

ICASA

Form 1001 (Rev. 1/2008) - For Issuance of Licences
Broadcasting Act, 1997 (Act No. 105 of 1997)

INDIVIDUAL BROADCASTING SERVICE LICENCE

No. 015/PBS/R/SEPT/08

GRANTED AND ISSUED

TO

THE SOUTH AFRICAN BROADCASTING CORPORATION
IKWEKWEZI FM

FOR THE PROVISION OF
A PUBLIC SOUND BROADCASTING SERVICE
SIGNED FOR AND ON BEHALF OF THE INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA

AT SANDTON ON THIS 13th DAY OF DECEMBER 2008



Paris Mashile
Chairperson

1 LICENSEES

The Licence is issued to:

- 1.1 Name of Company/Entity: The South African Broadcasting Corporation
- 1.2 Shareholders: The State: 100%
- 1.3 Ownership held by persons from historically disadvantaged groups: N/A

2 CONTACT DETAILS

2.1 The contact person for the Licensee shall be:

2.1.1 Name: Philly Moliwa
2.1.2 Tel: (011) 714 3708
2.1.3 Fax: (011) 714 4816
2.1.4 Cell: 082 903 2544
2.1.5 Email: pmoliwa@sabc.co.za

2.2 Should the Licensee propose to replace the person so designated, the Licensee shall notify the Authority in writing within seven (7) days after appointing the new designated person.

3 NOTICES AND ADDRESSES

The Licensee chooses the following addresses as its principal addresses:

3.1 Postal Address: Private Bag x1
Auckland Park
2006

3.2 Physical Address: Radio Park
Henley Road
Auckland Park
2006

SCHEDULE

1. **Name of Station**
Ikwekwezi FM
2. **Geographic Coverage Area**
The geographic coverage area is as defined in the map attached to the radio frequency spectrum licence.
3. **Language(s)**
Principal Language: isiNdebele
4. **Format**
 - 4.1 The service authorised by this licence forms part of the public service division of the Licensee.
 - 4.2 The licensed service shall be a full-spectrum service.
5. **Local Content Obligations**

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

 - 5.1 the different genres; and
 - 5.2 the South African music content,
in programme material broadcast on 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 the relevant details both as an aggregate in minutes and as a percentage of the total of all such programming material.
6. **General Programming Obligations**
 - 6.1 • General
 - 6.1.1 The Licensee shall ensure that its programming adequately reflects the diversity of South Africa's religions.

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

6.1.3 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.

6.2 News and Current Affairs

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

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

6.2.3 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 a reasonable opportunity for the public to receive a variety of points of view on matters of public concern.

6.3 Programming targeted at Children

6.3.1 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.

6.3.2 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) target at and appropriate for children between the ages of nought (0) to six (6) years and seven (7) years respectively; and
- (iii) educational and is made from children's point of view.

6.4 Educational Programming

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.

6.5 Drama

The Licensee shall broadcast at least two and a half (2 ½) hours of drama per week within the South African performance period.

6.6 Informal Knowledge-Building Programmes

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

7. Training and Skills Development Obligations

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 with written information regarding its compliance with the above requirements.

6. **Provision of audited financial statements to the Authority;**

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 an extension.

ICASA

100 Waterlooville Road, Sandton, Johannesburg 2008
Private Bag 1107, Sandton, Johannesburg 2008
Tel: +27 (0)11 785 1700 Fax: +27 (0)11 785 1701
Email: info@icasa.co.za

RADIO FREQUENCY SPECTRUM LICENCE

No. 015/PBS/RF/SEPT/08

GRANTED AND ISSUED

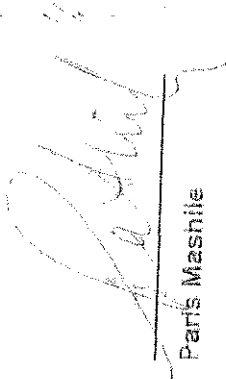
TO

THE SOUTH AFRICAN BROADCASTING CORPORATION
IKWEKWEZI FM

FOR THE PROVISION OF
A PUBLIC SOUND BROADCASTING SERVICE

SIGNED FOR AND ON BEHALF OF THE INDEPENDENT COMMUNICATIONS
AUTHORITY OF SOUTH AFRICA

AT SANDTON ON THIS 18th DAY OF DECEMBER 2008


Paris Mashile
Chairperson

1. LICENSEE

The Licence is issued to:

- 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 held by persons from historically disadvantaged groups:
N/A

2 CONTACT DETAILS

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5.1 Postal Address: Private Bag x1
Auckland Park,
2006

5.2 Physical Address: Radio Park
Henley Road
Auckland Park
2006

SCHEDULE

1. **Name of Station**
Ikwewezi FM
2. **Geographic Coverage Area**
Mpumalanga
3. **General Conditions**
The Licensee must at all times observe the provisions of international telecommunications conventions, such as those governing the international Telecommunication Union (ITU) and as they apply to the Republic of South Africa.

