibilities
- with audience advisories
- at appropriate times.

Careful scheduling and appropriate warning or advice allows our public to make informed choices about what they want to see and hear. This practice does not detract from the SABC's editorial responsibilities in any way, but actually entrenches the culture of respect for freedom of expression, and the right to receive and impart information.

AUDIENCE ADVISORIES

The Code of Conduct is predicated on the notion that audiences should be given the freedom and responsibility to choose what they wish to see and hear, but that they can take this responsibility only when they are adequately informed about potentially problematic material in advance.

The Code requires broadcasters to give warnings that are clear to the audiences. They include age indicators, symbols for content such as graphic or excessive violence, explicit sexual conduct, nudity and bad language - including profanity.

Respecting the right to choose also means not allowing material that viewers and listeners might find threatening or shocking to intrude unexpectedly. Alerting the audience is likely to lessen the negative impact of violent or distressing scenes.

The SABC has therefore established the following procedures for acceptance and screening of programmes.

TELEVISION

- Each channel employs a full-time staff of programme acceptance officers to view and classify all the programmes to be broadcast by the channel, using a set of guidelines for treating potentially controversial material. If an officer is in doubt about a classification, the matter is referred to the supervisor of the programme acceptance unit. The supervisor may take the decision, or refer the material for review to the management of the channel and/or the Manager: Broadcast Compliance. In certain cases material may be referred to Legal Services for a decision
- Classification includes deciding on the appropriate age indicator and warnings to be displayed on the programme, and the most suitable time-slot for the broadcast
- The age ratings used by the SABC channels are PG (parental guidance), PG13, 13, 16 and 18.
- Standardised warning symbols are displayed on any programme containing material that could be disturbing: V (violence), S (sex), N (nudity), L (bad language, including profanity), and P (prejudice)
- Although profanity has become a part of daily expression and hence is frequently used on television, it is offensive to many viewers. The SABC therefore endeavours to apply the "L" symbol rigorously when profanity is concerned, in order to minimise distress to those audiences who may be offended
- The age rating and warning symbols are displayed for 60 seconds at the start of the programme, and for 30 seconds after each advertising break. These times could be increased for extremely controversial material
- Cautionary announcements are made verbally and/or visually at the start of programmes that could be exceptionally disturbing to certain viewers
- Schedules published in the print media all carry audience advisories
- On-screen promos and line-ups display the age indicator and warning symbols for each programme, for the full duration of the promo
- The SABC's policy on consumer advice requires all music videos and fillers to be programme accepted, and scheduled in specific time-slots in accordance with content and the watershed.

RADIO

Since radio is a more pervasive medium than television, as much care should be taken to respect the audience's rights as for television. The same principles of advisories apply to sensitive material broadcast over the radio, or anything that may disturb certain listeners, or is unsuitable for children.

SCREENING OF FILMS

When a film to be broadcast has been given a classification by the Film and Publications Board (FPB) - in terms of the Film and Publications Act, that certification is used as a guide. Although this age restriction may never be lowered for TV, it could be raised, at the discretion of the channel. These are the FPB classifications:

- "A": suitable for all ages. These films do not contain anything that is considered harmful or disturbing to even very young children
- "PG": Parental Guidance - alerts parents to films that contain scenes, or deal with themes, that might confuse or upset certain children if they were to watch them alone. Parents are advised to monitor their children's viewing
- "10", "13", "16" or "18": films that are unsuitable for children under the stipulated age. This is a legally restrictive classification.

No version of a film that has been refused FPB certification may be broadcast at any time, under any circumstances.

