

COMPLIANCE REPORT

Lesedi FM

Licence Period: 18 December 2008 to 17 December 2018

1. PREFACE

The Independent Communications Authority of South Africa (“the Authority”) has a statutory mandate in terms of the Constitution¹, the ICASA Act of 2000² and the Electronic Communications Act of 2005³ (“EC Act”) to regulate broadcasting activities in South Africa in the public interest. The Authority is tasked with ensuring compliance by broadcasters with the terms and conditions of their Licence, the Electronic Communication Act (“EC Act”), the ICASA Act and any relevant legislation.

The following report is intended to give account of Lesedi FM’s performance for the period 2009/2010 fiscal year. Aspects of compliance that are measured comprise of geographic coverage, languages, format, local content obligations, general programming obligations, training and skills development obligations, finances, South African music content regulations and regulations regarding standard terms and conditions.

It has to be noted that during the period under review the Authority did not conduct its own monitoring exercise to measure compliance by Lesedi FM with its programming obligations. Recordings could not be obtained by the Authority as the period fell outside the 60 day period stipulated in section 53 (1) of the Electronic Communications Act (ECA) which provides as follows:

¹ The Constitution

² The ICASA Act of 2000

³ The Electronic Communications Act of 2005

“A broadcasting service licensee must-

(a) on demand by the Authority , produce to the Authority any recording of every programme broadcast in the course of his or her broadcasting service for examination or reproduction, within 60 days from the date of broadcast;”.

Consequently, the information contained in this report under local content obligations is based on the SABC’s quarterly Reports (Quarters One, Two, Three and Four) submitted to the Authority for the 2009/10 financial year as captured under 3.4 below.

2. BACKGROUND

Lesedi FM is public radio station of the South African Broadcasting Corporation (“SABC”). The radio station’s mandate is to provide a full radio spectrum service to the following provinces: Gauteng, Mpumalanga, Northern Cape, Limpopo, Northwest, Western Cape, Kwa-Zulu Natal, Free State and the Eastern Cape. The radio station’s principal language is Sesotho (*see broadcasting service licence and spectrum licence attached as Appendix A*).

3. COMPLIANCE ASSESSMENT

3.1 Geographic Coverage Area

Clause 2 of the schedule to the licence provides that:

“The 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 Gauteng, Mpumalanga, Northern Cape, Limpopo, Northwest, Western Cape, Kwa-Zulu Natal, Free State and the Eastern Cape.

The radio station complies with clause 2 above.

3.2 Language(s)

Clause 3 of the schedule to the licence provides that:

“Principal Language: Sesotho”.

The radio station broadcasts principally in Sesotho thus complying with clause 3 the above.

3.3 Format

Clause 4.1 of the schedule to the licence provides that:

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

Clause 4.2 provides that:

“The licensed service shall be a full-spectrum service”.

Lesedi FM is categorised as a public radio station of the SABC and offers a full-spectrum service to its audience as outlined in the licence.

The radio station complies with clauses 4.1 and 4.2 above.

3.4 Local Content Obligations

Clause 5 of the schedule to the licence provides that:

“The Licensee shall submit quarterly reports to the Authority which shall include the licensee’s compliance measured on:

Clause 5.1 different genres; and

Clause 5.2 South African Music Content in programme material broadcast in the licensed service during that quarter, in each instance, distinguishing between genres, providing the relevant details in relation to prime time and the period between 5h00 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”.

Although the SABC submitted its quarterly reports for the period under review, the reports are reflective of a week's sample for each quarter. The SABC is of the view that it is unlikely that programming would change in a week.

The figures below show a breakdown of Lesedi FM's compliance with the quotas set out by the Authority. These are the statistics derived from the Licensee's quarterly submissions based on a weekly sample.

First Quarter April – June 2009

Content /Genres	ICASA's Quota	Lesedi FM's Provision (Minutes Daily/Weekly)	Lesedi FM's Compliance (%)
News	60 min (daily)	92 min (weekdays) 70 min (Saturday) 65 min (Sunday)	153% 117% 108%
Current Affairs	60 min (M-F)	191min (weekdays)	318%
IKB	180 min (weekly)	1820min (weekly)	1011%
Educational	300 min (weekly)	410min (weekly)	137%
Children	60 min (daily)	64 min (daily) 60 min (Saturday) 65 min (Sunday)	107% 100% 108%
Drama	150 min (weekly)	150 min (weekly)	100%

Second Quarter July-September 2009

Content/Genres	ICASA's Quota	Lesedi FM's Provision (Minutes Daily/Weekly)	Lesedi FM's Compliance (%)
News (M-F)	60 min (daily)	92 min (weekdays) 65 min (Saturday) 60 min (Sunday)	153% 108% 100%
Current Affairs	60 min (M-F)	191 min (weekdays)	318%
IKB	180 min (weekly)	1765 min (weekly)	100%
Educational	300 min (weekly)	455 min (weekly)	100%
Children's (M-F)	60 min (M-F)	64 min (daily) 60 min (Saturday) 60 min (Sunday)	107% 100% 100%
Drama	150 min (weekly)	170 min (weekly)	113%

Third Quarter October-December 2009

Content/Genres	ICASA's Quota	Lesedi FM's Provision (Minutes Daily/Weekly)	Lesedi FM's Compliance (%)
News	60 min (daily)	89 min (daily) 60 min (Saturday) 60 min (Sunday)	148% 100% 100%
Current Affairs	60 min (daily)	191 min (weekdays)	318%
IKB weekly	180 min (weekly)	1145 min (weekly)	636%
Educational weekly	300 min (weekly)	390 min (weekly)	130%
Children's	60 min (daily)	64 min (daily) 60 min (Saturday) 60 min (Sunday)	107% 100% 100%
Drama weekly	150 min (weekly)	150 min (weekly)	100%

Fourth Quarter January – April 2010

Content/Genres	ICASA's Quota	Lesedi FM's Provision (Minutes Daily/Weekly)	Lesedi FM's Compliance %
News	60 min (daily)	90 min (daily) 80 min (Saturday) 65 min (Sunday)	150% 133% 108%
Current Affairs (60 min (daily)	223 min (daily)	372%
IKB weekly	180min (weekly)	2650 min (weekly)	1472%
Education weekly	300 min (weekly)	315 min (weekly)	105%
Children's weekly	60 min (weekly)	405 min (weekly)	675%
Drama weekly	150 min (weekly)	150 min (weekly)	100%

The above quarterly submissions indicate compliance by Lesedi FM during the 2009/2010 fiscal year.

