



ADJUDICATION NO: 27/A/2026

NAME OF PROGRAMME: 5 DRIVE SHOW

DATE AND TIME OF BROADCAST: 16 July 2026 at approximately 16:20 - 16:26

BROADCASTER: SABC 5 FM

COMPLAINANT: DEVENIER

COMPLAINT

THE COMPLAINANT ALLEGES THAT COMMENTS WERE NOT BASED ON FACT.

APPLICABLE CLAUSES

FREE-TO-AIR CODE:

- 4(2) Broadcasting service licensees must not broadcast material which, judged within context, amounts to (a) propaganda for war; (b) incitement of imminent violence or (c) the advocacy of hatred that is based on race, ethnicity, religion or gender and that constitutes incitement to cause harm.**
- 12 (2) 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 the audience.**
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ADJUDICATION

[1] A complaint was lodged with the BCCSA against the SABC in respect of

comments made during the Five Drive programme broadcast on 5FM on 16 July 2026.

[2] **The complaint reads as follows:**

"Complaint for contravention of the BCCSA FREE-TO- AIR CODE OF CONDUCT FOR BROADCASTING SERVICE.

I confirm that I have personally listened to the impugned program. The program that the complaint is raised against is as follows:

Program: Free-to-air Radio, 98.0 FM, Five FM, Five Drive show

Aired on: 16 July 2026 at approximately 16:20 - 16:26

Name of Broadcaster/s: Nick Archibald and team contributing: Zanele Potelwa.

Description of the Impugned Content and Comments:

I was listening to 5FM, the Five Drive Show on my way back home from work, where comments and unconfirmed and false facts were made on the "Bokkie Week".

Clause 12: Comment, point 2: False facts or at least unconfirmed facts has been shared by Nick where he explicitly said that "Die Stem", the old South African anthem was sung "word for word!". This, I know is false as I was there for the opening and the whole sport week. The song that was sung was in actual fact "Die Lied van Jong Suid-Afrika", which is a traditional Afrikaans poem written by the poet Eitemal and it is a well-known cultural folk song in the Afrikaans language, and has been recorded by South African artists such as Chris Chameleon and Nataniël.

From this, my complaint follows to include the following:

Clause 15: Privacy, Dignity and Reputation, point 1: Based on these unconfirmed facts spoken of during the show, the mentioned 5FM team alluded to the fact that every one that attended this event, is/was racist and discriminative! This is so far from the truth in my opinion. Stating that our kids were made to sing the old anthem (which was not the case, and unconfirmed) and alluding that we are promoting racism etc was exceptionally disappointing. The issue is that we attended an afrikaans cultured event, where in my opinion, absolutely no racism or discrimination was involved (For the purpose of this complaint, nothing is confirmed factual), yet harsh, unfair comments and false facts were stated and shared on live air.

The ironic thing is that the team continued the show, and at some point the team mentioned that racial profiling is a bad thing, yet they did that exact same thing with their comments and their spreading of false and/or unconfirmed facts.

Conclusion:

The presenter's commentary was not an "honest expression of opinion" because it was built on "incorrect facts stated" and not fairly referred to regarding the event.

Falsely and unfairly alluding to racism severely harmed the "dignity and reputation" of those involved without any "legitimate public interest" to justify the distortion.

I work in a brilliant multicultural company, and am very proud of our South African business, representing international!!! People know that I have been at this event, and to make unconfirmed/false statements and conclusions like this without proper and confirmed facts on live air is unacceptable!

I trust the above would be investigated and the team be held responsible.”

[3] The Broadcaster responded as follows:

“BCCSA COMPLAINT: GEORGE CARL DEVENIER - 5 FM - 5 DRIVE SHOW - 16.07.2026 - 16:20

With regard to the above-mentioned complaint, please find our comments as follows:

