



LESEDI FM ANNUAL COMPLIANCE REPORT

MARCH 2022

2020/2021 ANNUAL COMPLIANCE REPORT

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) BROADCASTING AS LESEDI FM

Licence Period: 18 December 2018 – 17 December 2028

1. PREFACE

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

The purpose of the report is to give an account of Lesedi FM's compliance with the terms and conditions as set out in its licence for the 2020/2021 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations and Training and Skills Development.

Furthermore, the report will measure compliance with regulations that include South African Music Content, Standard Terms and Conditions for Individual Licensees, Universal Service and Access Fund, General Licence Fee, Code of Conduct for Broadcasters, and the ICT Covid-19 National Disaster Regulations⁵ first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.

The ICT Covid-19 National Disaster Regulations as amended have introduced exemptions with specific service licence conditions and/or revised quotas and such will be reflected in the body of the report accordingly.

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

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

⁵ The ICT COVID-19 National Disaster Regulations, 2020 as published in *Government Gazette* No. 43207 dated, 06 April 2020, as amended.

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.

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 broadcasting service of the SABC and it is 100% owned by the State.

The Licensee complies with clause 1 of its licence.

3.2. Geographic Coverage Area

Clause 3 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 3 of its licence.

3.3. Language(s)

Clause 4 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 4 above

3.4. Format

Clause 5.1 of the licence states that:

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

Clause 5.2 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 radio station engages in different topical issues of national interest across its programming offerings.

The Licensee complies with clause 5.1 and 5.2 of its licence schedule

3.5. Local Content Obligations

Clause 6 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 6.1 different genres; and

Clause 6.2 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 ICT Covid-19 National Disaster Regulations exempt Licensees from submitting quarterly reports as stipulated in their licence terms and conditions. However, Licensees were required to keep the information and submit to the Authority upon request. The SABC submitted Lesedi FM's quarterly reports for the period under review in line with the ICT Covid-19 National Disaster Regulations. The Reports indicated the different genres, the South African music content and programming material for the period under review.

3.6. General programming obligations

3.6.1. General

Clause 7.1.1 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 policy⁶ 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* on Sundays. The programme includes devotion, gospel music and holds discussions on matters that affect families and communities large. Issues such as relationship challenges, self-image, and spiritual health are discussed.

Mathemalodi, which is a lifestyle programme that is broadcast between 09h00 and 12h00 on weekdays, also has a devotional slot on Thursdays that covers church services from different denominations.

The Authority has taken into consideration the impact of the reduced performance period on compliance with this clause as some religious programmes fall outside of the performance period; therefore, findings on compliance with this clause of the licence have not been made/determined.

Clause 7.1.2 of the licence stipulates that:

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

The monitoring exercise confirmed that Lesedi FM offers programming that reflects the needs of the audience as required. These are some of the programmes that were monitored:

- *Ke Moqebelo* is broadcast on Saturdays between 07h00 and 09h00 and covers traditional choral and celebratory music; it also plays wedding music in *Monyanyako*. There is also listener interaction where listeners can request their favourite celebration songs.
- *Re Mmoho* on weekdays from 20h00 is a talk show that holds discussions on African customs, religion and traditional affairs, including traditional healing. There are

⁶ An extract from the Licensee's Editorial Policy

interviews with traditional and cultural experts. Traditional Sesotho music is also played on the show.

- On Sunday evenings from 18h30 to 21h00, the Licensee has a show dedicated to jazz music and from 19h30 to 21h00 it offers its listeners choral music in *Ditswere*. The latter choral music show is broadcast from 19h30 to 21h00. *Ditswere* also showcases choirs and music groups from different backgrounds and profiles the different choirs, including interviews with conductors.

The Licensee complies with clause 7.1.2 of its licence

Clause 7.1.3 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 programmes that were monitored during the period under review, where various issues of interest to society, were discussed and are outlined below as follows:

- *Mathemalodi*: A lifestyle programme touching interesting topics affecting people of all age groups. The show discusses topics such as relationships, fashion, health matters, disability matters, women empowerment, family matters, cooking and financial matters among others. The monitoring exercise also picked up an interview with a fashion expert, offering viewers fashion tips, and an interview with a dietician.
- *Kgothala*: An interactive show that is a mixture of devotion and listener interaction is broadcast on Sunday between 07h00 and 09h00. It offers a platform for children and the elderly to discuss matters that are of concern to them. During the monitoring exercise, there was a discussion with Doctor Mabele about obesity in children. Elderly listeners were also given a platform to send dedications. 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 7.1.3 of its licence schedule.

3.6.2. News and Current Affairs

Clause 7.2.1 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 quarterly reports submitted by the SABC show that Lesedi FM broadcasts an average of seventy (70) minutes of news per day.

