



SEDIBENG FM ANNUAL COMPLIANCE REPORT

MARCH 2023

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2021/2022 ANNUAL COMPLIANCE REPORT

EMFULENI COMMUNITY RADIO BROADCASTING AS SEDIBENG FM

LICENCE PERIOD: 30 August 2018 to 29 August 2023

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 Act (ECA)³ and the Broadcasting Act⁴ to regulate broadcasting activities in South Africa in the public interest. One of the main tasks of the Authority is to monitor compliance by broadcasters with the terms and conditions of their licence, and any relevant legislation and regulations.

The purpose of the report is to give an account of Sedibeng FM performance for the 2021/2022 financial year. Aspects of compliance that are measured comprise Geographic Coverage, Community participation, Programming Obligations and Standard Terms and Conditions.

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, Code of Conduct for Broadcasters, and applicable sections of the ICT Covid-19 National Disaster Regulations first published in April 2020 and the subsequent amendments following the proclamation of the State of National Disaster.

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

² Independent Communications Authority of South Africa Act, 2000 'ICASA Act' (Act No. 13 of 2000), as amended

³ Electronic Communications Act, 2005 'ECA' (Act No. 36 of 2005), as amended

⁴ Broadcasting Act ,1999 (Act No. 4 of 1999), as amended

2. **BACKGROUND**

Sedibeng FM hold a Class Sound broadcasting service licence⁵. The radio station's mandate is to provide a sound broadcasting service to Emfuleni Local Municipality area in the Gauteng Province as set out in the Licensee's radio frequency spectrum licence.⁶

3. **COMPLIANCE ASSESSMENT**

3.1 **Control Structure**

Clause 1 of the licence states that:

"The Licence is issued to:

1.1 Name of Company/Entity: Emfuleni Community Radio.

1.2 Name of the Station: Sedibeng FM.

1.3 Control of the licensee: Control shall vest in the Board of Directors of Emfuleni Community Radio.

There were no changes reported by the Licensee to its control structure during the period under review. The Licensee is still Emfuleni Community Radio. The name of the Licensee's radio station is Sedibeng FM. The control of the Licensee is still in the hands of an association known as Emfuleni Community Radio.

According to Emfuleni Community Radio's Memorandum of Incorporation (MOI), the Board consists of five (5) board members. The board members are elected in an Annual General Meeting and will serve for a term of one (1) year.

The Licensee submitted a list of five (5) Board of Directors that were elected in its last elective AGM. The control of the Licensee is still in the hands of the Board of Directors of an association known as Emfuleni Community Radio.

The Licensee complies with clauses 1.1 to 1.3 of the licence conditions.

3.2 **Licence Period**

⁵ Appendix A: Sedibeng FM broadcasting licence

⁶ Ibid

Clause 2 of the licence states that:

"2.1 The effective date of the licence is 30 August 2018

2.2 The licence shall expire on the 29 August 2023"

Sedibeng FM's licence is effective from 30 August 2018 to 29 August 2023.

The Licensee complies with clause 2 of the licence conditions.

3.3 Licence Area

Clause 3 of the licence stipulates that:

"The Licensee shall provide services to Emfuleni Local Municipality areas in the Gauteng Province, as set out in the Licensee's radio frequency spectrum licence"

Sedibeng FM provides services to the areas stipulated in its licence.

The Licensee complies with clause 3 of the licence conditions.

3.4 Community

Clause 4.1 of the licence states that:

"The licensee shall provide services to geographic community residing within the geographic coverage specified herein".

Sedibeng FM provides sound broadcasting services to the geographic community residing within the Emfuleni Local Municipality area in the Gauteng Province as set out in the Licensee's radio frequency spectrum licence.

The Licensee complies with clause 4.1 of the licence conditions.

Clause 4.2 of the licence provides that:

"The Licensee shall provide for the participation of community members in the affairs of the station in the following ways:

4.2.1 The Licensee shall hold at least two (2) meetings annually with its community on programming and programming-related matters for the selection and provision of programmes;

4.2.2 The Licensee shall furnish the Authority with proof of such meetings as well as attendance thereof by members of the community.

The Licensee did not furnish the Authority with proof that it has held the above-mentioned community meetings.

The licensee does not comply with clauses 4.2.1 and 4.2.2 of the licence conditions.

4.2.3 The Licensee shall hold Annual General Meeting (AGM) for the following purposes:

4.2.3.1 To provide feedback on the Licensee's compliance with licence conditions;

4.2.3.2 To provide feedback on the Licensee's operational and financial

Performance, and any special annual general meeting as and when required by the constitution; and

4.2.3.3 To elect members of the controlling structure e.g. Board of Directors, Trustees etc. subject to the Licensee's founding documents."

The Licensee submitted a record of minutes of the elective AGM which was held on 04 December 2021. The minutes show that five (5) Board of Directors were elected as per the Licensee's founding documents.

The licensee complies with clause 4.2.3 of its licence conditions.

3.5 Programming

Clause 5.1 The Licensee shall provide programming as follows:

5.1.1 "Local News and information:

The Licensee shall broadcast a total of four hundred and ten (410) minutes per week, of which 60% shall be local news, 30% national news and 10% international news.

The monitoring exercise revealed that Sedibeng FM broadcasts news bulletins between 06h00 and 11h00 and again from 13h00 and 17h00 every hour at the

top of the hour during weekdays. The bulletins are broadcast for approximately five (5) minutes with headlines broadcast just before the bulletins for less than a minute. On average, a total of fifty-eight (58) minutes including community news is broadcast each day, during the South African performance period.