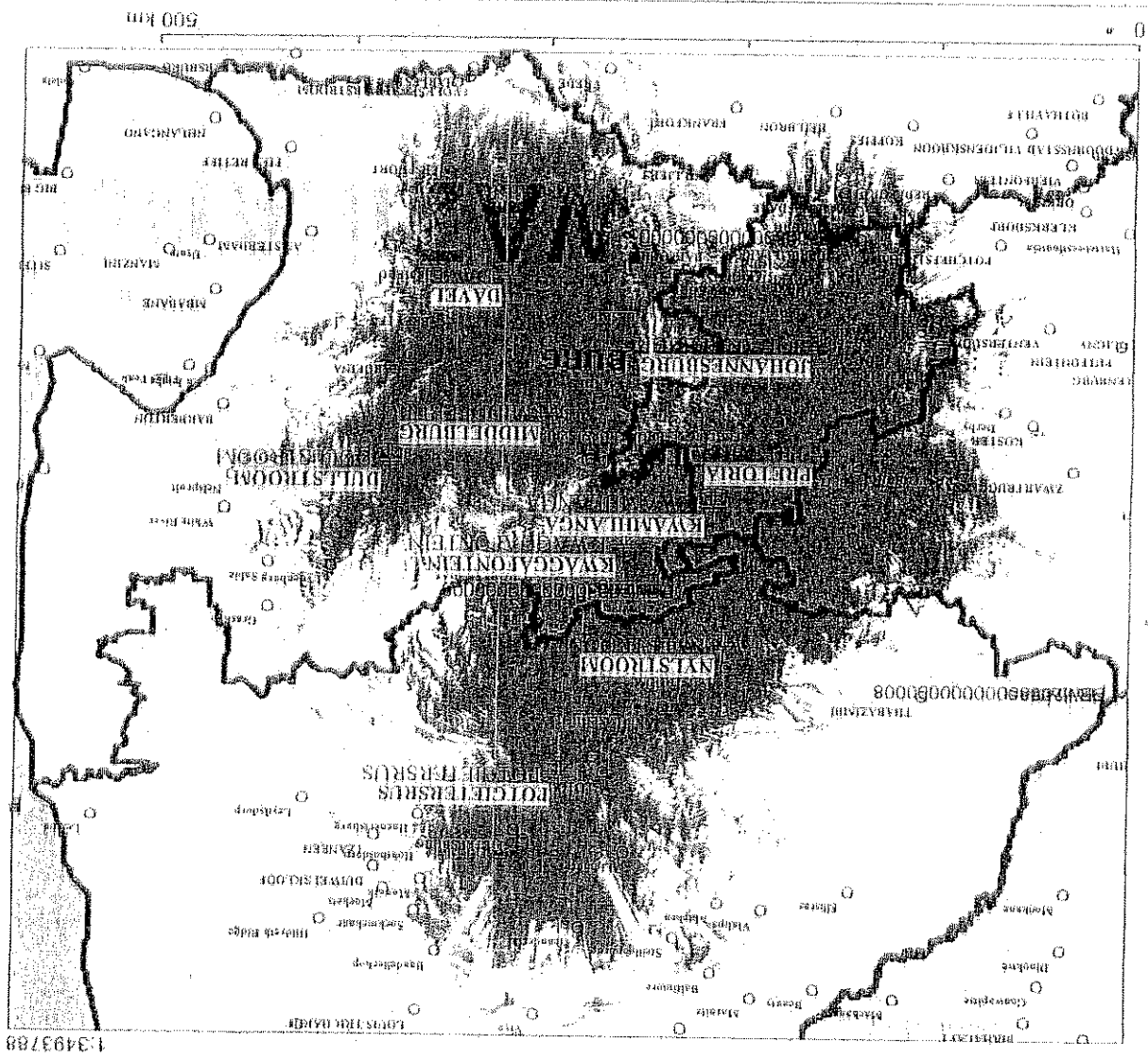
PUBLIC SOUND BROADCASTING LICENCE
 TECHNICAL SPECIFICATIONS
 IKWEIKWEZI FM

ICASA

TRANSMITTER NAME	GEOGRAPHIC COORDINATES		FREQUENCY	MID ANTENNA (a.g.l)	SITE (a.s.l)	DESIGNATION OF EMISSION	STABILITY	SPURIOUS EMISSION	MAX	ANTENNA	SIGNAL
	LONGITUDE	LATITUDE									
DAVEL	029E 25	28S 27 30	94.5	220	1729	250K BBEF	2000 Hz	60 dB/1 mW	75 kHz	10	V
GOITS (GOBI)	030E 11 17	28S 34 21	107.7	168	2008	250K BBEF	2000 Hz	60 dB/1 mW	75 kHz	10	V
KHAMBHEBURGO	028E 00 25	28S 11 31	106.3	190.25	1777	250K BBEF	2000 Hz	60 dB/1 mW	75 kHz	11	M
KWAGGATONTEN	028E 57 27	28S 14 37	97.3	50	1394	250K BBEF	2000 Hz	60 dB/1 mW	75 kHz	10	V
KWAMHLANGA	028E 30 49	28S 26 22	93.8	34	1390	250K BBEF	2000 Hz	50 dB/1 mW	75 kHz	12	V
FAODEL BURG	029E 23 24	28S 48 04	91.8	220	1601	250K BBEF	2000 Hz	60 dB/1 mW	75 kHz	11	V
INT SIBONG	028E 25 59	24S 47 58	90.8	34	1340	250K BBEF	2000 Hz	60 dB/1 mW	75 kHz	8	V
BOITIE BERSHUS	029E 14 10	24S 09 24	104.1	102	1896	250K BBEF	2000 Hz	60 dB/1 mW	75 kHz	10	V
PRETORIA	027E 50 03	28S 41 20	95.8	65	1655	250K BBEF	2000 Hz	60 dB/1 mW	75 kHz	33	V

SCHEDULE B3 (COVERAGE AREA)
IKWEKWEZI FM

Tshilalano 02/08/2008



[p] [b] [c] [d] [e] [f] [g] [h] [i] [j] [k] [l] [m] [n] [o] [p] [q] [r] [s] [t] [u] [v] [w] [x] [y] [z] [aa] [ab] [ac] [ad] [ae] [af] [ag] [ah] [ai] [aj] [ak] [al] [am] [an] [ao] [ap] [aq] [ar] [as] [at] [au] [av] [aw] [ax] [ay] [az] [ba] [bb] [bc] [bd] [be] [bf] [bg] [bh] [bi] [bj] [bk] [bl] [bm] [bn] [bo] [bp] [bq] [br] [bs] [bt] [bu] [bv] [bw] [bx] [by] [bz] [ca] [cb] [cc] [cd] [ce] [cf] [cg] [ch] [ci] [cj] [ck] [cl] [cm] [cn] [co] [cp] [cq] [cr] [cs] [ct] [cu] [cv] [cw] [cx] [cy] [cz] [da] [db] [dc] [dd] [de] [df] [dg] [dh] [di] [dj] [dk] [dl] [dm] [dn] [do] [dp] [dq] [dr] [ds] [dt] [du] [dv] [dw] [dx] [dy] [dz] [ea] [eb] [ec] [ed] [ee] [ef] [eg] [eh] [ei] [ej] [ek] [el] [em] [en] [eo] [ep] [eq] [er] [es] [et] [eu] [ev] [ew] [ex] [ey] [ez] [fa] [fb] [fc] [fd] [fe] [ff] [fg] [fh] [fi] [fj] [fk] [fl] [fm] [fn] [fo] [fp] [fq] [fr] [fs] [ft] [fu] [fv] [fw] [fx] [fy] [fz] [ga] [gb] [gc] [gd] [ge] [gf] [gg] [gh] [gi] [gj] [gk] [gl] [gm] [gn] [go] [gp] [gq] [gr] [gs] [gt] [gu] [gv] [gw] [gx] [gy] [gz] [ha] [hb] [hc] [hd] [he] [hf] [hg] [hh] [hi] [hj] [hk] [hl] [hm] [hn] [ho] [hp] [hq] [hr] [hs] [ht] [hu] [hv] [hw] [hx] [hy] [hz] [ia] [ib] [ic] [id] [ie] [if] [ig] [ih] [ii] [ij] [ik] [il] [im] [in] [io] [ip] [iq] [ir] [is] [it] [iu] [iv] [iw] [ix] [iy] [iz] [ja] [jb] [jc] [jd] [je] [jf] [jg] [jh] [ji] [jj] [jk] [jl] [jm] [jn] [jo] [jp] [jq] [jr] [js] [jt] [ju] [jv] [jw] [jx] [jy] [jz] [ka] [kb] [kc] [kd] [ke] [kf] [kg] [kh] [ki] [kj] [kk] [kl] [km] [kn] [ko] [kp] [kq] [kr] [ks] [kt] [ku] [kv] [kw] [kx] [ky] [kz] [la] [lb] [lc] [ld] [le] [lf] [lg] [lh] [li] [lj] [lk] [ll] [lm] [ln] [lo] [lp] [lq] [lr] [ls] [lt] [lu] [lv] [lw] [lx] [ly] [lz] [ma] [mb] [mc] [md] [me] [mf] [mg] [mh] [mi] [mj] [mk] [ml] [mm] [mn] [mo] [mp] [mq] [mr] [ms] [mt] [mu] [mv] [mw] [mx] [my] [mz] [na] [nb] [nc] [nd] [ne] [nf] [ng] [nh] [ni] [nj] [nk] [nl] [nm] [nn] [no] [np] [nq] [nr] [ns] [nt] [nu] [nv] [nw] [nx] [ny] [nz] [oa] [ob] [oc] [od] [oe] [of] [og] [oh] [oi] [oj] [ok] [ol] [om] [on] [oo] [op] [oq] [or] [os] [ot] [ou] [ov] [ow] [ox] [oy] [oz] [pa] [pb] [pc] [pd] [pe] [pf] [pg] [ph] [pi] [pj] [pk] [pl] [pm] [pn] [po] [pp] [pq] [pr] [ps] [pt] [pu] [pv] [pw] [px] [py] [pz] [qa] [qb] [qc] [qd] [qe] [qf] [qg] [qh] [qi] [qj] [qk] [ql] [qm] [qn] [qo] [qp] [qq] [qr] [qs] [qt] [qu] [qv] [qw] [qx] [qy] [qz] [ra] [rb] [rc] [rd] [re] [rf] [rg] [rh] [ri] [rj] [rk] [rl] [rm] [rn] [ro] [rp] [rq] [rr] [rs] [rt] [ru] [rv] [rw] [rx] [ry] [rz] [sa] [sb] [sc] [sd] [se] [sf] [sg] [sh] [si] [sj] [sk] [sl] [sm] [sn] [so] [sp] [sq] [sr] [ss] [st] [su] [sv] [sw] [sx] [sy] [sz] [ta] [tb] [tc] [td] [te] [tf] [tg] [th] [ti] [tj] [tk] [tl] [tm] [tn] [to] [tp] [tq] [tr] [ts] [tt] [tu] [tv] [tw] [tx] [ty] [tz] [ua] [ub] [uc] [ud] [ue] [uf] [ug] [uh] [ui] [uj] [uk] [ul] [um] [un] [uo] [up] [uq] [ur] [us] [ut] [uu] [uv] [uw] [ux] [uy] [uz] [va] [vb] [vc] [vd] [ve] [vf] [vg] [vh] [vi] [vj] [vk] [vl] [vm] [vn] [vo] [vp] [vq] [vr] [vs] [vt] [vu] [vv] [vw] [vx] [vy] [vz] [wa] [wb] [wc] [wd] [we] [wf] [wg] [wh] [wi] [wj] [wk] [wl] [wm] [wn] [wo] [wp] [wq] [wr] [ws] [wt] [wu] [wv] [ww] [wx] [wy] [wz] [xa] [xb] [xc] [xd] [xe] [xf] [xg] [xh] [xi] [xj] [xk] [xl] [xm] [xn] [xo] [xp] [xq] [xr] [xs] [xt] [xu] [xv] [xw] [xx] [xy] [xz] [ya] [yb] [yc] [yd] [ye] [yf] [yg] [yh] [yi] [yj] [yk] [yl] [ym] [yn] [yo] [yp] [yq] [yr] [ys] [yt] [yu] [yv] [yw] [yx] [yy] [yz] [za] [zb] [zc] [zd] [ze] [zf] [zg] [zh] [zi] [zj] [zk] [zl] [zm] [zn] [zo] [zp] [zq] [zr] [zs] [zt] [zu] [zv] [zw] [zx] [zy] [zz]