1. The broadcast in question was not a news bulletin or factual news report, but a live talk-radio discussion on the Five Drive programme concerning the public controversy surrounding *"Bokkieweek"*, which was receiving widespread national media attention. The discussion was opinion-driven and intended to facilitate public debate on a matter of significant public interest.
2. The discussion was prompted by a News24 article published on 11 July 2026 regarding the Bokkieweek event, which reported that the opening ceremony included the singing of *"Die Lied van Jong Suid-Afrika"*, describing it as the *"apartheid anthem."* The presenters relied on this published media report in preparing and conducting the discussion.
3. During the discussion, the presenter (Nick Archibald) also shared his own personal experience from 2018 at a university residence, where he witnessed white Afrikaans students singing *"Die Stem"* word for word. It is clear from the audio that this was a personal anecdote and not a statement that the Bokkieweek participants had sung *"Die Stem."*
4. The complainant appears to conflate the discussion regarding the News24 report with the presenter's separate personal experience. When considered in its proper context, the programme distinguished between the current news event and the presenter's historical personal experience.
5. The station acknowledges that the song performed at the event was *"Die Lied van Jong Suid-Afrika"* and not South Africa's former national anthem, *"Die Stem."* However, this reference resulted from the presenters' good-faith reliance on the published News24 report, which characterised the song as an apartheid-era anthem associated with the opening ceremony.
6. The complainant mentioned Clause 12 to argue that false facts were broadcast. However, the Five Drive segment was clearly presented as commentary and discussion, rather than a factual or investigative report. Throughout the broadcast, the presenters expressed opinions arising from a topical news story and encouraged discussion regarding race, history and reconciliation.
7. The complainant further alleges that the programme contravened Clause 15 by implying that all attendees of the event were racist. SABC respectfully submits that no such blanket statement was made during the broadcast. The discussion centred on the event itself, the symbolism associated with the reported singing of an apartheid-era song, and the importance of confronting racism where it exists.

8. The presenters did not identify the complainant, nor did they refer to any individual attendee by name or in a manner that would reasonably identify a specific person. The discussion concerned a matter that had already entered the public domain and had attracted significant national attention.
9. The presenters consistently encouraged listeners to stand up against racism and emphasised that racial profiling is harmful. Their comments promoted public reflection on racism and social cohesion rather than hatred or prejudice towards any racial or cultural group. At no point did the presenters advocate discrimination, hatred or hostility against Afrikaans-speaking people, attendees of the event, or any cultural community. The discussion focused on the perceived symbolism of the reported conduct and the broader societal implications arising from the news reports.
10. Taking the programme into consideration, the SABC respectfully submits that the broadcast was balanced and that listeners were exposed to different viewpoints as listeners also called in to share their experiences regarding the issue been discussed."

[4] The Complainant replied as follows:

"I appreciate and respect the response from the SABC, but don't entirely agree.

In general, the show did have discussions about past experiences etc. I have no issues regarding this. I must also make it clear that I am absolutely against racism and discrimination and fully support talking about it in proper responsible context.

Some final comments from my side:

Regarding point 1, 2, 3, 4 and 5 - My expectation is that broadcasters should take care of what is shared on a live national platform, whether it be opinions or facts. I don't think it is correct that one sided opinions are given from the team based on unconfirmed facts - referring to one source, multiple sources and comments are available to build a more accurate discussion. It cannot be that one can say anything you'd like if its opinion based. Im am sure that it was specifically mentioned that "Die Stem" was sung word for word at the "Bokkie week" (and not referred to past experience) and that it was alluded to that we exposed and made our children sing that, which I felt was a massive misconception. Unfortunately, I do not have access to this broadcast to double check my understanding. Ultimately, if the 5FM team has an opinion driven discussion, based and started off from unconfirm or false facts and one sided opinions as a start, it can become a dangerous situation as uninformed listeners use this information to drive the conversation.

On point 6 - I understand that opinions can be expressed, but making statements on incorrect information and or irresponsibly making assumptions and discussing this in an incorrect context is not what we should expect from a public live broadcast and station like 5 FM. I am a firm believer that we can talk about topics, but a platform shouldn't be misused to broadcast a team's specific opinion based on their own assumed facts. Care should be taken.

On point 7 - I did not say that it was blatantly mentioned. The context of the discussion was such that it alluded to Afrikaners that attended bokkie week is racist and discriminative. Again, opinions formed around incorrect information and this was shared and discussed on a live national platform. The following statement - "The discussion centred on the event itself, the symbolism associated with the reported singing of an apartheid-era song, and the importance of confronting racism where it exists." show that the team had formed opinions on the event that was not fair and factual, and the opinions and comments made were one sided.

