



LESEDI FM

ANNUAL COMPLIANCE

REPORT

MARCH 2023

2021/2022 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 ("Authority") has a statutory mandate in terms of the Constitution¹, the Independent Communications Authority of South Africa Act (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 2021/2022 financial year. Aspects of compliance that are measured comprise of Format, Local Content Obligations, General Programming Obligations and Training and Skills Development.

Further, 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 and the Code of Conduct.

2. BACKGROUND

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

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,

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

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 clauses 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 SABC submitted Lesedi FM's quarterly reports for the period under review in line with the Compliance Procedure Manual Regulations, indicating the different genres, the South African music content and programming material for the period under review. The information contained in the quarterly reports was compared to the findings of the monitoring exercise and the conclusions thereof are outlined below.

The Licensee complied with clause 6 of its licence schedule.

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 policy⁵ stipulates that:

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

Lesedi FM broadcasts *Sekgutlwana sa ka se Kgethehileng* on Sundays from 07h30 to 8h00. This programme offers a full sermon that includes devotion, Bible scriptures and preaching. It also broadcasts *Makgulong a Matala* from 09h00 to 12h00, which includes devotion, gospel music and discussions on matters that affect communities at large. Issues that are usually discussed include relationship challenges, spiritual and health matters, including counselling. There is also listener interaction during the programme.

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. It also offers a preaching platform for representatives from different denominations, from different regions that fall within its coverage area.

The Licensee complies with clause 7.1.1 of the schedule to its licence.

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 cultural and traditional needs of its audience. These are some of the programmes that were identified during the monitoring exercise:

- *Re Mmoho* on weekdays from 20h00 is a talk show with a mixture of traditional Sesotho music. Discussions are held with traditional and cultural experts on topics on African customs, religion and traditional affairs, including traditional medicine. There are inserts like *Lenaka la Motheo and Sesing*, where in-depth analysis and discussion is held on specific topics such as different types of Sesotho dance, games and food.
- *Monyanyako* is broadcast on Saturdays between 07h00 and 09h00 and covers traditional choral and celebratory music, including wedding songs.

⁵ An extract from the Licensee's Editorial Policy

- On Sunday evenings from 18h30 to 19h30, the Licensee has a show dedicated to jazz music, which also features interviews with jazz musicians. From 19h30 to 21h00 it offers its listeners choral music in *Ditswere*. Choirs and music groups from different backgrounds are profiled during the show, including interviews with conductors. Upcoming choir festivals are also announced during the show.

The Licensee complies with clause 7.1.2 of the schedule 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.

Some of the programmes that were identified during the monitoring process, where various issues of interest to society were discussed are outlined below as follows:

- *Mathemalodi*: A lifestyle and magazine show that is broadcast on weekdays from 09h05 to 12h00. It touches on interesting topics affecting people of all age groups. The show discusses topics such as relationships, health matters, disability matters, women empowerment, financial and family matters among others. Some of the topics that were identified during the monitoring exercise include an interview with an Orthodontist on reasons why children need braces, and discussion with an Educational Psychologist on the effects of Covid-19 restrictions on education and how families can support school children. There is also an early childhood development insert directed at children.
- *Kgothala*: An interactive show that is a mixture of devotion and listener interaction is broadcast on Sundays between 07h00 and 09h00. Children and the elderly are given a platform to share views and raise concerns on matters that are of concern to them. During the monitoring exercise, there was a discussion with a health worker who takes care of patients with Alzheimer's Disease, providing information and tips on how to take care of the elderly who suffer from this disease. Elderly listeners were also given a platform to send dedications to their loved ones. 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 monitoring exercise revealed that the Licensee broadcasts an average of eighty (80) minutes of news per day.

Below were among the news stories that were covered.