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THE SABC'S MANDATE

POWERS, FUNCTIONS, RIGHTS AND OBLIGATIONS

The SABC's mandate as a public broadcaster comes from the Charter, which defines its objectives:

The Charter is laid down in chapter IV of the Broadcasting Act (as amended) and requires the SABC to encourage the development of South African expression by providing, in the official languages, a wide range of programming that:

- Reflects South African attitudes, opinions, ideas, values and artistic creativity
- Displays South African talent in educational and entertaining programmes
- Offers a plurality of views and a variety of news, information and analysis from a South African point of view
- Advances the national and public interest.

The SABC's powers and functions, as well as its rights and obligations, are derived from a number of sources: legislation, the Charter, the licence conditions of each SABC station and channel, and regulations issued by ICASA from time to time, including the Code of Conduct for Broadcasters set by the SCSA.

South Africa's broadcasting legislation provides for a tripartite licensing structure for broadcasting services: public, commercial and community. The SABC is South Africa's only public broadcaster and for public accountability purposes consists of two separate divisions controlled by the Board, a public service division and a commercial service division, in each of which the SABC runs a number of radio stations and television channels. Each has a set of licence conditions that imposes obligations, including quotas for local content, and requirements for geographical coverage and language services. These are laid down by ICASA, which is responsible for monitoring compliance with the licence conditions and with the objectives of the Charter.

Like all the broadcasters, the SABC is required to adhere to a Code of Conduct for Broadcasters that is approved by ICASA. As a member of the National Association of Broadcasters (NAB), the SABC is subject to the rules of the Broadcasting Complaints Commission of South Africa (BCCSA), which ensures that broadcasters adhere to certain minimum standards of programme content.

A central tenet of the SABC's Charter is that it enjoys freedom of expression and journalistic, creative and programming independence. The SABC Board, which is appointed by the President on the advice of the National Assembly, controls the affairs of the SABC and is mandated explicitly to protect the above freedom and independence.

EDITORIAL CODE OF THE SABC

The values we live by are in the Editorial Code that underpins all the programming. This Editorial Code was developed by the SABC Board in 1992, and has now been revised to incorporate recent developments and changes in the law. The Editorial Code affirms commitment to the principle of editorial independence as it relates to SABC programmes.

- We report, contextualise, and present news and current affairs honestly by striving to disclose all the essential facts and by not suppressing relevant, available facts, or distorting by wrong or improper emphasis.
- We understand that if South Africans are to meet the challenges of building a nation and a strong democracy, they must have access to relevant, reliable, and timely information of the best quality in covering newsworthy events. We aim to give them what they need in order to make informed decisions about their lives.
- We commission, produce and broadcast programmes in a variety of genres and formats, and strive to ensure that the SABC's core values are upheld in commissioning, acquisition, and production of programmes.
- We are aware of the danger of discrimination being furthered by the media, and avoid promoting discrimination through the SABC's programmes on the grounds of gender, race, language, culture, political persuasion, class, sexual orientation, religious belief, marital status, or disability.
- We do not allow advertising, commercial, political, or personal considerations to influence our editorial decisions. The SABC is expected to provide information and as part of this duty should evaluate, analyse and critically appraise government policies and programmes. The SABC is not the mouthpiece of the government of the day, nor should it broadcast its opinion of government policies, unless they relate directly to broadcasting matters.
- We respect individuals' legitimate right to privacy and should not do anything that entails intrusion into private grief and distress, unless it is justified by overriding considerations of public interest.
- We are circumspect and sensitive in presenting any form of brutality, violence, atrocities or personal grief.
- We seek balance by presenting relevant views on matters of importance, as far as possible. This may not always be achieved in a single programme or news bulletin, but should be done within a reasonable time.
- We are guided by news merit and judgement in reaching editorial decisions. Fairness does not require editorial staff to be unquestioning, nor the SABC to give every side of an issue the same amount of time.
- In serving the public's right to know, we are endeavouring in discerning, discussing and presenting issues that affect society and individuals.
- We are free from obligation to any interest group, and committed to the public's right to know.
- We do not accept gifts, favours, free travel, special treatment or privileges that could compromise our integrity.
- We identify ourselves and our employer before obtaining any information for broadcasting. As a general rule, journalism should be conducted openly. Cover methods may be used only with due regard to their legality or considerations such as fairness and invasion of privacy and to whether the information being sought is so significant that it warrants such disclosure but cannot be obtained by other means.

THE SABC'S MANDATE

- We resolutely uphold the principle of journalistic freedom and see the protection of a journalist's sources as an important part of this principle. If the protection of a source were to become a legal matter, the SABC would not advise its employees to refuse to obey a court order, but would make its legal counsel available for advice and to present legal argument in court to protect the source.
- We do our utmost to make a timely correction of any information that was broadcast and is found to be inaccurate.
- We foster open dialogue with our viewers and listeners as we are accountable to the public for our reports.
- We aim to tell stories from a South African point of view and deal with issues that are important to South Africans. This includes local, African and global issues. We endeavour to contextualise for South Africans their life as global citizens, and to recount the story of South Africa in all its variety and complexity, 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.
- We support South African culture and develop programmes that are identifiably South African and contribute to a sense of national identity, to a sense of shared experience and the goal of nation building.
- We are committed to being a truly national broadcaster, providing a showcase of all South Africa's provinces and peoples.
- We provide a programme mix that suits a variety of tastes and reflects the diverse make-up of South Africa. This extends to languages, cultures and geographical regions.

EDITORIAL RESPONSIBILITY AND UPWARD REFERRAL

The scope of our programming means that the SABC has to provide consistent, relevant, useful and high-quality programming, including information and analysis. To sustain and deepen the trust the public have in the SABC, we have to maintain the highest standards of performance. In this regard, the SABC requires its editorial staff to understand that with the legislated and constitutional protection of the Corporation's independence comes the responsibility to serve the public with the highest standards of excellence and integrity.

Accordingly, the onus is on individual producers of programmes and commissioning editors to ensure that they understand and uphold the provisions of the Broadcasting Act, including the Charter of the SABC, the Editorial Code, the Code of Conduct for Broadcasters, and regulations and policies promulgated from time to time in terms of the Independent Broadcasting Authority Act, all other relevant legislation, and the philosophies and policies of the Corporation. As a rule, and as a matter of policy, the authority for editorial decisions is vested in the editorial staff.