SCHEDULING AND THE WATERSHED

TELEVISION

The Code of Conduct specifies a watershed period for television broadcasters. The requirements are as follows:

- Programmes on television that contain scenes of violence, sexually explicit conduct, nudity





and/or bad language, and are intended for adult audiences, may not be broadcast outside the watershed period

- Promotional material and music videos that contain scenes of violence, sexually explicit conduct, nudity and/or bad language, and are intended for adult audiences, may not be broadcast outside the watershed period
- Promotional material for adult programmes may be broadcast outside the watershed period, provided it does not contain scenes of violence, sexually explicit conduct, nudity and/or bad language. On such promotional material the age restriction and warning symbols that apply to the programme are to be displayed throughout
- The watershed period extends from 21:00 to 05:00
- During the watershed period, progressively less suitable (more adult) material may be shown. For instance, a programme might be acceptable at 23:00 that would not be suitable at 21:00
- Some of the programmes broadcast outside the watershed period might not be suitable for very young children. Sufficient information should be provided, in the form of regular scheduling patterns and/or on-air advice, to assist parents in making appropriate viewing choices
- Broadcasters should be alert to the likelihood of children watching programmes that begin before the watershed period and run into it
- Given the probability of older children being in the audience during the watershed period, broadcasters are to give consumer advice that would allow parents to take informed decisions on the suitability of programmes for their family.

It is axiomatic that if material is unsuitable for viewing by children, it should not be broadcast when large numbers of them may be expected to be watching TV. Outside the watershed period, then, we should not show anything that is inappropriate for children, or for family viewing. After 21:00 parents are expected to share the responsibility with the broadcaster for what their children are permitted to see.

Regular broadcasting of programmes with age restrictions of 13 or over between 17:00 and 20:00 is discouraged.

The SABC's programme scheduling should also take account of public holidays, religious festivals/holidays, events of cultural or international significance, and country-wide school holidays - ie when holidays in all or most of the provinces coincide.

In general, the SABC's answer to the potential clash of interests between controversial programming and some viewers' concerns is sensitive scheduling, which can greatly reduce its effect. In its role as a public broadcaster, the SABC is expected to extend the range of experience of its viewers and listeners through its programmes. We have, therefore, to strike a careful balance between respect for fundamental rights, and audience sensitivities and expectations. Programmes that challenge accepted world views, and offer new experiences and opposing perspectives, are the hallmark of successful public service broadcasting.

RADIO

Although the Code does not specify a watershed period for radio, the SABC abides by the dictum that stations do not broadcast material that is unsuitable for children at times when they are likely to form a large part of the audience. For instance, stations should be aware that children are likely to be listening to the radio while travelling to and from school.

LANGUAGE

The Position Paper on the Revision of the Code of Conduct for Broadcasters notes that in terms of the freedom of expression provisions in the Constitution, it is impossible to prohibit "offensive" language. The thinking in the new Code is that when transmitting material containing profanity, or other religiously insensitive material that is likely to offend a section of the audience, broadcasters should give warnings and be aware in their scheduling.

The Code also says that bad language, including profanity and other religiously insensitive material, should not be used in programmes that are specially designed for children. Further, that no excessively or grossly offensive language should be used before the watershed on

television, or at times when large numbers of children may be expected to be in the audience.

A public broadcaster is an important source of information and culture, and could influence standards and values through its use of language. The SABC has therefore to maintain high standards of integrity with regard to language usage. This is also one of the most frequent causes for complaint, particularly incorrect grammar, mispronunciation, negative stereotypes and profanity.

The SABC's policy on language usage is as follows:

- Not to use language simply for its shock value
- Never to use profanity gratuitously
- Not to ban the use of bad language in programmes, but to permit it only when it is defensible in terms of context and authenticity/credibility
- That language usage should take religious sensitivities into account.

Further guidelines on language usage are contained in the Language Broadcasting Policy.

DISCRIMINATION AND STEREOTYPES

The Code does not deal with stereotyping and discrimination. Instead, ICASA encourages broadcasters to develop their own internal guidelines for dealing with these matters. Given South Africa's past, and the role of public broadcasting in healing divisions, it is imperative for the SABC not to broadcast programmes that promote discrimination or stereotyping on the grounds of race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or disability. To this end we are committed to avoiding language and images that reinforce stereotypes, and offend communities or individuals.

The SABC is further committed to reflecting diversity positively. We undertake to include in our programming non-stereotypical representations of the disabled, women, black and homosexual people, and of any other South Africans who have often been marginalised by the mainstream media, or represented in narrow and stereotypical terms.