- *Mmuelli wa Bonginkosi Khanyile, o hlokomedisitse ho re ho tllilo ba le merusu e bang Lekgotla la Mmaseterata wa Durban, le hloleha ho lokolla moitseki enwa wa matsholo a Fees Must Fall ka beile. Philani Ntuli o buile sena a le ka hara phapusi ya lekgotla nakwana pele ho mamelwa ha kopa ya ho lokollwa ka beile ho qala. Khanyile o tjametswe ke diqoso tse hlano, tse kenyeletsang ho hlohleletsa merusu le hob a karolo ya kopano e seng molaong. O ile a tshwarwa dibeke tse pedi tse fetileng Johannesburg ke lekala la mafokisi la Hawks mme a iswa KwaZulu-Natala. Nakong a neng a hlahelletse kgotla kgetlo la ho qetela, lekgotla le ile la bontsha dikgatiso tsa vidiyo, moo Khanyile a hlahellang a tshetlehela batho puo diketsahalong tse fapaneng, a ba kgothaletsa ho tshehetsa Mopresidente wa mehleng, Jacob Zuma.*
- *ANC e re etsa sohle se matleng a yona ho rarolla dingongoreho tse hlahlelwang ke ditho tsa yona. Tse ding tsa tsona do tshositse ka ho se kgethe dikgethong tse tlang tsa naha. Makgolo-kgolo a ipelaeditse ka ntle ho Luthuli House, Johannesburg kgahlanong le metjha ya ho kgetha ba lekgotla. Ba re metjha eo e ne e tletse bobodu, mme ba qosa dikomiti tsa profensi tsa manane ka ho hloleha ho ba thusa. Mmuelli wa ANC, Pule Mabe o re ho se kgethe ha ditho tseo e ka ba kotsi setjhabeng.*
- *Moithuti was tsa Molao yunivesithing ya Fort Hare, Nosicelo Mtebeni o tllilo bolokelwa hahabo motseng wa Kgauwe, Matatiele, Eastern Cape. Ditlaleho di re Mtebeni o bolauwe ka sehloho ke mohlankana wa hae, Alutha Pasile, Quigney, East London kgwedding e fetileng.*

- *Ditho tse nne tsa lelapa le le leng di hlokahetse ka mora hore banna ba bane ba di thunye Thabong, Welkom, Free State. Mmuelli wa Seponesa, Makhele, o re ditlaleho di kuma ha banna ba sa tsejweng ba hlometseng, ba ileng ba kena ntlong ya bafu Newstance, mme ba qalella ho thunya ditho tsa lelapa leo ba sa kgethe. Makhele o re seponesa se thakgotse letsholo la ho batla babelaelwa bao."*

The Licensee complies with its news obligation.

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 sixty (160) minutes of current affairs programming per day on weekdays and sixty (60) minutes daily on weekends. The monitoring exercise identified an average of one hundred and sixty (160) minutes of current affairs programming on weekdays and one hundred and ten (110) minutes over the weekend. The following current affairs programmes were identified:

- *Makumane* - Weekdays from 05h05 to 06h30;
- *Imatlafatse* – Weekdays from 12h05 to 12h30;
- *Matshohlo* – Weekdays from 18h05 to 19h00; and
- *Mathumisa* – Weekends from 06h05 to 07h00.

The Licensee complies with its current affairs obligation.

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 the 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.

The Licensee complies with clause 7.2.3 of its licence.

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".

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 SABC's submissions 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.

The monitoring exercise confirmed that Lesedi FM broadcasts approximately one hundred and twenty (120) minutes of programming targeted at children per week.

Educational programmes like *Nal'ibali* and *Tsohang* are broadcast on weekdays for approximately twenty (20) minutes each day. *State Your Mind* during *Ke Moqebelo* on Saturdays, and *Kgothala* on Sundays offer an interactive platform for children. There is also a segment called *Teen Zone* on Saturdays during the broadcast of *State Your Mind*.

The Licensee complies with clause 7.3.1 of the schedule to the licence.

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 submitted that Lesedi FM did broadcast five (5) hours of educational programmes per week during the South African performance period.

The monitoring exercise confirmed that Lesedi FM broadcasts approximately three hundred (300) minutes of Educational Programming per week. Educational programmes are offered on different shows during the week and on weekends and they provide education content on matters such as technology, law, finance and health. Most of the shows that are offered through the SABC Education platform are targeted at young children and the youth.

The Licensee complies with clause 7.4 of the schedule to its licence.

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 approximately two and a half (2½) hours of drama per week during the performance period.

