



LESEDI FM ANNUAL COMPLIANCE REPORT

MARCH 2020

2018/2019 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS LESEDI FM

Licence Period: 18 December 2008 – 17 December 2018

1. PREFACE

The Independent Communications Authority of South Africa (the Authority) has a statutory mandate in terms of the Constitution¹, the ICASA Act², the Electronic Communications Act³ (ECA) and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. Among the responsibilities of the Authority is the task to ensure compliance by broadcasting service Licensees with the terms and conditions of their licence and any relevant legislation and/or regulations.

The purpose of the report is to give an account of Lesedi FM's compliance with the terms and conditions as set out in its licence for the 2018/2019 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations, Training and Skills Development, Finances, Complaints, South African Music Content Regulations, Regulations Regarding Standard Terms and Conditions, Universal Service and Access Fund (USAF) Regulations and Code on People with Disabilities.

2. BACKGROUND

Lesedi FM is an Individual Sound Broadcasting Service Licensee of the South African Broadcasting Corporation (SABC). The radio station forms part of the public service division of the SABC and is licensed to provide a full spectrum service to the following provinces: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Mpumalanga and North West.

¹ The Constitution of the Republic of South Africa, No 108 of 1996

² Act No. 13 of 2000, as amended

³ Act No. 36 of 2005

⁴ Act No. 4 of 1999

Lesedi FM broadcasts from studios situated at Radio Park, Henley Road, Auckland Park in Johannesburg and from the SABC studios in the Free State, (on Nelson Mandela Drive, Bloemfontein). Lesedi FM is accessible to its listeners on the frequencies specified in the frequency spectrum licence granted to it by the Authority. Lesedi FM has Radio Data System (RDS) identification as Lesedi FM. The signal distribution service is provided by Sentech (Pty) Ltd.

3. COMPLIANCE ASSESSMENT

3.1 Ownership and Control

Clause 1 of the licence stipulates that:

- 1.1 Name of company/entity: The South African Broadcasting Corporation*
- 1.2 Shareholders: The State shall hold one hundred (100%) percent of the shares of the Corporation*
- 1.3 Ownership by persons from historically disadvantaged groups: N/A*

There were no changes reported on the name and shareholding of the Licensee. Lesedi FM forms part of the public service division of the SABC and is 100% owned by the State.

The Licensee complies with clauses 1 of its licence.

3.2 Geographic Coverage Area

Clause 2 of the licence schedule states that:

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

According to the frequency spectrum licence, the radio station's coverage area is Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Mpumalanga and North West. The Licensee maintains that its coverage area is as defined in the frequency spectrum licence.

The Licensee complies with clause 2 of its licence.

3.3 Language(s)

Clause 3 of the licence schedule states that the language of broadcast is as follows:

"Principal Language: Sesotho".

The Authority's monitoring exercise confirmed that Lesedi FM's principal language of broadcast is Sesotho, with minimal use of English particularly during news and interviews.

The Licensee complies with clause 3 above.

3.4 Format

Clause 4.1 of the licence states that:

"The service authorised by this licence forms part of the public service division of the Licensee".

Clause 4.2 stipulates that:

"The licensed service shall be a full-spectrum service".

Lesedi FM forms part of the public service stations of the SABC and offers a full-spectrum service to its audience as outlined in the licence. This was confirmed during the Authority's monitoring exercise which found that the station engages in different topical issues of national interest across its programming offerings.

The Licensee complies with clause 4.1 and 4.2 of its licence.

3.5 Local Content Obligations

Clause 5 of the schedule to the licence stipulates that:

"In each licence year, the Licensee shall, within thirty (30) days of the end of the quarter, submit to the Authority written records indicating the extent of:

Clause 5.1 different genres; and

Clause 5.2 South African Music Content in programme material broadcast in the licensed service during that quarter, in each instance, distinguishing between genres, providing the relevant details in relation to prime time and the period between 05h00 and 23h00 daily ("the South African broadcast period"), and

expressing relevant details both as an aggregate in minutes and as a percentage of the total of all such programming material”.

The SABC submitted Lesedi FM’s quarterly reports for the period under review in line with the Compliance Procedure Manual Regulations.

The Licensee complied with clause 5 of its licence.

3.6 General programming obligations

3.6.1 General

Clause 6.1.1 of the licence stipulates that:

“The Licensee shall ensure that its programming adequately reflects the diversity of South Africa’s Religions”.

The SABC’s editorial policy⁵ stipulates that:

“Religious programmes should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups.”