The SABC's policy is as follows:

- To treat every part of society with respect
- Not to identify people solely by ethnic origin, and to mention colour only when it is relevant to the topic under discussion
- To avoid any unnecessary reference to disability, as it is often seen as insulting or implying deficiency, and not to use language that could add to such an impression: eg "deaf" or "hard of hearing" should be used, and "a person who has a disability" instead of "invalid" or "cripple" or "retarded"
- To use non-sexist language so as to avoid giving offence, or creating the impression - through repetition - that certain activities are associated with only one sex
- Since humour could also create and reinforce stereotypes, our policy is to avoid humour that is excessively exploitative, uncalled for, cruel, or designed to prejudice a person or group.

These requirements are not intended to preclude broadcasting of factual material, or views expressed in satirical or dramatic works. Once again, the context in which the language is used is pivotal. Proper scheduling ensures that material with the potential to offend, or that is unsuitable for children, is not broadcast inappropriately.

DISABILITY

We recognise that groups with disabilities often feel marginalized, and that it is a duty of the public broadcaster to promote access by these audience segments to its services and programmes and to ensure that the representation of people with disabilities in our programming is fair.

The SABC therefore treats people with disabilities respectfully in its programming, and we are committed to reflecting issues of disability in a way that does not perpetuate harmful negative stereotypes of the disabled.

We are also committed to exploring mechanisms for enhancing our delivery to people with disabilities. Where possible, we also strive to involve disabled persons in such initiatives.





RACE

In the light of South Africa's history, the SABC takes particular care when dealing with issues of racism, and in depicting race. We are committed to representing issues of race in a way that does not perpetuate negative stereotypes, and that creates awareness of such stereotypes. To this end, we avoid racial identifiers such as divulging race, ethnicity and/or nationality, unless there is a compelling reason to do so.

We also undertake to raise awareness of racial discrimination by encouraging debate and discussion of these issues. This goal translates into encouraging a non-racial approach and perspective among our staff and programme makers.

GENDER

To consolidate the SABC's commitments in other sections of these policies, the SABC undertakes to strive to ensure that its programming, when judged within context, does not:

- promote violence against women
- depict women as passive victims of violence and abuse
- degrade women and undermine their role and position in society
- promote sexism and gender inequality
- reinforce gender oppression and stereotypes.

Furthermore, the SABC is committed to reflecting and portraying women in their positive societal roles - as independent, intellectual beings; as leaders, decision-makers, academics, agents for change, etc - and to avoid representation of men in roles that bolster gender ascendancy and stereotypes.

Gender balance should be sought - positively and actively - in programmes, such as those requiring a range of opinions on issues of public importance.

VIOLENCE

The Code of Conduct has extensive requirements for the representation of violence:

"14. Broadcasters shall not broadcast any material which, judged within context:

- Contains gratuitous violence in any form, i.e. violence which does not play an integral role in developing the plot, character or theme of the material as a whole
- Sanctions, promotes or glamorises violence.

"15. Violence against women

Broadcasters shall:-

- Not broadcast material which, judged within context, sanctions, promotes or glamorises any aspect of violence against women
- Ensure that women are not depicted as victims of violence unless the violence is integral to the story being told
- Be particularly sensitive not to perpetuate the link between women in a sexual context and women as victims of violence.

"16. Violence against specific groups

- Licensees shall not broadcast material which, judged within context, sanctions, promotes or glamorises violence based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability
- Licensees are reminded generally of the possible dangers of some people imitating violence, details of which they see, hear or read about.

"17. The above mentioned prohibitions shall not apply to -

- A bona fide scientific, documentary, dramatic, artistic, or religious broadcast which, judged within context, is of such nature;
- Broadcasts which amount to discussion, argument or opinion on a matter pertaining to religion, belief or conscience; or
- Broadcasts which amount to a bona fide discussion, argument or opinion on a matter of public interest."