On point 9 - Am definitely in support of encouragement to stand up against racism and using the platforms available to support this. The context of the discussion, opinions and facts shared formed around incorrect information and assumptions. There should be more care taken when discussing topics like this, and making statements if not all information is confirmed. There were multiple statements made to correct the inaccurate perceived event but that was not brought up. If it was general and neutral, it was ok, but this specific discussion I felt was one sided and was used to highlight anti-racism - It was perceived by me as that I'm an offender here, and I think this is unfair to feel this way while listening to a live broadcast knowingly that this is not correct. On point 10 - I do disagree, one point of view was focused on and was not balanced.

The intention of my communication is to share what I felt during this live broadcast, and wanted to share my view on this matter. It should be the responsibility of any broadcaster to ensure that comments and statements are fair, and remain neutral. Opinions that are shared should not make anyone feel at fault.

I will trust and respect the finding and/or opinion of the BCCSA on this matter irrespective of the outcome. If I truly misinterpreted this broadcast, then I do appreciate everyone's time on and I do appreciate the fast responses and attention given.

EVALUATION

- [5] Having considered the complaint, the broadcaster's response and having listened to the impugned broadcast in its entirety, the issue before the Commission is whether the comments made during the discussion on Bokkieweek were based on facts that were truly stated or fairly indicated and whether the presenters' remarks unfairly conveyed that those who attended the event were racist. The complainant submits that the discussion was founded on incorrect or unverified information, resulting in unfair and one-sided commentary on a matter of significant public interest.
- [6] The first step is to consider the discussion in its proper context. The impugned segment formed part of a live talk-radio programme addressing a matter that had already attracted considerable public and media attention. The discussion concerned the controversy surrounding the event and included the presenters' views, references to published media reports and personal experiences. It was presented as a commentary and discussion on a topical issue rather than as a factual news bulletin or investigative report intended to establish definitive findings of fact.

- [7] Having listened to the recording provided to the commission, I am satisfied that the discussion centred on the broader issues of race, history and the symbolism associated with the Bokkieweek controversy. The broadcaster acknowledges that the song performed at the event was Die Lied van Jong Suid-Afrika and not Die Stem, explaining that the presenters relied on contemporaneous media reports when discussing the matter. The recording also reflects that during the segment, one of the presenters recounted a separate personal experience from 2018 relating to the singing of Die Stem, which, in my view was distinguishable from the discussion concerning the Bokkieweek event.
- [8] In assessing the complaint, I am guided by Clause 12(2) of the Code, which requires comment to be an honest expression of opinion based on facts truly stated or fairly indicated. During the broadcast, the presenters referred to the Bokkieweek event and stated that the former national anthem of apartheid South Africa had been sung. The presenter also referred to his personal experience in 2018 at a Stellenbosch residence, where he said he had witnessed white Afrikaans students singing Die Stem “word for word”. The latter was clearly presented as his own historical experience. The reference to Die Stem in relation to Bokkieweek, however, was presented as a fact concerning the event itself. The broadcaster has acknowledged that the song performed at Bokkieweek was Die Lied van Jong Suid-Afrika and not Die Stem. The factual basis relied upon during the discussion was therefore not entirely accurate. The discussion before the Commission was clearly one of comment rather than news reporting. Although the complainant disagrees with the presenters' conclusions and considers them to have been one-sided, the Code does not prohibit robust or controversial opinions merely because they are strongly expressed. I have also considered Clause 4(2) of the Code. While the discussion dealt with issues of race and historical symbolism, it did not amount to advocacy of hatred based on race nor did it constitute incitement to cause harm as contemplated by the Code.

- [9] The complaint alleges that the broadcast portrayed attendees at the event as racist or discriminatory. Having considered the programme in its entirety, I am not persuaded that the broadcast characterised every person who attended in this manner. The discussion focused on the public controversy surrounding the event and the broader societal issues arising from it, rather than making findings about the character of every person who attended.
- [10] Having assessed the impugned broadcast in its full context, I find that the comments complained of do not constitute a contravention of the Code. **The complaint is therefore not upheld.**

A handwritten signature in black ink, appearing to be 'S. Mbokwe', with a stylized, cursive script.

MS SINENTLAHLA MBOKWE
COMMISSIONER: BROADCASTING COMPLAINTS COMMISSION