Lesedi FM broadcasts *Makgulong a Matala* and *Dikalaneng* on Sundays. The programmes include devotion, gospel music and motivational discussions that cater for different South African cultural and religious denominations. The Authority’s monitoring exercise revealed that there is also a devotional slot on Thursdays during *Mathemalodi*, which is a lifestyle programme that is broadcast between 09h00 and 12h00 on weekdays.

The Licensee complies with clause 6.1.1 of its licence.

Clause 6.1.2 of the licence stipulates that:

“The Licensee shall take reasonable steps to provide programming that reflects the cultural and traditional needs of the audience”.

Lesedi FM broadcasts *Re Mmoho* on weekdays between 21h00 and 24h00. It is a talk show that holds discussions on African customs, religion and traditional affairs. It also covers Reggae music and traditional Sesotho music.

⁵ An extract from the Licensee’s Editorial Policy

Another programme, *Ke Moqebelo* is broadcast on Saturdays between 07h00 and 09h00 and covers traditional wedding music.

The Licensee complies with clause 6.1.2 of its licence.

Clause 6.1.3 of the licence stipulates that:

"The Licensee shall during the South African performance period, provide programme material that caters and has due regard for the interests of all sectors of South African society and shall provide programming on health-related issues, gender issues relevant to all age groups".

Lesedi FM offers its audience a variety of programmes that cater for the interest of all South Africans and covers a wide range of social, economic and political issues.

The following programmes were monitored during the period under review, where various issues of interest to society, were discussed:

- *Mathemalodi*: A lifestyle programme touching interesting topics affecting people of all age groups. The show discusses topics such as relationship challenges; disability matters, women empowerment and financial matters among other. The monitoring exercise also picked up a discussion on abusive relationships, with listeners calling in to give their views and/or share their experiences.
- *Di a wela*: An interactive music show that caters more for young people and also has discussions about life on campus and weekend life in general. The show is broadcast on Saturdays between 21h00 – 24h00.

The diversity of shows on the Licensee's line-up confirms that it deals with various issues relevant to people of all age groups and genders.

The Licensee complies with clause 6.1.3 of its licence.

3.6.2 News and Current Affairs

Clause 6.2.1 of the schedule attached to the licence stipulates that:

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

The monitoring exercise identified that Lesedi FM broadcasts news bulletins every hour from 05h00 to 22h00 and headlines every half hour. The news bulletins are proximately five (5) minutes and all the news bulletins are broadcast in Sesotho. The following were among the news stories covered:

- *"Mora wa Mopresidente was mehleng Jacob Zuma, e leng Duduzane, o ipoletse a se molato qosong e lenngwe ya polao e se ka maikemisetso. Sena se latela ka mora ho re lekgotla la dinyewe la Mmastrata wa Randburg, le hule molato o le mong wa e mmedi ya polao e seng ya maikemisetso kgahlanong le yena. Sena se amana le lefu la Nanki Mashaba eo e leng e mong wa bapalami ba ileng ba hlokahalla sepetlele ha morao, ka mora ho re koloi ya Zuma e thulane le tekesi mmileng wa M1 wa lebelo le potlakileng Johannesburg ka selemo sa 2014."*
- *"Basebeletsi ba ka bang dikete tse leshome ba ditshebeletso tsa lekgetho tsa naha, SARS, ba welang tlasa union tsa Nehawu le PSA ba tllilo kena seteraekeng sa naha ka bophara kajeno. Sena ke ka mora ho re ditherisano pakeng tsa di union le ramosebetsi di kgitle lejwe. Motlatsi wa motsamaisi wa PSA, Tahir Maepa, o re qeto ya ho ngala mosebetsi e latela kopano tsa bona tse hlolehileng le botsamaisi ba SARS pejana bekeng ena."*
- *Maepa o re botsamaisi ba SARS bo iphapanyeditse tumellano e ileng ya fihlellwa ya meputso lekgoteleng la bonamodi ditabeng tsa basebetsi, CCMA."*
- *"Bahlanka ba Bangladesh ba re ho na le tshabo ya ho re batho ba bangata ba tshwasehile ka hara moaho o ntseng o e tjha motsemoholo Dhaka. Moaho wa FR Tower, wa mekato e leshome le metso e robong tikolohong ya Banani, o ntse o ruthuthwa ke malakabe nakong ena eo boraditimamollo ba ntseng ba lwantsha mollo ona."*
- *"Lefapha la Bophelo Kwazulu-Natala mmoho le mmasepala wa Abaqulusi, le setereke sa Zululand, le ntse le fuputsa sesosa sa ho qhoma ha bohloko ba letshollo Vryheid karolong e ka leboya ya profensi eo. Ho qhoma ha bohloko bona ho qadile ka la mashome a mabedi le metso e mmedi kgwedding ena, moo batho ba fetang mashome a mahlano ba ileng ba leba ditliniking le dipetlele tsa sebaka seo ba lla ka letshollo. Hloho e tshwereng mokobobo ya*

lefapha, Doctor Musa Gumede, e re bakudi ba bang ba ile ba amohelwa le ho alafelwa Cholera le ha mohlodi wa yona o e so fumanwe."