Violence manifests itself in many forms, and attitudes to it range from shock to disgust, passive acceptance and approval, depending on the context. The media's portrayal of violence may influence how it is received and acted on in society, and it has been suggested that violence broadcast by the media may induce apathy, insensitivity, or aggression in certain individuals.

Modern technology allows images of violence to be broadcast to people who have little or no real contact with it in their daily life. The SABC therefore has a duty not to glamorise any type of violence, nor to promote it, and to depict it only when it could help to portray a story, evoke compassion, prompt help, or simply be an accurate representation of real events.

In addition to the requirements of the Code, the SABC's policy on violence is as follows:

- To broadcast programmes or scenes containing images of violence if they are needed in order to portray legitimate information or context
- To ensure that any broadcast of material containing scenes of violence, or violent behaviour, is justifiable in the context of the SABC's functions and purpose
- To use some form of audience advisory to give advance notice when violence is to be shown
- To treat the subject of suicide, or attempted suicide, with circumspection, and not to give any detailed demonstration of the means of suicide
- To avoid portraying dangerous behaviour that children could easily imitate
- To use scenes of violence or cruelty to animals prudently and with adequate warning, as viewers are disturbed by such material.

The SABC's aim is not to see how much violence will be tolerated, but how little is needed to achieve honest ends without undue dramatic or editorial compromise.

Further guidelines on violence in news programmes is dealt with in the News, Current Affairs and Information Programming Policy.

PRIVACY AND DIGNITY

The Constitution protects fundamental human rights, and affords every South African the right to privacy and dignity.

The Code requires the electronic media to exercise exceptional care and consideration in matters involving the private lives and private concerns of individuals, bearing in mind that the right to privacy may be overridden by legitimate public interest. The SABC expects decisions of this kind to be taken with due consideration of the Corporation's values, and likely consequences of the action to be deliberated carefully. The following should act as guidelines:

- The public has the right to receive information about public figures and public institutions, if this is in the public interest
- Invasion of privacy may be justified in order to disclose information that has a bearing on someone's performance of public duties, or on any matter of public interest
- Aspects of the private lives of public figures that are pertinent to their public duties must be distinguished from those that are not.

When public interest is not affected, public figures should have the same right to privacy as others.

INTRUSION INTO GRIEF; COVERAGE OF SUFFERING AND DISTRESS

Careful consideration guides the SABC in its interaction with people who are grieving or in distress. They are often in an intensely emotional state and may not be able to decide rationally about giving comment or interviews, and discretion should be used in filming or interviewing them. Broadcasting their displays of grief should be kept to a minimum. A wide shot of someone being comforted is less intrusive than a lingering close-up of someone who is obviously distressed.

The SABC is committed to:

- respecting everyone's right to privacy and dignity, but especially those who are grieving
- treating sorrowing people with sensitivity



- not identifying victims of rape, or of sexual violence in general, without their express and informed consent
- not identifying child victims of abuse or crime, unless exceptional circumstances indicate it to be demonstrably in the best interests of the child.

HIV/AIDS

The SABC's policy is not to disclose the HIV status of anyone without their express consent, unless it would be in the public interest to do so. Therefore

- Unless there are compelling public interest reasons, consent to disclosure should be obtained, and if possible should be obtained in writing (in the form of a waiver of the person's right to privacy)
- Lawful parents may give consent for disclosure of the HIV/Aids status of their minor child, provided it is fully informed consent and that it is demonstrably in the best interests of the child.

It is common cause that HIV/Aids is a national tragedy, which afflicts millions of South Africans, with dire social and economic consequences for South African society. It is therefore a matter of overwhelming public interest, and difficult decisions on broadcasts involving those affected by HIV/Aids, and related issues, will engage broadcasters continually. The following should serve as guidelines:

- The fundamental principles to be applied are that the pandemic should be de-stigmatised, and members of society should be educated to conduct their sex life responsibly
- The attendant aims should be to encourage communities to embrace the people living with Aids; to create empathy and understanding for them; not to ostracise the infected, but to accord them dignity as members of society.

The guidelines on privacy and dignity are elaborated on further in the News, Current Affairs and Information Programming policy. Editorial staff should also consult the Legal Guidelines for Editorial Staff.