In this regard, subject to standard management and editorial controls, programme producers and commissioning editors are responsible for either the production of the programme or the editorial control of both. Should any difficulty arise during programme production and/or editorial control, or the programme producer or commissioning editor be unsure of anything, they should consult their supervisor for guidance. This process of voluntary upward referral could extend as far as the Group Chief Executive Officer, in his capacity as editor-in-chief. The role of editor-in-chief is one of many responsibilities that the CEO assumes and should not be confused with the functions of the heads of Radio, Television, News, Sport and Education or of the other editors and channel and station managers employed by the SABC. The CEO's role is not to make day-to-day programming or newsroom decisions. However, the Board of the SABC delegates responsibility, and holds accountable the CEO for the performance of all news and other programmes, broadcast and presented on all SABC radio, television, internet and other multimedia platforms.

The SABC news upward referral is a mutually empowering, nurturing and developmental approach for all the staff involved. It is not intended to stymie editorial decision-making upwards. It is intended, when required, to ensure collective decision-making and shared editorial

PLEASE READ THIS FIRST

PURPOSE OF THIS FORM
This form enables employers to comply with Section 14 of the Employment Equity Act of 1998.

This form contains the form for employment equity reporting by employers to the Department of Labour. Both small employers (i.e. employers employing fewer than 150 employees) and large employers (i.e. employers employing 150 or more employees) are required to use this form. These employers who are not designated but wish to voluntarily comply must also use this reporting form.

Although all sections of this form apply to large employers, only certain sections of this form should be completed by small employers. Employers who report for the first time are not required to complete the progress report section of this form.

WHO SHOULD COMPLETE THIS FORM?
All designated employers that have to submit a report in terms of the Employment Equity Act 55 of 1998. Employers who wish to voluntarily comply with the reporting requirements of the Act are also required to complete this form.

WHEN SHOULD EMPLOYERS REPORT?
Large employers must submit their first report within six months of being designated, and thereafter annually on the first working day of October, and Small employers must submit their first report within twelve months of being designated, and thereafter on the first working day of October of every year, but ends with an even number.

ESSENTIAL REQUIREMENTS
Large employers (i.e. employers with 150 and more employees) must complete the entire EEAZ reporting form. Small employers (i.e. employers with fewer than 150 employees) must only complete areas of the EEAZ form that apply to them. Large employers (i.e. employers with 150 and more employees) must complete the entire EEAZ reporting form. Small employers (i.e. employers with fewer than 150 employees) must only complete areas of the EEAZ form that apply to them. All relevant areas of the form must be fully and accurately completed by employers. Designated employers who fail to observe this provision will be deemed not to have reported. Guidance to overcome difficulties on how to complete the form properly must be obtained from the Department prior to completing and submitting the report.

SEND TO
Employment Equity Registry
The Department of Labour
Private Bag 7117
Pretoria 0001
Telephone: 012 3644000
Facsimile: 012 3644007
e-mail: eeaz@labour.gov.za

SECTION A: EMPLOYER DETAILS

Trade name	SABC LM
CT REGISTRATION NAME	SABC LM
CT REGISTRATION NUMBER	20030023815926
PAYEARS NUMBER	772672266
UJF reference number	11311676
EE reference number	17538
Industry/Sector	Telecommunications
SEIS Classification	Mapotse
Telephone number	011 714 2120
Fax number	011 714 4858
Email address	mamponeg@sabc.co.za
Postal address	SABC Auckland Park Radio Park Private Bag X1 Auckland Park
Postal code	2006
City/Town	Johannesburg
Province	Gauteng
Physical address	SABC Radio Park Hentley Road Auckland Park
Postal code	2006
City/Town	Johannesburg
Province	Gauteng
Details of CEO at the time of submitting this report	
Name and surname	Mr. Gao Mampone (Acting CEO)
Telephone number	011 714 2120
Fax number	011 714 4858
Email address	mamponeg@sabc.co.za
Details of Senior Manager for Employment Equity at the time of submitting this report	
Name and Surname	Dr Pallece Naves
Telephone number	011 714 4706
Fax number	011 714 4820
Email address	navespm@sabc.co.za
Business type	
<input type="checkbox"/> Private Sector	<input checked="" type="checkbox"/> Parastatal
<input type="checkbox"/> National Government	<input type="checkbox"/> Provincial Government
<input type="checkbox"/> Local Government	<input type="checkbox"/> Educational Institution
<input type="checkbox"/> Non-profit Organization	

Information about the organization at the time of submitting this report

Number of employees in the organization:
 0 to 49
 50 to 149
 150 or more

in terms of Section 14 of the Act,
 are you voluntarily complying?
 Yes No

Is your organization an organ of State?
 Yes No

Date of submitting this report: 01 October 2006

Please indicate the preceding twelve-month period (in the case of large employers) or twenty-four month period (in the case of small employers) covered by this report, except for first time reporting where this may not be possible.

From (date): 01 August 2007 To (date): 31 July 2008

Please indicate below the duration of your current employment equity plan:

From (date): 01 August 2007 To (date): 31 July 2008

Please read this first

- a. The preceding twelve-month period (in the case of large employers) or twenty-four month period (in the case of small employers) covered by employment equity employer reports must be the same for every reporting period.
- b. A summary providing guidelines on occupational categories and levels is provided in annexure 3 and annexure 4 of the regulations. Employers must complete the EEA2 form and the EEA4 form in accordance with Annexure 3 and Annexure 4.
- c. Non-permanent workers refer to those workers who are employed to work for less than 24 hours per month, or those workers engaged to work for not more than 3 continuous months.
- d. In Section B, the subtotals in terms of race and gender in the row dealing with total permanent employees in the table on occupational categories for all employees, which includes people with disabilities, must be exactly the same as the subtotals in the table on occupational levels for all employees. The same must apply to the subtotals in the grand total rows for occupational categories and levels as well.
- e. In Section B, the subtotals in terms of race and gender in the row dealing with total permanent employees in the table on occupational categories for people with disabilities must be exactly the same as the subtotals in the table on occupational levels for people with disabilities. The same must apply to the subtotals in the grand total rows for occupational categories and levels as well.
- f. Employers, from the second cycle of reporting onwards, must complete Section G that deals with progress reports.
- g. Employers must complete Section H that deals with numerical goals and numerical targets. Numerical goals are the workforce profile the employer is striving to achieve in the workplace at the end of the duration of the employer's current employment equity plan. The numerical goals of the employer must be the same for the entire duration of the employment equity plan. Numerical targets are the workforce profile the employer is striving to achieve at the end of the period following the period covered by the current report of the employer.
- h. Large employers, i.e. employers with 150 and more employees, must complete the entire EEA2 reporting form. Small employers, i.e. employers with fewer than 150 employees, must only complete areas of the EEA2 form that apply to them. Areas that only apply to small employers shall be made available by the Department in a separate form as well. All relevant areas of the form must be fully and accurately completed by employers.
- i. The alphabets "A", "C", "I" and "V" used in the tables have the following corresponding meanings and must be interpreted as "Africans", "Coloureds", "Indians" and "Whites" respectively. "Designated groups" means Black people (i.e. Africans, Coloureds and Indians), women and people with disabilities who are natural persons and are citizens of the Republic of South Africa by birth or descent, or are citizens of the Republic of South Africa by naturalization before the commencement date (i.e. 27 April 1994) of the Constitution of the Republic of South Africa Act of 1993, or became citizens of the Republic of South Africa from the commencement date of the Constitution of the Republic of South Africa Act of 1993, but who, not for Apartheid policy that had been in place prior to that date, would have been entitled to acquire citizenship by naturalization prior to that date.
- k. All population groupings who are not part of the Black group but in substance fall within the definition described in paragraph (i) in terms of citizenship or descent, must be counted and included in the column of each table in the form that require data on the White group. Foreign nationals and South African citizens that fall outside the definition described in paragraphs (i) or (k) must be counted and included in the column of each table in the form that require data on foreign nationals.