Approximately seventy (70) minutes of news was monitored daily on weekdays and approximately sixty (60) minutes on weekends during the South African performance period.

The Licensee complies with clause 6.2.1 of its licence.

Clause 6.2.2 stipulates that:

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

The Licensee's quarterly reports submitted by the SABC indicate that Lesedi FM broadcasts hundred and seventy (170) minutes of current affairs programming per day during the South African performance period.

During the period under review, the monitoring exercise identified the following current affairs programmes:

- *"Makumane"*: Current Affairs programme between 05h05 – 06h30 on weekday mornings.
- *"Imatlafatse"*: Current Affairs show during midday between 12h05 – 12h30.
- *"Matshohlo"*: Current Affairs show on weekdays between 18h00 – 19h00.

The radio station's current affairs programmes involve interviews, live field reports, phone-ins and analysis of matters of public interest. Sesotho was a predominant language of broadcast, interspersed with English.

Some of the current affairs items monitored include the following:

- *"Lebotho las sesole sa Afrika Borwa, SANDF, le tswela pele ho nehelana ka dithuso naheng tse thefutsweng ke lehodiatswana e leng Mozambique le Malawi. Hoseng kajeno moifo ona was sesole o lebile toropong ya Beira Mozambique, ho nehelana ka diphallelo. Hopola ho re ke batho ba fetang makgolo a supileng le mashome a mahlano bao ho netefaditsweng ho re b*

hlokahetse; ha ba bang babalwang ka diketekete ba hlokang madulo ho latela boemo boo."

- *"African Independent Congress kapa mokga wa AIC o tshositse ka ho re o tlilo lebisa komishene e ikemetseng ya dikgetho, IEC makgotleng a dinyewe e bang komishene e sa loketse moralo o pampiring e hlahisang tatellano ya mekga ya dipolotiki e tlilo qothisana lehlokwa dikgethong tsa naha tsa ka la robedi Motsheanong selemong sena, kapa ballot paper. Mokga o qositse komishene ka le reng ha e ikamahanye le seo ho dumellanweng ka sona le mekga e amehang ho latela tletlebo ena ya mokga was dipolotiki wa AIC."*

The Licensee complies with clause 6.2.2 of its licence.

Clause 6.2.3 stipulates that:

"The Licensee shall in the production of its news and current affairs programming:

- (i) Exercise full editorial control in respect of the contents of such programming;*
- (ii) Include matters of international, national, regional and where appropriate, local significance;*
- (iii) Meet the highest standards of journalistic professionalism;*
- (iv) Provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference; and*
- (v) Provide reasonable opportunity for the public to receive a variety of points of view on matters of public concern".*

The Licensee's editorial policies indicate that the Licensee exercises full editorial control in respect of contents of its programming. The editorial policies further indicate that the Licensee endeavours to meet the highest standards of journalistic professionalism. Furthermore, the policy provides for fair, unbiased and impartial coverage independent from government, commercial or other interference.

During the period under review, the monitoring exercise revealed that Lesedi FM broadcasts matters of local, regional, national and international significance.

The monitoring exercise revealed that the radio station broadcasts matters of local, national, regional and international significance. In its current affairs broadcast, the radio station provides an opportunity for the public to receive different points of view on matters of public concern (see 6.2.1 and 6.2.2).

The Licensee complied with clause 6.2.3 of its licence.

3.6.3 Programming targeted at children

Clause 6.3.1 of the licence stipulates that:

"The Licensee shall, in the provision of the licensed service, broadcast at least one (1) hour of programming targeted at children (as contemplated in section 10(1)(g) of the Broadcasting Act) per week during the South African performance period"

The quarterly reports submitted by the SABC for the period under review indicated that Lesedi FM broadcasts an average of hundred (100) minutes of programming targeted at children during the South African performance period on weekdays and weekends.

The monitoring exercise revealed that the radio station broadcasts twenty (20) minutes of children's programming per day during weekdays and approximately a hundred (100) minutes per week. Programmes like *Takalani Sesame* on weekdays, *Kgothala* and *Ke Moqebelo* on weekends, were monitored.

The Licensee complies with clause 6.3.1 of its licence.