The following were among the news stories covered:

- *"Batho ba bang hape ba mashome a mane le metso e meraro ba hlokahetse ka lebaka la corona virus kwano Afrika Borwa. Mme sena se tlisa palo ya bafu ka kakaretso ba bohloko bona ho dikete tse leshome le metso e tsheletseng le makgolo a robong a metso e robong, ho tloha dihoreng tse mashome a mabedi a metso e mene tse fetileng. Lefapha la Bophelo le re sekgahla sa batho ba hlapohetsweng ho bohloko bona se eme ho dikete tse makgolo a tsheletseng le leshome le motso o mong, le mashome a mane a metso e mene. Lefapha le re mothating ona naha ena e na le ditlaleho tse dikete tse makgolo a tsheletseng, mashome a supileng a metso e supileng, makgolo a robedi, mashome a mararo a metso e meraro tsa tshwaetso ya corona virus.*
- *"Dihwai tsa Free State botjhabela, di re di lahlehelwa ke diranta tse fetang milione ka kgwedi ka lebaka la boshodu ba mehlape. Borapolasi ba naba hlahisitse taba ena nakong eo ba neng ba kopane le Letona la naha la Sepolesa, Bheki Cele le Letona la naha la Mautlwela, Ayanda Dlodlo. Kopano e tla ka mora tsitsipano e bileng Senekal ho latela boipelaetso ba bekeng e fetileng bo ileng ba aparelwa ke merusu. Dihwai tse neng di ipelaetsa, di ile tsa itshohlometsa ka phapusing ya lekgotla moo banna ba babedi ba neng ba ilo hlahella teng qosong ya polao ya motsamaisi wa polasi. Modulasetulo wa Lekala la polokeho dibakeng tsa mahae Free State botjhabela, Hekkie Viljoen, o re ba batla ditlolo tsa molao mapolasing, di tsepamisetswe maikutlo.*
- *Mmuso wa Bangladesh o tjhaelletse monwana molao wa kahlolo ya lefu diqosong tsa peto ka mora matsatsi-tsatsi a boipelaetso ba setjhaba, ka keketseho ya dipeto tsa basadi le bana ba banana. Letona la tsa Molao naheng eo le re moPresidente o tla kenya tshebetsong molao ona ho tloha hosane. Ho bile le kgalefo e kgolo ka mora tlhaselo e sehloho ya mosadi e mong naheng eo. Rajini Vaidyanathan wa BBC o tlaleha ho re mosadi eo ya dilemo tse mashome a mararo le metso e supileng, o ile a hlaselwa sebakeng sa Noakhali ka borwa-botjhabela naheng eo. O re e bile fela ka mora ho hlahella ha kgatiso ya video dikgokahanyong tsa setjhaba, moo sepolesa se ile sa qobelleha ho nka mehato mme ha tshwarwa banna ba bangata, moo a le*

mong a tlalehwang a ile a beta mosadi eo a mo supile ka sethunya ka makgetlo-kgetlo ngwahola.

- Ba lelapa labo kgalala ya bolo ya maoto e ileng ya bolawa, Senzo Meyiwa, ba bontshitse ho ferekana, ka seo ba tlalehang e le morero wa ho thibela diphuputso ka lefu la hae. Lelapa le re sepolesa ha se eso ba tsebise letho ka tema e seng e kgathilwe nyeweng ena. Ho ya ka tlaleho ya News24, sehlopha sa sepolesa se fuputsang polao ena se hloile mmelaellwa e motjha mme se fumane sethunya seo ditlaleho di kumang ho re se ile sa sebediswa ho bolaya sethibathibane sa mehleng sa Bafana Bafana. Meyiwa o ile a bolawa ka ho thunngwa a le moketeng wa boithabiso East Rand ka selemo sa 2014, lapeng ha sebini Kelly Khumalo eo e neng e le kgarebe ya hae. Ho ya ka ditlaleho motshwaruwa ya amangwang le polao ya Meyiwa, mothating ona o tjhankaneng bakeng sa polao ya moetapele wa mokgatlo wa ditekesi mme sethunya se ileng sa sebediswa dipolaong ka bobedi se fumanwe seteisheneng sa sepolesa sa Cleveland.”*

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

Clause 7.2.2 stipulates that:

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

The quarterly reports submitted by the SABC indicate that Lesedi FM broadcasts one hundred and fifty (150) minutes of current affairs programming per day on weekdays and sixty (60) minutes daily on weekends. The current affairs programmes that are broadcast on weekdays are Matshohlo from 05h30 to 07h00, and Makumane from 18h00 to 19h00. It broadcasts Mathumisa from 06h00 to 07h00 on Saturdays and Sundays.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

Clause 7.2.3 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. Further, the policy provides for fair, unbiased and impartial coverage independent from government, commercial or other interference.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

3.6.3. Programming targeted at children

Clause 7.3.1 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 one hundred (100) minutes of programming targeted at children during the South African performance period on weekdays and weekends.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

Clause 7.3.2 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.*

The quarterly reports submitted by the SABC for the period under review indicate that Lesedi FM broadcasts children's programming on Saturday mornings, which is when children are available to listen.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

3.6.4. Educational Programming

Clause 7.4 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 during the period under review, Lesedi FM did broadcast more than five (5) hours of educational programmes per week during the South African performance period.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

3.6.5. Drama

Clause 7.5 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 between two and a half (2½) and three (3) hours of drama per week during the performance period. It broadcasts drama at 13h40 to 13h55 and 20h00 to 20h15 on weekdays and a short drama from 18h00 to 18h30 on Sundays.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National

State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

3.6.6. Informal Knowledge Building (IKB)

Clause 7.6 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 three hundred (300) minutes or five (5) hours of informal knowledge building programming per week.