Section B: Workforce Profile

3 of 23 SEAR

1. Occupational Categories

1.1 Please report the total number of employees (including employees with disabilities) in each of the following occupational categories. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Categories	Male				Female				White Males		Foreign Nationals		TOTAL
	A		C		I		W		W	M	Male	Female	
	A	C	I	W	A	C	I	W					
Legislators, senior officials and managers	147	13	24	106	11	18	46	98					463
Professionals	36	3	3	36	5	3	17	121					126
Technicians and associate professionals	640	62	49	438	48	134	137	326			5	5	1574
Clerks	215	30	11	137	96	32	170	53			1	2	583
Service and sales workers	45	6	16	74	30	19	45	18					243
Skilled agricultural and fishery workers													
Craft and related trades workers	26	8											
Plant and machine operators and assemblers	15	3											58
Elementary occupations	6												19
TOTAL PERMANENT	1340	127	93	1034	187	104	433	538			12	7	13875
Non - permanent employees	18	4	1	26	7	17		5			1	1	71
GRAND TOTAL	1359	131	94	1060	194	104	440	543			13	8	3946

1.2 Please report the total number of employees with disabilities only in each of the following occupational categories. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Categories	Male				Female				Foreign Nationals		TOTAL		
	A		C		I		W		Male	Female			
	A	C	I	W	A	C	I	W					
Legislators, senior officials and managers	2												
Professionals	1												3
Technicians and associate professionals	5	1	2	2	4		1						2
Clerks	4			2	5		1						17
Service and sales workers				1	1								19
Skilled agricultural and fishery workers													2
Craft and related trades workers													
Plant and machine operators and assemblers													
Elementary occupations													
TOTAL PERMANENT	16	2	6	6	10	1	3						38
Non - permanent employees					2								2
GRAND TOTAL	16	2	6	6	12	1	3						40

2. Occupational levels

2.1 Please report the total number of employees (including employees with disabilities) in each of the following occupational levels. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male					Female					White Male		Foreign Nationals		TOTAL	
											W	Male	Female			
	A	C	I	A	W	A	C	I	A	W	W	Male	Female			
Top management																
Senior management	5			5												
Professionally qualified and experienced specialists and mid-management	188	20		103		14			156		105					508
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	987	100	23	627		163			365		429		7			1305
Semi-skilled and discretionary decision making	164	9		96		10			12		2					298
Unskilled and defined decision making																
TOTAL PERMANENT	1340	127	93	1034		187			433		536		12			3875
Non - permanent employees	19	4	1	26		7			7		9		1			171
GRAND TOTAL	1359	131	94	1060		194			440		543		13			3846

2.2 Please report the total number of employees with disabilities only in each of the following occupational levels. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male					Female					Foreign Nationals		TOTAL			
											Male	Female				
	A	C	I	A	W	A	C	I	A	W	Male	Female				
Top management																
Senior management																
Professionally qualified and experienced specialists and mid-management	2			1												3
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	13	1		5		6			1	3						28
Semi-skilled and discretionary decision making	1	1				4										6
Unskilled and defined decision making																
TOTAL PERMANENT	16	2		6		10			1	3						38
Non - permanent employees						2										2
GRAND TOTAL	16	2		6		12			1	3						40

2.3 Core operation functions and Support functions by occupational level

Job evaluation or grading systems, as illustrated in the EEA's, are used to measure a job in terms of content in order to establish its worth or value in relation to other jobs in an organization. The worth or value of a job is represented on a vertical axis as an occupational level. A job could either be a Core operation function or a Support function. Core Operation Function positions are those that directly relate to the core business of an organization and may lead to revenue generation, e.g. sales, production, etc. Whereas Support Functions positions provide infrastructure and other enabling conditions for revenue generation, e.g. human resources corporate services, etc. Please indicate on table 2.3.1 the number of employees that are in Core Operation Function positions and in table 2.3.2 the number of employees that are in Support Function positions at each occupational level.

5 Termination

5.1 Please report the total number of terminations in each occupational level, including people with disabilities. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male						Female			White Male		Foreign Nationals		TOTAL
	A	C	I	A	C	I	W	W	W	Male	Female	Male	Female	
Top management														
Senior management	2													
Professionally qualified and experienced specialists and mid-management	25			22			19			18				90
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	95	4		57	13		50			28			2	295
Semi-skilled and discretionary decision making	15			9						1				26
Unskilled and defined decision making														
TOTAL PERMANENT	137	6	5	118	14	15	71			47		1	2	418
Non - permanent employees	23		1	15	2	2	14			5		1		68
GRAND TOTAL	160	6	6	133	16	17	85			52		2	2	486

5.2 Please report the total number of terminations involving people with disabilities, only in each occupational level. Note: A=Africans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male						Female			Foreign Nationals		TOTAL		
	A	C	I	A	C	I	W	W	Male	Female	Male		Female	
														W
Top management														
Senior management														
Professionally qualified and experienced specialists and mid-management														
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	1						1							1
Semi-skilled and discretionary decision making														
Unskilled and defined decision making														
TOTAL PERMANENT	1						1							2
Non - permanent employees														
GRAND TOTAL	1						1							2

Section F: Qualitative Assessment (This section is *not applicable to small employers*)

8 Awareness of Employment Equity

8.1 Please indicate which of the following awareness measures were implemented by your organization.

	No. of employees covered	Yes	No	Please explain
Formal written communication	all	X		
Policy statement includes reference to employment equity	all	X		
Summary of the Act displayed	all	X		
Employment Equity training	538	X		
Diversity management programmes		X		
Discrimination awareness programmes	n/a		X	
Other (please specify)				
Total				

9 Consultation

9.1 Please indicate which stakeholders were involved in the consultation process prior to the development of your employment equity plan and in preparing this Employment Equity Report:

	Yes	No	Please explain
Workplace forum (in terms of the LRA)	X		Established Business Labour Committees that engage on any divisional EE and any other business matter.
Consultative body of employment equity forum	X		
Registered trade union (s)	X		
Employees	X		
Other (Please specify)			

9.2 What was the level of agreement reached in the formulation of the plan? Please choose one.

Total	Sufficient	Some	None
	X		

9.3 How regularly do you meet with the stakeholders mentioned in 9.1? Please choose one.

Weekly	Monthly	Quarterly	Yearly	Other
		X		

10.1 Please indicate in which categories of employment policy or practices barriers to employment equity were identified:

Categories	Yes	No	Please explain
Recruitment procedures	X		Current Recruitment Policy outdated and being reviewed
Advertising positions	X		No specific adverts to attract people with disabilities
Selection criteria		X	
Appointments	X		Appointments not always informed by EE targets
Job classification and grading	X		The same job title but different grading
Remuneration and benefits	X		Due to slow job grading, there is a huge discrepancy in this category
Terms and conditions of employment		X	
Job assignments	X		Allocation of job assignment for people with disabilities is viewed to be unfair
Work environment and facilities	X		Most Regional SACB buildings are unfriendly to people with disabilities
Training and development	X		Workshops and seminars tend to be regarded as training and with time training plans will be fully implemented
Performance and evaluation systems	X		The process is new and there is slow/incremental progress within the corporation
Promotions	X		There are no clear guidelines in terms of promotion
Transfers	X		Transfer of staff from Regions to Head office disrupts equity progress in the Regions. Transfer measures to be clearly defined in the policy dealing with transfers
Demotions		X	
Succession and experience planning	X		There is no clearly defined policy on succession planning
Disciplinary measures		X	
Dismissals		X	
Corporate culture	X		Corporate Culture not supportive of EE initiatives e.g. No sign language interpreters for employees with disabilities, no development programmed for female employees.
HIV and AIDS education and prevention programmes	X		Lack of coordinated HIV/AIDS campaigns and education awareness programmes
Other (please specify)			
High Turnover	X		High labour turnover of designated employees in other areas, resulting in skew representation for the group
Budget	X		Allocation of budget to implement EE is a major challenge within the corporation which impact on progress in terms of achieving in particular disability targets.
Skills	X		Shortage of skills particularly in broadcasting and finance, and retention of employees from designated groups