Clause 6.3.2 of the licence stipulated that:

"In the production and presentation of its children's programming, the Licensee shall ensure that such children's programming is:

- i) broadcast at times of the day when children are available to listen;*
- ii) targeted and appropriate for children between the ages of nought (0) to six (6) years and seven (7) to twelve (12) years respectively; and*

iii) educational and made from children's point of view.

State your mind and *Tsohang* are part of SABC's educational programmes aimed at providing children with informal education. *Tsohang* is broadcast daily from 09h40 to 10h00. The programmes include formal and informal educational material for children between the ages of nought (0) to six (6) and seven (7) to twelve (12) years respectively. The programmes are broadcast from a child's perspective.

During the Authority's monitoring exercise, *State your Mind* was presented by a teenager, Kamohelo Marumo and children were allowed to call in and share their holiday activities. The programme is broadcast between 08h00 and 09h00 on Saturdays.

The licensee complies with clause 6.3.2 of its licence.

3.6.4 Educational Programming

Clause 6.4 of the licence stipulates that:

"The licensee shall broadcast at least five (5) hours of educational programming (as contemplated in section 10(1)(e) of the Broadcasting Act) per week within the South African performance period."

The SABC's quarterly reports indicate that Lesedi FM broadcasts an average of more than three hundred and ten (300) minutes of educational programmes per week during the period under review. The programmes involve informal educational material for children.

The monitoring exercise revealed that Lesedi FM broadcasts an average of hundred and fifty (120) minutes of Educational Programming during weekdays and an average of two hundred and twenty (240) minutes per week.

The Licensee complies with clause 6.4 of its licence.

3.6.5 Drama

Clause 6.5 of the licence stipulates that:

"The Licensee shall broadcast at least two and a half (2½) hours of drama per week within the South African performance period".

According to quarterly reports submitted by the SABC, Lesedi FM broadcasts on average, one hundred and fifty (150) minutes of drama programming per week during the performance period.

The Authority's monitoring exercise found that the radio station broadcasts the drama *Monyaka* on weekdays at 13h40 to 13h55 in the afternoon and repeated at 20h40 to 20h55 in the evenings.

The radio station complies with clause 6.5 of its licence.

3.6.6 Informal Knowledge Building (IKB)

Clause 6.6 of the schedule to the licence stipulates that:

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

The SABC's quarterly reports indicated that Lesedi FM broadcasts an average of more than five hundred (500) minutes (8 hours and 20 minutes) of informal knowledge building programming per week.

- Programmes such as *Mathemalodi* on weekdays between 09h00 – 12h00 as well as *Re a kubeletsa*, which broadcasts between 15h00 – 18h00 weekdays, are examples of informal knowledge building content in that a diverse range of topics are discussed on these shows.
- During the *Mathemalodi*, there was an interview with Ms Prudence Moilwa from the Consumer Commission to discuss and advise listeners about online shopping; and *Re a kubeletsa* had Dr Matebesi, a political analyst from the University of Free State, talking about the human rights for South African citizens.

At least, four hundred (400) minutes of informal knowledge building programming per week was monitored during the South African performance period.

The Licensee complies with clause 6.6 of its licence.

3.7 Training and Skills Development Obligations

Clause 7 of the schedule to the licence states the following:

- "7.1 The Licensee must adopt and implement equal opportunity employment practices;*
- 7.2 The Licensee must ensure that its management and staff are representative of South African society and that its human resource policies take into account the development of managerial, production, technical and other skills and expertise, particularly with regard to the historically disadvantaged persons;*
- 7.3 The Licensee shall endeavour to achieve fair and reasonable participation by historically disadvantaged persons with respect to:*
- (a) its management and control structures;*
 - (b) skills development;*
 - (c) enterprise development; and*
 - (d) procurement.*
- 7.4 The Licensee must, within thirty (30) days of the end of each financial year, provide the Authority the written information regarding its compliance with the above requirements".*

The Licensee is in its third year of its three (3) year employment equity plan. During the period under review, the Licensee submits that it successfully implemented employment equity and transformation objectives in line with the relevant legislation which ensured that diversity and inclusion is managed in a non-discriminatory environment. The Licensee implemented various initiatives that were aligned to its employment equity plan and were intended to create awareness, to educate and to challenge employees' understanding on different topics relating to diversity and inclusion.

The Licensee submitted its Employment Equity and Transformation report for the period under review.

The report indicated that the Licensee made significant progress against its employment equity targets and goals as set out in the employment equity plan^[1].

The Licensee during the period under review achieved a level two (2) BBBEE status and received a total score of 19,61 out of 20 for its Management Control/Employment equity element.