PHONE-IN AND DISCUSSION PROGRAMMES

Phone-in and discussion programmes are an accepted and important means of broadcasting individual points of view on topics. However, the hosts are expected to take special care to uphold the SABC's editorial principles of fairness, impartiality and balance, and to ensure that a wide range of views are broadcast.

A host should steer callers and guests away from making comments that may be against the law, or SABC policy, and reprimand or contradict them tactfully, when necessary. It is important to ensure, as far as possible, that programmes do not become a focus or platform for organised pressure groups and irresponsible individuals. A short pre-interview by a "screener" should be used for these purposes. A record is to be kept of the names of all the speakers and their contact information, and retained for at least 30 days. When written comments are received, hosts should be vigilant not to read out comments on air with factual inaccuracies or with content which violates the law or SABC policy.

Since phone-in and discussion programmes are not a scientific way of surveying public opinion on any matter, there should be no suggestion - explicit or implicit - that the views broadcast reflect wider public opinion. More on this subject is given in the News, Current Affairs and Information Programming Policy.

CHILDREN

The Code provides the following regarding children:

- Broadcasters are reminded that children embrace a wide range of maturity and sophistication. In interpreting the Code, it is legitimate for broadcasters to distinguish, if appropriate, those approaching adulthood from a much younger, pre-teenage audience
- Broadcasters may not transmit material that is unsuitable for children at times when large numbers of them may be expected to be in the audience

- Broadcasters are to exercise particular caution, as provided below, in the depiction of violence in children's programmes
- In children's stories portrayed by real-life characters, violence - whether physical, verbal or emotional - may be portrayed only when it is essential to the development of a character and plot
- Animated programmes for children, although they are accepted as a stylised form of storytelling that could contain non-realistic violence, may not have violence as their central theme, nor invite dangerous imitation
- In children's programmes, due care should be taken in dealing with themes that could threaten their sense of security, such as the portrayal of domestic conflict, death, crime, or drug abuse
- In children's programmes, due care should be taken in dealing with themes that could invite imitation, such as the use of plastic bags and dangerous household products as playthings, use of matches, and other hazardous physical acts
- Children's programmes may not contain realistic scenes of violence, or which create the impression that violence is the preferred or only method to resolve conflict between individuals
- Children's programmes may not contain realistic scenes of violence that minimise or gloss over the effect of violent acts. Any realistic depiction of violence should portray, in human terms, the consequences for its victims and its perpetrators
- Children's programmes may not contain frightening or otherwise excessive special effects that are not required by the story line.

For both entertainment, education and information, the SABC offers a range of programmes for children, from toddlers to adolescents. The extensive material for young audiences is designed to reach different target groups at times best suited to their needs, age and level of maturity.

The SABC takes special care to ensure that programmes children are likely to watch unsupervised would not cause alarm or distress, or incite aggressive behaviour.

It is important to note that offering children enjoyable and enriching programmes is not to be confused with concealing the real world from them. Adults sometimes seek to exclude from television certain images and words, or coverage of certain events, in an effort to protect children. For some children, though, the world is already violent and dangerous, and it is important for the media - especially television - to help them understand and deal with their own lives.

Adults often have strong views about how children ought to behave, and expect children's programmes to show only ideal patterns of behaviour. However, programmes that are not based on children's own needs and interests tend to be seen as artificial and irrelevant. Programme makers are encouraged to allow children to participate in the development of children's programming in order to ensure relevance.


There are further guidelines on children's programming in the Policy on Language Broadcasting and the Policy on Educational Broadcasting.

SEX AND NUDITY

Sex and nudity may give offence, and broadcasters are encouraged to give their audiences adequate warning and to schedule such material when children are not expected to be in the audience in large numbers.

Broadcasters are prohibited from carrying material classified as XX (sexually explicit) in terms of the Film and Publications Act, or material which, judged in context, contains a scene or scenes, simulated or real, of any of the following:

- A person who is, or is depicted as being, under the age of 18 participating in, engaging in, or assisting another person to engage in sexual conduct or a lewd display of nudity
- Explicitly violent sexual conduct
- Bestiality
- Explicit sexual conduct that degrades a person in the sense that it advocates a particular form of hatred based on gender and that constitutes incitement to cause harm.