11 Affirmative Action Measures

11.1 Please indicate in which categories affirmative action measures have been implemented.

Categories	Yes	No	Please explain
Recruitment procedures	X		Recruitment policy and procedure under review
Advertising positions	X		Partnerships with Recruitment Agencies that source people with disabilities, graduate recruitment, learnerships and internship programmes; use of targeted print media in terms of EE as well as innovative ways of using SABC platforms (TV & Radio) to advertise positions
Selection criteria		X	
Appointments		X	
Job Classification and Grading	X		Job profiling and evaluation underway
Remuneration and benefits	X		Macro benefit review done. Ongoing negotiations with trade unions
Terms and conditions of employment		X	
Job assignments	X		Proper development plans for people with disabilities to be developed, a Disability Strategy has been adopted, communicated and rolled out to the corporation to empower line of reasonable accommodation of people with disabilities, and in terms of job allocation.
Work environment and facilities		X	A disability audit to be conducted throughout the corporation
Training and development	X		Training strategy approved by Board. Training and development programmes streamlined
Performance and evaluation systems	X		Revised Performance Management system approved and in a process of being cascaded to lower levels throughout the corporation.
Setting numerical goals	X		EE Divisional/Regional Committees have been re-established and trained of their roles and responsibilities to ensure proper monitoring of numerical goals
Promotions	X		Process of streamlining implementation of policy underway
Transfers	X		Transfers done on the basis of strategic business requirements as per the SABC placement framework
Demotions		X	
Succession and experience planning	X		A Talent Manager has been appointed to address this and Leadership pipeline strategy is being implemented
Disciplinary measures	X		New disciplinary code/measure approved by Board and currently being negotiated with unions
Diversity programme and sensitization	X		The Corporation has engaged a number of programmes to address diversity e.g. sign language workshops, cultural and religious awareness workshops being done. Corporation to embark on a nation wide diversity intervention programme in 2009

Community investment and ongoing programme	X	SABC Foundation established CS programmes/projects such community builder of the year, the Eursary Programme, Literacy Month, Women of the year, HIV/AIDS programme, 76th days of activism, Out of a limp project assisting disabled children
Retention measures	X	Retention Strategy approved by Sobar Retention contracts signed off with key targeted employees
Reasonable accommodation	X	Reasonable accommodations for people with disabilities in terms of workstations computer software, flexi time, recruitment done, poor disability declaration from employees with disability
Other (please specify):		
		17 of 20 SEAZ

12 Resources

12.1 Please indicate what resources have been allocated to the implementation of employment equity during the past year:

Allocation of Resources	Yes	No	Please explain
Appointed a senior managers to manage the implementation and monitoring progress	X		HCS Group Executive is supported by HR Sub committee of the board, EXCO, People Cluster and SABC EE Forum
Allocated a budget to support the implementation goals of employment equity	X		Although it is not sufficiently allocated
Time off for employment equity consultative committee (or equivalent) to meet on a regular basis	X		
Other (Please specify)			

13 Monitoring and evaluation of implementation:

13.1 How regularly do you monitor progress on the implementation of the employment equity plan? Please choose one.

Weekly	Monthly	Quarterly	Yearly	Other
		X		

Section G: Progress Report

(Section G to be completed from the second cycle of reporting onwards)

- 14 Reporting period: From 01 August 2007 to 31 July 2008
- 14.1 Did you achieve the numerical targets as set out in your employment equity plan for this period?

Yes	No
X	

- 14.2 Did you achieve the affirmative action objectives as set out in your employment equity plan for this period?

Yes	No
X	

- 14.3 If not, what were the obstacles you experienced?

What were the obstacles to reaching the employment equity goals and objectives during the past year?

The disability Target is the only numerical goal that was not achieved. In some Regions it was due to reasonable accommodation, in other areas, lack of advocacy around accommodation or employment of people with disabilities.

There is war of talent within the broadcasting industry, resulting in high labour turnover

Salary discrepancies still a challenge in some categories due to the low staff turnover of white employees in some areas who have been with the SABC for a number of years.

In adequate budgetary constraint still a major challenge and makes it difficult to implement other Diversity related interventions.

The impact of the SABC matrix structure on EE with some employees reporting directly to Head office in Aucklandpark. Business restructuring and migration of employees from one business unit to another has affected the implementation of EE

- 14.4 If yes, what factors promoted the accomplishment of your goals and objectives?

What were the factors that contributed to the accomplishment of the employment equity goals and objectives during the past year?

Commitment from SABC Board, Group EXCO and Senior Management

Commitment of SABC EE Forum

On-going EE training, awareness education and evaluation and monitoring of implementation of EE in the Corporation.

EE a KPA for Heads of Divisions and Line Management

Support from internal and external stakeholders, e.g. employees, recognized unions, DOL, DOC, ICASA

14.11 Please indicate the numerical targets you have set to achieve for the total number of employees (including people with disabilities) for the end of the period following the period covered by the current report in terms of occupational levels. Note: A=Americans, C=Coloureds, I=Indians and W=Whites.

Occupational Levels	Male						Female						White Male		Foreign Nationals		TOTAL
	A			C			A			C			W	W	Male	Female	
	A	C	I	A	C	I	A	C	I	A	C	I	W	W	Male	Female	
Top management																	
Senior management	6						5										
Professionally qualified and experienced specialists and mid-management	140		18		68				11				53	111			
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	503	30	50		770	161			53				387	457		73	3014
Semi-skilled and discretionary decision making	179	11	1		111	12			0			16	2				341
Unskilled and defined decision making	4	1			6												11
TOTAL PERMANENT	1322	115	77		951	184			105			467	573		6	10	3819
Non-permanent employees	89	8	1		112	12			2			12	6				221
GRAND TOTAL	1351	121	78		1073	196			107			479	578		7	10	4040

14.12 Please indicate the numerical targets you have set to achieve for the total number of employees with disabilities only for the end of the period following the period covered by the current report in terms of occupational levels. Note: A=Americans, C=Coloureds, I=Indians and W=Whites

Occupational Levels	Male						Female						Foreign Nationals		TOTAL		
	A			C			A			C			W	W		Male	Female
	A	C	I	A	C	I	A	C	I	A	C	I	W	W		Male	Female
Top management																	
Senior management																	
Professionally qualified and experienced specialists and mid-management																	
Skilled technical and academically qualified workers, junior management, supervisors, foremen, and superintendents	4	3					1						3				13
Semi-skilled and discretionary decision making	1						2										3
Unskilled and defined decision making																	
TOTAL PERMANENT	5	3					4						3				17
Non-permanent employees																	
GRAND TOTAL	5	3					4						3				17


Section H: Signature of the Chief Executive Officer

Chief Executive Officer

I hereby declare that I have read, approved and authorized this report.

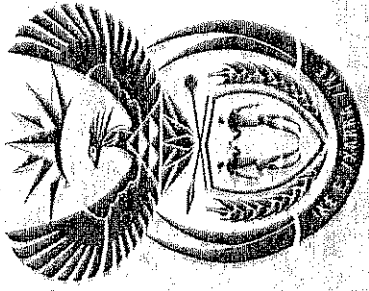
Signed on this 30th day of SEPTEMBER year 2008

At place: JOHANNESBURG


LGM
LEWIS & CLARK GROUP INCORPORATED

Signature: Chief Executive Officer Full Name

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GOVERNMENT GAZETTE GOVERNINGSKOPPEL

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

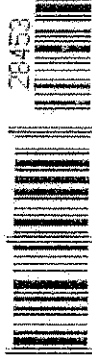
Vol. 487

Pretoria, 31 January 2006

No. 28453



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GENERAL NOTICE

NOTICE 153 OF 2006



ICASA SOUTH AFRICAN MUSIC CONTENT REGULATIONS

The Independent Communications Authority of South Africa has under sections 53 (3), 53 (4) and 53 (5) read with section 78 (1) of the Independent Broadcasting Authority Act, 1993 (Act 153 of 1993), made the regulations in the Schedule.