The Licensee delivered 2534 training interventions to 1567 employees during the period under review. Of the 1567 employees, 1088 was trained in accordance with the Workplace Skills Programme and 479 were trained based on operational requirements.

The Licensee submitted that 88% of employees that were trained were from the designated groups (Black, Coloured, Indian). 54,56% were females and 2,55% were employees with disabilities.

The Licensee submitted its Training and Skills Development that provides a detailed breakdown of its compliance with the above requirements, for the period under review, to the Authority for the period under review^[2].

The Licensee complies with clause 7 of its licence.

3.8 Provision of Audited Financial statements to the Authority

Clause 8 of the licence stipulates that:

“The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within four (4) months of the end of the Licensee’s financial year, provided that the Licensee may on good cause apply to the Authority for extension”.

The Licensee submitted its Audited Financial Statements for the 2018/2019 financial year within the stipulated timeframe.

The Licensee complied with clause 8 of its licence.

^[1] SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2018 – end March 2019.

^[2] Appendix C: SABC Employment Equity & Transformation Report

4. REGULATIONS

4.1 ICASA South African Music Content Regulations, 2016

On 23 March 2016, the Authority published the ICASA South African Music Content Regulations which repealed ICASA South African Music Content regulations published on 31 January 2006. The regulations were to be effective eighteen (18) months after publication i.e. 23 September 2017 which falls within the period under review.

Regulation 3 (1) of the South African Music Content⁶ Regulations stipulates that:

"A holder of a public sound broadcasting service licence must ensure that after eighteen (18) months from the date of gazetting of these Regulations, a minimum of 60% increasing to 70% in the following year, of the musical works broadcast in the performance period, consist of South African music and that South African music is spread evenly throughout the performance period."

The monitoring conducted by the Authority indicated that the radio station plays at least 70% South African music during the performance period.

Some of the artists featured during the monitoring exercise were: *Vusi Nova, Prince KayBee, Mlindo the Vocalist, Sjava, Proverb, Amanda Black and Sho Madjozi.*

The Licensee complied with regulation 3.2 of the South African Music Content Regulations during the period under review.

4.2 Regulations regarding Standard Terms and Conditions for Individual Broadcasting Service Licensees, 2010⁷ as amended

During the period under review, the Authority did not identify any non-compliance by Lesedi FM with the standard terms and conditions for individual Licensees.

⁶ ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No. 39844 dated, 23 March 2016.

⁷ Standard Terms and Conditions for Individual Broadcasting Services, 2010 No. 33294 dated, 14 June 2010 as amended.

4.3 Universal Service and Access Fund Regulations, 2011

Regulation 3 of the USAF Regulations⁸ stipulates that:

- (1) *"Every holder of a licence granted in terms of Chapters 3, 4 and/or 9 or converted in terms of Chapter 15 of the Act, must pay an annual contribution of 0.2% of its Annual Turnover to the Fund".*
- (2) *"A BS Licensee who has paid an annual contribution to the MDDA must set off that contribution against its USAF Contribution, provided that the MDDA contribution and the USAF contribution against which it is set off are for the same financial year".*

The Authority received a Section 18A certificate as confirmation of payment from the MDDA and the Licensee submitted proof of payment⁹ to the Authority.

The Licensee complies with the regulations in respect of Universal Service and Access Fund.

4.4 COMPLAINTS

Form 12A¹⁰: Complaints Report of the Compliance Procedure Manual Regulations read with the Code of Conduct for Broadcasters require that broadcasters complete the form bi-annually in accordance with the Licensees' Financial Year.

The SABC submitted its complaints report in accordance with the Regulations regarding the Code of Conduct for Broadcasting Service Licensees, 2009¹¹.

⁸ USAF Regulations, 2011 as published in *Government Gazette* No. 34010 dated, 10 February 2011.

⁹ Proof of SABC's contribution to the USAF.

¹⁰ ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

¹¹ Code of Conduct for Broadcasting Service Licensees, 2009 as published in *Government Gazette* No. 32381 dated, 06 July 2009.

5. CONCLUSION

The Licensee complied with its licence terms and conditions and related regulations that governs public broadcasters for the period under review.

6. TERMS OF REFERENCE

Annexure A	: Lesedi FM's Broadcasting Service Licence
Annexure B	: Lesedi FM's Frequency Spectrum Licence
Annexure D	: Training & Skills Development Report
Annexure E	: Standard Terms and Conditions for Individual Broadcasting Services, 2010
Annexure F	: USAF Regulations, 2011
Annexure G	: Code of Conduct for Broadcasting Service Licensees, 2009
Annexure H	: Proof of SABC's Contribution to USAF