In terms of the Code, the restrictions do not apply to bona fide scientific or documentary programmes, or dramatic material which, judged in context, is of such a nature.

The Code also requires scenes depicting sexual conduct to be broadcast only during the watershed period. Further, when an exception is made for a programme with a serious educational purpose, it should be approved in advance by the most senior programme executive, or a delegated alternative. The Code provides that explicit portrayal of violent sexual behaviour is justifiable only in exceptional circumstances, and the above approval process is prescribed in this instance, too.

The SABC's policy on the portrayal of sex and sexuality is to ensure that it is defensible in the context, and presented with tact and discretion. This, with adequate advisories, should make for greater acceptability to the viewing public. When representation of sexual intercourse is justified, it should generally be reserved for after 22:30. It is worth remembering, though, that if a series on sex were made for adolescents, there would be no point in broadcasting it late at night. Exceptions may also be allowed for nature documentaries, programmes that have a serious educational purpose, or where the representation is a graphical illustration (delineated in cartoons or diagrams), but these are to be approved by the channel head.

When sexual topics feature in news, documentaries and discussions, programme makers should observe the need for careful scheduling and consumer advice. Tactful handling can help prevent the most sensitive of subjects from giving widespread offence. Overall, any programme that deals with sex and sexuality should be treated with care, and without sensationalism.

Just as the SABC does not condone racist material, or gratuitous violence, it does not present sexual violence, or exploitative or non-consensual sexual relations, as acceptable.

Whereas most of the negative reaction from the public is prompted by depiction, even discussion of sex attracts some criticism. However, it is the SABC's responsibility as a public broadcaster to encourage debate and open discussion of sex, sexuality and sexual roles.

PROCESS FOR DEALING WITH PROGRAMME COMPLAINTS

Complaints from members of the public that are received at the SABC and relate to matters of policy, or compliance with the Code, are dealt with by the office of the Manager: Broadcast Compliance. When such complaints are received by the channels or stations, or in any other department, they should be referred to that office without delay.

The SABC's policy is to deal with every such complaint. The response is either prepared in consultation with, or communicated immediately to, the management of the channel/station concerned, or the relevant head of SABC News. The services are required to take ownership of complaints about their services.

Trends in complaints, and all the formal complaint processes, are reported to Top Management and Board regularly.

COMPLAINTS LODGED WITH THE BROADCASTING COMPLAINTS COMMISSION OF SA

If a member of the public lodges a formal complaint with the BCCSA about a programme broadcast on any of the SABC services, the BCCSA notifies the SABC in writing, provides a copy of the complaint, and indicates whether a copy of the programme should accompany the written response from the SABC.

When the BCCSA requests material for review in any complaint process, the SABC is obligated to provide a complete copy of the programme as broadcast. This includes any on-screen and/or verbal consumer advice. If appropriate, a transcription of the text is required, and/or the Final Control Sheet for the programme. The Manager: Broadcast Compliance requests this material from the relevant service, and it should be supplied within three (3) days.

The Manager: Broadcast Compliance prepares the SABC's response to the complaint, in consultation with the staff responsible for the broadcast, who may be asked to provide

comments in writing. This submission, together with the material requested, has to be delivered to the BCCSA's premises within ten (10) working days of notification of the complaint.

The formal process is then conducted in accordance with the current Procedure of the Commission (available on the Internet at <http://www.bccsa.co.za>), which may be amended from time to time.

When the BCCSA gives notice that a complaint is to be heard by the Tribunal, the Manager: Broadcast Compliance:

- requests the head of the service against which the complaint has been lodged to delegate an appropriate representative to attend the hearing (normally the person responsible for the programme in question)
- applies to the SABC's Chief Legal Advisor for assistance, if the BCCSA advises that the complainant will have legal representation
- prepares the SABC's case
- consults, or refers a case to, Legal Services when the need arises
- defends the SABC at the hearing, assisted by a legal consultant, if necessary.