Sound broadcasting Licensees were exempt from compliance with specific programming requirements and promises of performance during the National State of Disaster. Therefore, findings on compliance with this clause of the licence were not made/determined.

3.9 Training and Skills Development Obligations

Clause 8 of the Schedule to Lesedi FM's licence stipulates that:

"8.1 The Licensee must adopt and implement equal opportunity employment Practice.

8.2 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.

8.3 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*

8.4 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 submitted its Employment Equity and Transformation plan⁷ report and its Training and Skills Development that provides a detailed breakdown of its compliance with the above requirements to the Authority for the period under review⁸ within 30 days of the end of the financial year.

These reports indicate that the Licensee has adopted and implemented equal opportunity employment Practice and showed that the Licensee has remained committed to diversity and inclusion in the workplace. Its workforce represents the different groups of South African society.

The report further shows that the licensee delivered 765 training interventions for 690 employees. Of the total 690 employees, 491 were Africans, 67 were Coloureds, 41 were Indians, 91 were whites and 14 employees living with disabilities. The Licensee further endeavours to ensure that females are empowered and therefore 53,62% of the total employees trained were female.

Thus, confirming that the Licensee's policies consider the development of managerial, production, technical and other skills and expertise, particularly regarding the historically disadvantaged persons.

Fair and reasonable participation by historically disadvantaged persons is evident at all occupational levels and in decision-making positions.

The Licensee complies with the entirety of clause 8 of the Schedule of its Licence.

3.8. Provision of audited financial statements to the Authority:

Clause 9 of the service licence provides that:

"The Licensee shall provide the Authority with the audited annual financial statements of the licensed service within six (6) months of the end of the Licensee's financial year, provided that the Licensee may on good cause apply to the Authority for an extension."

The Licensee submitted its audited annual financial statements to the Authority within the prescribed time period.

The Licensee is compliant with clause 9 of the schedule to its licence.

⁷ Appendix B: SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2020 – 31 March 2021.

⁸ Appendix C: Skills and Development 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.

Regulation 3 (1) of the South African Music Content⁹ 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 South African music during the performance period.

Some of the artists featured during the monitoring exercise were: *Phillip Tabane, Rhythmic Elements, Jabu Khanyile, Mafikizolo, Mahlasedi, Blondie Makhene, Jonas Gwangwa, Busiswa, Kelly Khumalo, Chomee, Trompies and The Soil.*

The Authority has taken into consideration the impact of the reduced performance period on compliance with this clause; therefore, findings on compliance with this clause of the licence has not been determined

4.2 Regulations regarding Standard Terms and Conditions for Individual Broadcasting Service Licensees, 2010¹⁰ as amended

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

4.3 Universal Service and Access Fund Regulations, 2011

Regulation 3(1) of the Regulations in respect of the Prescribed Annual Contributions of Licensees to the Universal Service and Access Fund ("USAF") as published in the *Government Gazette* No. 34010 on 10 February 2011, stipulates that:

⁹ ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016.

¹⁰ Standard Terms and Conditions for Individual Broadcasting Services, 2010 No. 33294 dated, 14 June 2010 as amended.

"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".

Further, Regulation 3(2) provides that:

"A BS Licensee who has paid an annual contribution to the Media Development and Diversity Agency (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 Licensee made the prescribed payment directly to the MDDA and submitted proof thereof to the Authority.

The Licensee did comply with Regulations 3(1) and 3(2) of the USAF Regulations.

4.4 Complaints

Form 12A¹¹: 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, 2009¹².

5. CONCLUSION

The exemptions and suspensions imposed on Licensees due to the National State of Disaster have been lifted for the next review period. Complete monitoring of compliance with licence conditions and regulations will be conducted in the next review.

6. TERMS OF REFERENCE

Annexure A : Lesedi FM's Broadcasting Service Licence;

Annexure B : Lesedi FM's Frequency Spectrum Licence;

Annexure C : Training & Skills Development Report;

Annexure D: Standard Terms and Conditions for Individual Broadcasting Services, 2010
No. 33294 dated, 14 June 2010 as amended;

¹¹ ICASA Compliance Procedure Manual Regulations, 2011 as published in *Government Gazette* No. 34863 dated, 15 December 2011.

¹² Code of Conduct for Broadcasting Service Licensees, 2009 as published in *Government Gazette* No. 32381 dated, 06 July 2009.

Annexure E: USAF Regulations, 2011 as published in *Government Gazette* No. 34010 dated, 10 February 2011;

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

Annexure G : Proof of SABC's Contribution to USAF: and

Annexure H: The ICT COVID-19 National Disaster Regulations, 2020 as published in *Government Gazette* No. 43207 dated, 06 April 2020, as amended.

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