SCHEDULE

1. Definitions

In these regulations any word to which a meaning has been assigned to it in the Independent Broadcasting Authority Act, 1993 (Act No. 153 of 1993) and the Broadcasting Act (Act No.4 of 1999), shall have that meaning and, unless the context indicates otherwise-

- 1.1 "Bouquet" means a collection of video and / or audio channels marketed as a single package, often transmitted in a single data stream, or a thematic environment where channels are devoted to a specific programming genre;
- 1.2 "Documentary" means a factual presentation or analysis of musicians or composers, whether past or present, with a normal minimum duration of five minutes;
- 1.3 "Interview" means conversation between a radio presenter and musician(s) or composer(s) used as a basis of a broadcast, with a normal minimum duration of five minutes;
- 1.4 "New Musician" means a musician whose debut album has been on the market for six months or less;
- 1.5 "Performance Period" means the period of 126 hours in one week measured between the hours 05h00 and 23h00 each day;
- 1.6 "Sound Broadcasting Licence" means a broadcasting licence granted and issued for the purpose of providing a sound broadcasting service;

1.7 "the Broadcasting Act" means the Broadcasting Act, 1999 (Act No.4 of 1999);

1.8 "the IBA Act" means the Independent Broadcasting Authority Act, 1993 (Act No.153 of 1993).

2. Application of these Regulations

These regulations shall apply to the holder of any category of sound broadcasting licence, which devotes 15% or more of its broadcasting time during the performance period to the broadcasting of music and shall be incorporated in the licence:

- 2.1 In the case of a licensee holding a valid licence at the date of commencement of these regulations.
- 2.2 In the case of a licence issued on or after the date of commencement of these regulations, from the date of commencement of broadcasting.

3. Imposition of Sound Broadcasting Licence Conditions Regarding South African Music

3.1 Public Sound Broadcasting Licensees

Every holder of a public sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period.

3.2 Commercial Sound Broadcasting Licensees

Every holder of a commercial sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 25% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period.

3.3 Community Sound Broadcasting Licensees

Every holder of a community sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 40% of the musical works broadcast in the performance period consist of South African music and that such South African music is spread reasonably evenly throughout the said period.

3.4 Subscription Sound Broadcasting Licensees

Every holder of a subscription sound broadcasting licence to which these regulations apply must ensure that after eighteen months of the gazetting of these regulations, a minimum of 10% of their bouquets consist of channels made up of South African music content.

3.5 Public Broadcasting Commercial Services

The commercial services provided by the holder of a public sound broadcasting licence shall be subject to the same regulatory requirements as in these regulations for commercial sound broadcasting services and subscription sound broadcasting services.

3.6 Exemption

The Authority may, upon written application and good cause shown by the holder of a sound broadcasting licence, vary any condition imposed by 3.1, 3.2 3.3, 3.4, and 3.5, if it is satisfied that the variation is consistent with the objects of the IBA Act, 1993 and the Broadcasting Act, 1999, and any regulations made thereunder.

4. Formulas (Format Factors)

4.1 The Music Points for 4.1(a) are calculated using the following formula: Format Factor (unit) x Duration.

(a) for every five minutes of coverage of live music = 2

(b) for an interview with South African musician(s) or composer(s) with a normal minimum of five minutes = 2

Ten points are worth 1% towards the South African music content quota on a weekly basis.

4.2 The Music Points for 4.2(a) are calculated using the following formula: Format Factor (unit) x number of tracks:

(a) for promoting new musicians whose debut albums have been on the market for six months or less = 1

Ten points are worth 1% towards the South African music content quota on a weekly basis.

5. Records

5.1 The holder of a sound broadcasting licence shall keep and maintain logs, statistical forms and programme records to the satisfaction of the Authority containing:

- a) particulars of –
 - (i) the percentages of South African music broadcast in the performance period;
 - (ii) the time and duration of every such broadcast;
 - b) such other particulars as may be required by the Authority.
- 5.2 The logs, statistical forms and records contemplated in sub-regulation (1) shall be preserved in original for a period of not less than 12 months after the date of last entry.

6. Review of Regulations

- 6.1 The Authority may, three years after these regulations have come into effect, hold an inquiry to review these regulations.
- 6.2 In reviewing the regulations the Authority shall determine the procedure to be followed during the inquiry.
- 6.3 The Authority shall consider submissions made by the licensee and any interested person on its capacity to fulfill the South African content quotas and may make such determination as it considers equitable in the circumstances.

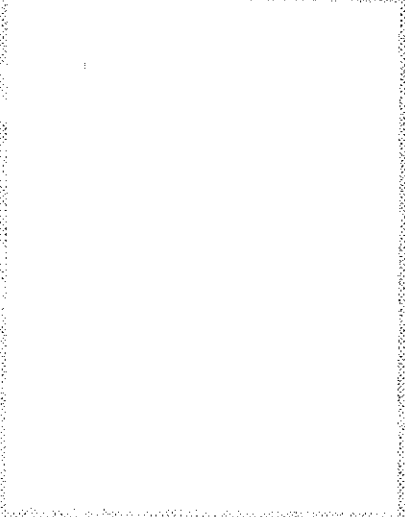
7. Effective Date

These Regulations replace the ICASA South African Music Content Regulations of 2002 which came into effect on 22 August 2003. The effective date of these amended Regulations shall, therefore, be the date of publication in the Gazette.

8. Short Title

These regulations will be called the ICASA South African Music Content Regulations.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
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Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Private Bag X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
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Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette	No. 5309	Regulasiekoerant
Vol. 540	Pretoria, 14 June 2010	No. 33294

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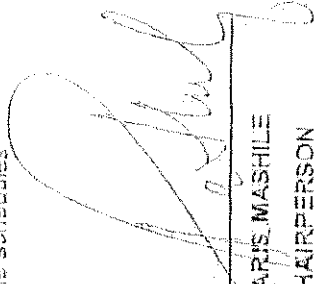
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ELECTRONIC COMMUNICATIONS ACT, 2005 (NO. 36 OF 2005); REGULATIONS

REGULATIONS REGARDING STANDARD TERMS AND CONDITIONS FOR
INDIVIDUAL LICENCES UNDER CHAPTER 3 OF THE ELECTRONIC
COMMUNICATIONS ACT, 2005 (NO. 36 OF 2005)

The Independent Communications Authority of South Africa, in terms of section 8 read with section 4 of the Electronic Communications Act, 2005 (No. 36 of 2005) and 17E(2)(b) of the ICASA Act, 2000 (No. 13 of 2000), hereby prescribes regulations in the schedules


PARIS MASHILE
CHAIRPERSON

ICASA

P. Mashile (Chairperson), N.A. Bany, T.L.V. Makheke, R. Nkomo, S.B. Ntombela, F.K. Sibanda, Dr. B.M. Sockkwe,
* W.F. Stuurk, Prof. J.C.W. van Rooijen, S.C. (Councilors), B.K. Ndumbe (CEO)

SCHEDULE 1

INDIVIDUAL BROADCASTING SERVICES LICENCES

1. Definitions

In these regulations unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Act has the meaning so assigned:

"Act" means the Electronic Communications Act, 2005 (No. 36 of 2005) as amended;

"BS" means a broadcasting service, as defined in the Electronic Communications Act 2005 (Act No. 36 of 2005);

"Effective date" means the date on which the Licence is issued;

"Licence" means the Individual Broadcasting Service Licence issued to the Licensee in the form contained in Annexure A of these regulations;

"Licensee" means a person named in the Licence and issued with a licence to provide services in terms of Chapter 3 of the Act;

"Public Service Announcement" means an announcement broadcast by a broadcasting service licensee aimed at imparting knowledge or information concerning a disaster or immediate grave danger to the public or in the interests of public welfare; and

"Schedule" means the schedule to the Licence containing the specific terms and conditions which the Authority has imposed upon the Licensee in terms of section 9(7) of the Act and the related legislation.

2. NOTIFICATION OF LICENSEE DETAILS AND INFORMATION

(1) A licensee must submit written notice to the Authority within seven (7) days of the occurrence of the following changes in its licensee:

- (a) the name of the licensee;
- (b) contact details;
- (c) shareholding; and
- (d) notices and addresses.

(2) Any transfer of shares undertaken in terms of 2(1)(c) above must comply with all licence terms and conditions and the Act.

3. LICENCE AREA

The licence area is as specified in the Schedule.