Below are some of the news excerpts monitored:

- *"Paramedics assessed approximately 170 pupils after a suspected gas leak at a student resident of a university in Parktown Johannesburg on Sunday evening. At least 60 students were hospitalized said ER24 spokesperson Russel Mering. ER24, City of Johannesburg Emergency Services and other services were called to the scene shortly after 6pm after many students complained of shortness of breath. On arrival emergency workers found many students aged 18 and upwards had already evacuated the buildings and were crowding the pavement and street. Paramedics begin to attend to the patients assisting approximately 170 pupils after assessment paramedics transported about 60 patients to nearby hospitals in the area. The remaining patients declined further treatment or transportation to the hospital. The exact details of the incident are unknown but local authorities were at the scene for further investigation said Mering. "*
- *"Chaos erupted once again in the National Assembly programmes committee virtual meeting. This after concerns were raised that some members used the committee's chat group to throw personal insults at each other. DA Chief Whip Natasha Mazzone who had an incident with EFF member MP Natasha Ntlangwini was accused of using the chat group to mock and insult EFF members every time she disagrees with them. When Secretary to the National Assembly Masibulele Xaso suggested that the chat group be closed temporarily chaos erupted as Mazzone and other EFF MP Hlengiwe Mkhali took one on one another in the meeting National Assembly speaker and programme Chairperson Nosiviwe Mapisa-Nqakula intervene and Mazzone and Mkhali were reprimanded for their behaviour."*

The licensee complies with sub clause 5.1.1 of the licence conditions.

5.1.2 South African Music Content: The Licensee shall broadcast South African music content of 80%.

According to Form 8A submitted by the Licensee, an average of four hundred and twenty-three (423) tracks of South African music is broadcast each week.

The monitoring exercise revealed that Sedibeng FM broadcasts an average of four (4) local tracks per hour and each track plays for approximately five (5) minutes. The Licensee broadcasts an average of more than two thousand (2000) minutes per week which is equivalent to 80%.

The licensee complies with sub-clause 5.1.2 of the licence conditions.

5.1.3 Talk vs. Music: 65% Talk and 35% Music.

The Licensee broadcast four thousand nine hundred and fourteen (4914) minutes per week which is equal to sixty-five percent (65%) talk during the performance period weekly.

The Form 8A submitted by the Licensee indicates that on average four thousand five hundred and ninety-four and sixty-eight (4594) minutes per week, is broadcast by Sedibeng FM.

The licensee complies with sub-clause 5.1.3 of the licence conditions.

5.1.4 Language(s) of broadcast:

5.1.4.1 Sesotho – 65%;

5.1.4.2 English – 15%;

5.1.4.3 isiXhosa – 13%; and

5.1.4.4 isiZulu – 7%.”

The monitoring exercise revealed that Sedibeng FM broadcasts mostly in Sesotho and English languages and the primary language of broadcast is Sesotho. However, isiZulu is not broadcast as per licence.

The licensee does not fully comply with clause 5.1.4. of the licence.

Clause 5.2 of the licence provides that:

"The Licensee shall keep a log of programmes broadcast which must be submitted on a monthly basis to the Authority. A proforma of the log to be kept will be supplied by the Authority."

The Licensee submitted the log of programmes broadcast to the Authority as required by clause 5.2.

The licensee complies with clause 5.2 of the licence conditions.

4 REGULATIONS

5.1 Complaints Received

The Licensee is required, in terms of the Compliance Procedure Manual Regulations, to submit a Form 12A which reports on all complaints received during the financial year under review.

For the year under review, the Licensee did not submit any forms related to complaints.

The Licensee complies with the Compliance Procedure Manual Regulations.

5.2 South African Music Content Regulations⁷

Regulations 3 (3) of the Regulations on South African Music Content as published on 23 March 2016 provides that:

"A holder of a community sound broadcasting service licence must ensure that after eighteen months of the gazetting of these regulations, a minimum of 60%, increased by 10% annually to reach 80% of the musical work in the performance period, consist of South African music and that such South African music is spread evenly throughout the performance period⁸"

The monitoring exercise revealed that Sedibeng FM broadcasts different genres such as local gospel music, Amapiano music and Afro Soul music, among others. Some of the music artists that were monitored include Meriam Makeba, Caiphus

⁷ Appendix B: ICASA South African Music Content Regulations 2016

⁸ *Ibid*

Semenya, Kabza the small, DJ Maphorisa Something Soweto, among others. Most of the artists are South African.

The Licensee complies with the South Africa Music Content Regulations.

5.3 Regulations Regarding Standard Terms and Conditions for Class Broadcasting Services Licences⁹

Regulations Regarding Standard Terms and Conditions for Class Licences 2016. Regulation 7 sub-regulation 7 (d) provides as follows:

"The Board of Directors/Trustees and station management must not occupy dual roles with regard to being managers/presenters at the radio station."

During the year under review, the Licensee did not comply with the Standard Terms and Conditions for class licences.

The monitoring exercise revealed that the station manager is also appointed as a founding director of the entity and therefore has dual roles at the radio station.

Sedibeng FM does not comply with the Standard Terms and Conditions for Class Broadcasting Service Licences.

5 CONCLUSION

Sedibeng FM complies with certain of its licence terms and conditions. However, does not comply fully with its languages of broadcast and with the Standard Terms and Conditions Regulations. The licensee will be required to remedy the non-compliance. Failure to do so, the Authority will refer the Licensee to the Complaints and Compliance Committee (CCC).

⁹ Appendix C: Standard Terms and Conditions for Class Licences 2016

6. TERMS OF REFERENCE

Appendix A: Sedibeng FM broadcasting licence

Appendix B: ICASA South African Music Content Regulations 2016

Appendix C: Regulations Regarding Standard Terms and Conditions for Class
Licences 2016

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