The monitoring exercise revealed that the Licensee broadcasts the long running drama, *Monyaka*, on weekdays from 13h40 to 13h55 and a repeat from 20h00 to 20h15. It broadcasts a short drama at least one Sunday a month, from 18h05 to 18h30. On other Sundays, the same slot is dedicated to documentaries or live sports broadcast.

The Licensee complies with clause 7.5 of the schedule to its licence.

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 indicate that Lesedi FM broadcasts more than seven hundred (720) minutes (12 hours) of informal knowledge-building programming per week.

The monitoring exercise confirmed that Lesedi FM broadcasts more than five (5) hours of informal knowledge building programming throughout the day.

Programmes such as *Monate Breakfast*, *Mathemalodi*, *Jwale Ke Nako*, *Re a Kubeletsa* and *Re Mmoho* offer informal knowledge building content where a diverse range of informative and educational topics are discussed. Topics related to entrepreneurship, literacy, labour and labour matters, career guidance and finances, among others, are discussed. Listeners are also given an opportunity to interact with experts on these matters.

Some of the matters that were identified include a discussion on fraud awareness, education on investments, how to register different types of companies and profiling of different careers. There was also an interview with a labour expert on the rights of people living with disabilities in the workplace, an interview with a doctor on liver health and a discussion on fraud awareness, to name a few.

The Licensee complies with clause 7.6 of the schedule to its licence.

3.7 Training and Skills Development Obligations

Clause 8 of the Schedule to Good Hope 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 revised its Employment Equity and Transformation plan⁶ during the 2021/2022 financial year and submitted the updated plan 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 review⁷ within, 30 days of the end of the financial year.

These reports indicate that the Licensee has adopted and implemented equal opportunity employment Practices and showed that the Licensee has remained committed to diversity and inclusion in the workplace. The SABC employment equity profile remains healthy, and all groups are well represented in the organisation. The SABC`s employment practices and non-discriminatory environment promote reasonable progress towards a fair and equitable representation from both a gender and race perspective at all occupational levels and in decision making roles. This is confirmed by the following statistics:

- Females represent 51.5% of the entire workforce and at Skilled level 53.18% of the workforce are females. At a Professional Qualified, Experience Specialist and Middle Management level females represent 50.33%; and
- Employees living with disabilities represent 2.35% of the entire workforce. These employees are employed across the organisation on different occupational levels and in all SABC provinces.

Further, the SABC is well represented in the Black Executive Managers and Black Senior Managers as well as Female Black Middle Managers.

In terms of training and skills development, the SABC delivered 967 training interventions for 810 employees during the reporting period. This is despite of challenges resulting from its section 189 process, procuring suitable service providers and COVID-19. Statistically, the 810 employees who received training were 84.44% African, 6.81% Coloured, 4.24% Indian and 4.51% were White employees. Further, 56% of the employees who were trained were women and 2% were employees living with disabilities.

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

3.8. Submission of audited financial statements to the Authority

Clause 9 of the service licence provides that:

⁶ Appendix C: SABC Employment Equity and Transformation: Report to ICASA, Reporting period: 1 April 2021 – 31 March 2022.

⁷ Appendix D: Skills and Development Report.

"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."

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

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

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 Content⁸ 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 confirmed that the radio station broadcasts approximately 70% South African music content during the performance period.

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

The Licensee complies with the ICASA South African Music Content Regulations.

⁸ ICASA South African Music Content Regulations, 2016 as published in *Government Gazette* No.39844 dated, 23 March 2016.

4.2 Regulations regarding Standard Terms and Conditions for Individual Broadcasting Service Licensees, 2010⁹ 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:

"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 complies with regulations 3(1) and 3(2) of the USAF Regulations.

4.4 Complaints

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

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

⁹ Standard Terms and Conditions for Individual Broadcasting Services, 2010 No. 33294 dated, 14 June 2010 as amended.

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

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

5. CONCLUSION

The monitoring exercise as undertaken during the period under review, has confirmed the Licensee's compliance with all its licence conditions and relevant regulations. The detail of its compliance is captured and reflected fully, in this report.

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;

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; and

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

END