4. DURATION OF THE LICENCE

The following licences are valid for the following periods from the effective date:

- (a) Public or commercial free to air television BS: fifteen (15) years;
- (b) Subscription BS: fifteen (15) years; and
- (c) Public or commercial free to air sound BS: ten (10) years.

5. COMMENCEMENT OF OPERATIONS

A licensee must commence operation of the BS specified in the Licence within the following periods, unless the Authority grants, on good cause shown, an extended commencement period on written application, prior to the expiry of the period referred in sub-clause (a) and (b) and (c) below:

- (a) six (6) months from the effective date in respect of free to air sound BS;
- (b) twelve (12) months from the effective date in respect of free to air television BS; or
- (c) twelve (12) months from the effective date in respect of subscription BS.

6. HOURS OF OPERATIONS

(1) A Licensee must provide broadcast services for twenty four (24) hours per day unless the Authority has approved a shorter schedule of daily broadcast operations as specified in the Schedule.

(2) Where a Licensee cannot provide the licensed service due to circumstance beyond its control for a continuous period of twelve (12) hours or longer, a Licensee must notify the Authority in writing of such circumstances within twenty four (24) hours of the occurrence thereof.

7. SERVICES TO BE PROVIDED BY THE LICENSEE

A Licensee must in terms of these regulations provide one of the following BS:

- (a) Public free to air television BS;
- (b) Commercial free to television BS;
- (c) Public free to air sound BS;
- (d) Commercial free to air sound BS; or
- (e) Subscription (sound and/or television) BS.

8. SAFETY MEASURES

A Licensee must, in respect of all apparatus, equipment and installations that it owns, leases or uses, take such safety measures as may be prescribed and in any event such reasonable and necessary safety measures to safeguard life or property, and to limit exposure to electromagnetic emission, radiation and related risks.

9. PROVISION OF INFORMATION

(1) The Authority may, in the course of carrying out its obligations under the Act, require a Licensee to provide information, so as to enable it to:

- (a) monitor and enforce consumer protection, quality of service, competition, compliance with licence conditions and other requirements of the Act and related legislation;
- (b) allow for the assessment and allocation of applicable fees and related requirements;
- (c) facilitate the efficient use of scarce resources; and
- (d) collect and compile information to be used for purposes of sectoral analysis, planning, reporting and conducting inquiries.

- (2) In respect of each information request referred to in sub-clause (1) except where otherwise addressed in applicable regulations, the Authority will provide, among other things, detailed specifications of its information request, applicable response times and a contact person to whom queries will be addressed.
- (3) The licensee must provide the information in accordance with such format as may be prescribed by the Authority.

10. PUBLIC SERVICE ANNOUNCEMENTS

- (1) The licensee must broadcast public service announcements in the public interest as may be requested by the Authority in writing.
- (2) The licensee may broadcast public service announcements in the public interest as may be requested by a Public Service Institution in writing.

11. GENERAL OBLIGATIONS OF LICENSEES

- (1) A licensee shall inform the Authority in writing, within fourteen (14) days of
- (a) any judgement or judgements given in a court of law against it; and
 - (b) any conviction in respect of an offence involving dishonesty of any of its directors or senior managers.
- (2) A licensee shall keep the following records, in accordance with the template determined by the Authority and provided to a licensee, relating to its broadcasting activities and provide same to the Authority on a quarterly basis:
- (a) a log of all advertisements broadcast;
 - (b) a log of the percentage of air-time per hour allocated to advertisements;
 - (c) a log of all sponsorships received for programmes, news, game shows, welfare activities or similar programming together with details of payment, financial or otherwise, received for such sponsorship; and
 - (d) a log of programmes broadcast.
- (3) A station must clearly identify itself at intervals of not more than thirty (30) minutes.

12. SPECIFIC TERMS AND CONDITIONS

The Authority may impose additional specific terms and conditions upon a licensee in terms of section 9(7) of the Act, and the related legislation. These specific terms and conditions will be contained in the Schedule and may include but are not limited to:

- (a) geographic coverage area of the licensed BS setting out the scope of coverage (regional or national) and universal service and access targets, if any;
- (b) technology platform to be used in providing the licensed BS (e.g. terrestrial analogue terrestrial digital, cable, satellite etc);
- (c) language (s) of the licensed BS;
- (d) format of the licensed BS, including but not limited to the content and presentation type of the sound and/or television BS e.g. full service, adult contemporary, talk radio etc;
- (e) local content obligations of the licensed BS in addition to those prescribed by the Authority;
- (f) other general programming obligations of the licensed BS, including without limitation, obligations in respect of news, actuality programming, political issues of public interest, educational programming and programming to meet the needs of children, the youth, women and disabled persons etc);
- (g) ownership and control structure of the Licensee;
- (h) obligations in respect of ownership and control by persons from historically disadvantaged groups in respect of the Licensee, in addition to those prescribed by the Authority;
- (i) human resources training and skills development undertaken by the licensee;
- (j) community-related obligations of the licensed BS;
- (k) broadcast hours of the licensed BS if fewer than twenty four (24) hours per day; and
- (l) in relation to the South African Broadcasting Corporation:
 - (i) its obligations in respect of publishing the Television License fee;
 - (ii) cross-subsidisation issues as between its public commercial and public services; and
 - (iii) the provision of audited financial statements to the Authority

13. OBLIGATIONS THAT APPLY IN RESPECT OF SUBSCRIPTION BROADCASTING SERVICES ONLY

- (1) A subscription BS licensee may not provide a subscription service, unless the price (s) for the service and other terms and conditions of the provision of such service have been made known to the public by:
 - (a) making such prices and terms and conditions available for inspection at its offices during business hours;
 - (b) providing such details to anyone who requests same at no charge; and
 - (c) providing such details on its website, if any
- (2) A subscription BS Licensee must submit to the Authority:

- (a) details of the price(s) for its service and other terms and conditions of the provision of such service within 30 days of commencing such service; and
- (b) on bi-monthly basis, a record of the actual services provided and the actual tariffs charged, therefore during the previous six months.
- (3) Billing Obligations of Subscribers BS Licensees:
 - (a) The licensee must at no charge provide an accurate invoice with a detailed statement of services rendered to any subscriber.
 - (b) Such invoice must include, among other things, the following information for the entire period covered by such invoice or statement:
 - (i) detail of all services rendered to the customer or subscriber;
 - (ii) the breakdown of the different charges associated with such services; and
 - (iii) the applicable service pricing for the period of use covered by such invoice or statement.

14. CONTRAVENTION AND FINES

- (1) Upon a determination of non-compliance by the Complaints and Compliance Committee in terms of the ICASA Act, the Authority may impose a fine not exceeding:
 - (a) One Million Rand (R1 000 000) for contravention of regulations 3, 4, 5(a)-(c), 7, 9, 10(1-3), and 12;
 - (b) One Hundred Thousand Rands (R100 000) for contravention of all the regulations not specified in the regulation 14(1)(a); and
 - (c) Additional One Hundred Thousand Rands (R100 000) for repeated contravention of the regulations.

15. NOTICES AND ADDRESSES

- (1) Any notice or certification given by the Authority or the licensee shall be in writing and:
 - (a) if delivered by hand to the recipient's address, it shall be deemed, until the contrary is proven, that it has been received at the time of delivery;
 - (b) if posted by pre-paid registered post from an address within the Republic of South Africa, it shall be deemed, until the contrary is proven, to have been received on the day after the date of posting; or
 - (c) if sent by facsimile transmission during normal business hours, proof of successful transmission shall be deemed to be proof of receipt, unless the contrary is proven.

- (2) A licensee shall provide the Authority with an address where it will accept formal service of letters, documents and legal process in this regard as well as a fax and telephone number or which it can be contacted as set out in the licence.

16. SHORT TITLE AND COMMENCEMENT

These regulations are called the Standard Terms and Conditions for Individual Broadcasting Services, 2010 and will come into operation by notice in the *gazette*.

17. REPEAL OF REGULATIONS

These regulations repeal Government Gazette No. 30530 containing the Standard Terms and Conditions for Individual Licences published 30 November 2007, in its entirety.