When the BCCSA's decision about a complaint, adjudication (by an individual commissioner), or judgement handed down by the Tribunal is received, the Manager: Broadcast Compliance circulates it immediately to all the relevant staff.

On being found guilty of a breach of the Code, a broadcaster may be reprimanded by the Commission, or required to take certain steps to rectify a situation, or instructed to broadcast a correction, retraction, or apology. The BCCSA is also empowered to impose fines of up to R40 000 for serious infringements

It is important to note that records must be kept of formal complaints and their outcome.

COMPLAINTS LODGED WITH THE ADVERTISING STANDARDS AUTHORITY OF SA

When a member of the public lodges a formal complaint with the ASA about self-promotional material broadcast on any of the SABC services, the ASA notifies the SABC in writing, provides a copy of the complaint, and requests a copy of the material for review by the Authority. If the Authority finds that the complaint is not "frivolous or vexatious", the SABC may be called to a hearing and be subject to sanctions as set out in the Code of Advertising Practice.

The ASA has jurisdiction over channel and station promos that are broadcast on any other SABC service (eg an RSG promo flighted on SABC2, or an SABC3 promo on SAfm), or on any other broadcaster's channel/station. The ASA does not have jurisdiction over a channel/station promo broadcast on the same channel/station (eg an SABC3 promo flighted on SABC3).

The Authority therefore can entertain complaints about programme promos only if they are flighted on another broadcaster's service, or if they are published in the print media, or placed on outdoor advertising (eg billboards).

A promo for any SABC programme that is flighted on the same SABC channel/station falls within the jurisdiction of the BCCSA.

When the ASA requests material for review in any complaint process, the SABC is obligated to provide a copy of the promo. The Manager: Broadcast Compliance requests this material from the relevant department, and delivers it to the Authority within five (5) days.

COMPLAINTS ABOUT CONTRAVENTION OF THE SABC'S EDITORIAL POLICIES

Complaints about any breach of the SABC's Editorial Policies that are not received directly by the Policy and Regulatory Affairs department should be referred to the Manager: Broadcast Compliance without delay.

In the event of a serious contravention of editorial policy, or repeated infringement, the matter is



referred upwards as follows:

- General Manager: Policy & Regulatory Affairs
- Head: Public & Regulatory Affairs, the Chief Legal Adviser and the applicable senior programming / news executive
- Group Chief Executive Officer
- SABC Board.

SPONSORSHIP OF PROGRAMMES

The SABC complies with ICASA's regulations on programme sponsorship¹.

ICASA defines programme sponsorship as direct or indirect financing, whether partial or total, of the production or transmission of broadcast programme material by an advertiser or person seeking to promote their activities or product .

ICASA regulates programme sponsorship and is concerned to ensure that editorial control remains with the broadcaster. To this end, the regulations stipulate that if there is any depiction during a sponsored programme of the name or logo of whoever provides the sponsorship, that depiction should be subordinate to the content of the programme. The regulations also provide that where there is programme sponsorship, the sponsor's association with the programme has to be stated clearly, both before and after the programme.

The stations and channels, together with SABC Sales and Marketing, ensure that the SABC is in compliance with these regulations.

INFOMERCIALS

ICASA has developed rules for infomercials², with which the SABC complies. These provide that:

- infomercials may not be carried during prime time, or during children's programmes
- infomercials must be labelled in such a way as to make it clear that they are not programme material
- no more than two hours of infomercials per day are allowed in the performance period (05:00 - 23:00) of each channel.

In addition to the above, ICASA encourages broadcasters to ensure that infomercials are not carried on all the free-to-air channels at the same time.

The stations and channels, together with SABC Sales and Marketing, ensure that the SABC is in compliance with these regulations.

REVIEW

This policy is reviewed by the SABC Board every five years.

¹ICASA Regulations relating to the Definition of Advertising, and the Regulation of Infomercials and Programme Sponsorship and respect Broadcasting Activities, 1999.

²As Above