3.5 General programming obligations

These obligations are found in clause 6 of the schedule attached to the licence and it provides as follows:

3.5.1 General

Clause 6.1.1 provides that:

"The Licensee shall ensure that its programming adequately reflects the diversity of South Africa's Religion".

The SABC's editorial policy stipulates that:

"Religious programmes should take account of regional factors, target audiences, language and cultural preferences, and the devotional needs of specific groups". (see an extract on SABC's editorial policy attached as Appendix B).

Clause 6.1.2 provides that:

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

Clause 6.1.3 provides 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”.

Due to the non availability of recordings the Authority cannot conclusively deduce that the radio station does or does not comply with clauses 6.1.1, 6.1.2 and 6.1.3 of the schedule of its licence.

3.5.2 News and Current Affairs

Clause 6.2.1 of the schedule attached to the licence provides 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 indicate that the radio station broadcasts an average of 90 minutes of news programming per week during performance period.

Clause 6.2.2 provides 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 indicate that the radio station broadcasts an average of one hundred and ninety one (191) minutes of news programming on weekdays amounting to per week during performance period.

No verification was done and conclusions drawn as recordings were unavailable.

Clause 6.2.3 of the schedule to the licence provides as follows:

“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) meets the highest standards of journalistic professionalism;*
- (iv) provide fair, unbiased, impartial and balanced coverage independent from governmental, commercial or other interference*
- (v) provide a reasonable opportunity for the public to receive a variety of points of view on matters of public concern”.*

The SABC’s editorial policy provides that the licensee must exercise full editorial control in respect of contents of its programming. The editorial policy 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. Furthermore, in its news and programming content it includes matters of international national, regional and local significance.

3.5.3 Programming targeted at Children

Clause 6.3.1 of the schedule attached to the licence provides 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 6.3.2 provides 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 at and appropriate for children between the ages of nought (0) to six (6) years and seven (7) to twelve (12) years respectively;*
- (iii) educational and is made from children’s point of view”.*

The SABC’s quarterly reports indicate that the radio station broadcasts 64 minutes of children’s programming daily during performance period.

No verification was done and conclusions drawn as recordings were unavailable.

3.5.4 Educational Programming

Clause 6.4 of the schedule attached to the licence provides that:

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

The SABC’s quarterly reports indicate that the radio station broadcasts an average of 410 minutes (6 hours) of educational programming on weekly basis during the South African performance period.

No verification was done and conclusions drawn as recordings were unavailable.

3.5.5 Drama

Clause 6.5 of the schedule attached to the licence provides that:

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

According to the SABC’s quarterly reports, the radio station broadcasts an average of 150 minutes (2 hours 50 minutes) of drama programming per week.

No verification was done and conclusions drawn as recordings were unavailable.

3.5.6 Informal Knowledge-Building Programmes

Clause 6.6 of the schedule attached to the licence provides 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 the radio station broadcasts an average of 1820 minutes (30 hours) of Informal Knowledge Building programming per week during South African performance period.

No verification was done and conclusions drawn as recordings were unavailable.

3.5.7 Training and Skills development Obligations

Clause 7 of the schedule to the licence provides as follows:

“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 takes 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”.

The SABC submitted a training and skills development report indicating that its management and staff are representative of South African society. The report further indicated that for the period under review there was reasonable participation by historically disadvantaged people in management and skills development.

The Authority confirms that the licensee has complied with the provisions of this clause (see *skills development report attached as Appendix C*).

3.7 Provision of Audited financial statements to the Authority

Clause 8 of the licence provides that:

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

The SABC submitted their Audited statements for the 2009/10 financial year.

The Licensee has complied with clause 8 of its licence.

4. REGULATIONS

4.1 South African Music Content Regulations

The Regulations on South African Music Content as published on 31 January 2006 stipulate that:

“All public sound licensees must play a minimum 40% South African music” (See Regulations on South African Music Content attached as Appendix D).

The Authority cannot express an opinion in this regard as no monitoring was done due to the non availability of recordings.

4.2 Regulations regarding Standard Terms and Conditions for individual broadcasting licences

During the year under review, the Authority did not identify any non compliance by the Licensee with the standard terms and conditions for individual licensees (See *Regulations regarding Standard Terms and Conditions for Individual Licences attached as Appendix E*).

5. CONCLUSION

This report is by no means an exhaustive account of Lesedi FM’s compliance with the terms and conditions particularly in regard to programming aspects. This is due to the fact the Authority did not conduct its own monitoring exercise to verify information submitted by the SABC. The Authority derives its findings from the quarterly reports submitted by the SABC in respect of its sound broadcasting services.

6. APPENDICES

Appendix A: Sound broadcasting service and frequency spectrum licences

Appendix B: SABC's Editorial Policy

Appendix C: Skills Development Report

Appendix D: Regulations on South African Music Content

Appendix E: Regulations regarding Standard Terms and Conditions for Individual
Licences